

AN INVESTIGATION INTO THE PREVALENCE OF UNETHICAL
BEHAVIOUR IN A SOUTH AFRICAN MUNICIPALITY: A CASE OF
VHEMBE DISTRICT MUNICIPALITY

by

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DECLARATION

I Musiwa Collen Mufamadi, student of the University of Venda hereby declare that the thesis for the degree of Doctor of Philosophy at the University of Venda, hereby submitted by me, has not been previously submitted for a degree at this University or any other institution, and that this is my own work in design and execution. All reference materials contained therein have been duly acknowledged.

Signature -----

Date-----

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DEDICATION

I dedicate this project to my late parents Flora Raisibe Mufamadi and Simon Rasalanavho Mufamadi whose self-sacrifice enabled me to achieve what they did not (MAY THEIR SOULS REST IN PEACE).

ABSTRACT

The aim of the study was to investigate the prevalence of unethical behaviour in the South African municipalities. Municipalities are responsible for providing services such as maintenance of local roads, refuse removals, water supply and sanitation, amongst others. However municipalities' unethical behaviour have produced many disadvantages for themselves and the society at large. Effective and efficient service delivery is negatively affected by unethical behaviour resulting in the waste of government millions of rands each year, money that could have been spent on delivering services. The fact that there is unethical behaviour in municipalities can be interpreted as a total absence of ethical culture in the behaviour of municipal officials. Municipal officials are encouraged to uphold moral principles such as impartiality, accountability and trustworthy while performing their official duties.

Given this background, the research project attempted to provide explanations for the patterns of unethical conduct and also pointed out strategies that could be employed to curb unethical behaviour in municipalities. For the purpose of this study, the researcher employed both qualitative and quantitative research methodologies. The researcher used purposive sampling to select respondents of the study. Two (2) instruments were used to collect data, namely, questionnaires and interviews. To analyse data, two types of data analysis were used. For data collected through questionnaires, the researcher used the Statistical Package for Social Sciences to analyse data. Data collected through interviews were analysed through the use of thematic analysis in the form of narrative.

The study revealed specific unethical behaviour that were prevalent at Vhembe District Municipality. The study indicated that senior municipal officials must ensure that ethics initiatives systems and programmes should be put in place so that conducive ethical environment is created. The results indicated that despite challenges, employed strategies provided desired results. Specific solutions such improving employment practices and procurement activities were recommended that could improve ethical standards in the municipalities.

Keywords: Unethical behaviour, public service, ethics, public officials

TABLE OF CONTENTS

| Contents | Page |
|--|------|
| Declaration | i |
| Acknowledgements | ii |
| Dedication | iii |
| Abstract | iv |
| Table of contents | v |
| List of tables | xiv |
| List figures | xvi |
| CHAPTER 1 | |
| BACKGROUND OF THE STUDY | |
| 1.1 Introduction | 1 |
| 1.2 Background | 2 |
| 1.3 Rationale of the study | 3 |
| 1.4 Problem statement | 5 |
| 1.5 Aim of the study | 7 |
| 1.6 Specific objectives | 7 |
| 1.7 Research questions | 7 |
| 1.8 Significance of the study | 8 |
| 1.9 Limitations of the study | 9 |
| 1.10 Delimitation of the study | 9 |
| 1.11 Definitions of operational concepts | 10 |
| 1.11.1 Unethical behaviour | 10 |

| | |
|--|----|
| 1.11.2 Public official | 10 |
| 1.11.3 Ethics | 10 |
| 1.11.4 Efficiency | 11 |
| 1.11.5 Effectiveness | 11 |
| 1.11.6 Public service | 11 |
| 1.12 Organisation of the study | 11 |
| CHAPTER 1 | |
| Background of the study | 12 |
| CHAPTER 2 | |
| Literature review | 12 |
| CHAPTER 3 | |
| Research methodology | 12 |
| CHAPTER 4 | |
| Data presentation, interpretation and analysis | 12 |
| CHAPTER 5 | |
| Findings, recommendations and conclusion | 12 |
| CHAPTER 2 | |
| LITERATURE REVIEW | |
| 2.1 Introduction | 13 |
| 2.2 Conceptual framework | 13 |
| 2.2.1 Ethical theories and principles | 14 |
| 2.2.1.1 The virtue ethics | 15 |
| 2.2.1.2 Deontological ethics | 16 |

| | |
|--|----|
| 2.2.1.3 Consequentialism | 17 |
| 2.2.2 Specific guiding values to remedy unethical behaviour | 19 |
| 2.2.3 Administrative functions as instruments of curbing unethical behaviour | 26 |
| 2.2.3.1 Policy making | 26 |
| 2.2.3.2 Organising | 29 |
| 2.2.3.3 Personnel Administration | 30 |
| 2.2.3.4 Financing | 32 |
| 2.2.3.5 Work Procedures and Methods | 33 |
| 2.2.3.6 Control | 34 |
| 2.3 Theoretical framework | 36 |
| 2.3.1 Categories of unethical behaviour | 36 |
| 2.3.1.1 Secrecy in administration | 37 |
| 2.3.1.2 Nepotism | 37 |
| 2.3.1.3 Unauthorised expenditure | 38 |
| 2.3.1.4 Conflict of interest | 39 |
| 2.3.1.4.1 Kickbacks | 40 |
| 2.3.1.4.2 Bribery | 40 |
| 2.3.1.4.3 Influence peddling | 41 |
| 2.3.1.4.4 Privileged information | 42 |
| 2.3.1.4.5 Gifts and entertainment | 42 |
| 2.3.1.4.6 South African legislation and conflict of interest | 43 |
| 2.3.1.4.7 Implications of laws regarding conflict of interest for public officials | 43 |
| 2.3.1.5 Fraud | 44 |

| | |
|--|----|
| 2.3.1.6 Laziness | 46 |
| 2.3.2 Possible causes of unethical behaviour | 46 |
| 2.3.2.1 Difficult and vague legislation | 46 |
| 2.3.2.2 Poor control and lack of accountability | 47 |
| 2.3.2.3 Insufficient supervision | 48 |
| 2.3.2.4 Weak organisational structures | 48 |
| 2.3.2.5 Humans as fallible beings | 49 |
| 2.3.2.6 Lack of ethical awareness of the public and public officials | 50 |
| 2.3.2.7 Insufficient benefits and remuneration | 51 |
| 2.3.3 Consequences of unethical behaviour | 51 |
| 2.3.3.1 The exodus of skilled personnel to the private sector | 51 |
| 2.3.3.2 The decline of productivity | 52 |
| 2.3.3.3 Destruction of trust and credibility | 53 |
| 2.3.3.4 Decline of service delivery | 53 |
| 2.3.3.5 Cost of inflated number of employees | 54 |
| 2.3.3.6 Reckless hiring of consultants | 55 |
| 2.3.4 Principles for promoting ethics in the public service | 55 |
| 2.3.4.1 Clear ethical standards | 56 |
| 2.3.4.2 Ethical guidelines for public servants | 57 |
| 2.3.4.3 Accountability mechanisms | 58 |
| 2.3.4.4 Exposing wrongdoing through | 60 |
| 2.3.4.5 Transparency in decision making | 61 |
| 2.3.4.6 Political commitment | 62 |

| | |
|--|----|
| 2.3.4.7 Relationship between the public and private sectors | 63 |
| 2.3.4.8 Policies, procedures and practices | 63 |
| 2.3.4.9 Conditions of Public servants and management of human | 64 |
| 2.3.4.10 Addressing misconduct through procedures and sanctions | 64 |
| 2.3.4.11 The role of the legal framework | 64 |
| 2.3.4.12 Manager as an epitome of sound ethics | 65 |
| 2.3.5 Batho-Pele as an instrument for promoting ethics | 65 |
| 2.3.5.1 Actioning Batho-Pele in the quest to curb unethical behaviour | 68 |
| 2.3.5.1.1 Consulting users of services | 68 |
| 2.3.5.1.2 Setting service standards | 69 |
| 2.3.5.1.3 Providing more and better information | 71 |
| 2.3.5.1.4 Increasing openness and transparency | 71 |
| 2.3.5.1.5 Increasing access | 73 |
| 2.3.5.1.6 Ensuring courtesy | 73 |
| 2.3.5.1.7 Remediating mistakes and failures | 75 |
| 2.3.5.1.8 Getting the best possible value for money | 75 |
| 2.3.6 Encouraging public interest in the ethics of public officials | 76 |
| 2.3.7 Ethics and the private life of public officials | 77 |
| 2.3.8 Encouraging the private sector and community organisations to enhance ethics in the public sector | 78 |
| 2.3.9 Promoting professionalism in the public service | 80 |
| 2.3.10 Promoting public service values of professional public servants | 80 |
| 2.3.11 Implementing codes of conduct and codes of ethics | 89 |

| | |
|--|-----|
| 2.3.11.1 Codes of conduct | 89 |
| 2.3.11.2 Codes of ethics | 90 |
| 2.3.12 Training and educating public officials in public service ethics | 91 |
| 2.3.13 Promoting freedom of communication | 93 |
| 2.3.14 Encouraging public participation | 94 |
| 2.3.15 The role of leaders in promoting ethical conduct | 95 |
| 2.3.16 Constitutional institutions | 96 |
| 2.16.1 The Public Protector | 97 |
| 2.3.16.2 Auditor General | 98 |
| 2.3.16.3 Public Service Commission | 100 |
| 2.4 Legislative Framework | 101 |
| 2.4.1 The Constitution, 1996 | 101 |
| 2.4.2 The White Paper on the Transformation of the Public Service Delivery, 1995 | 102 |
| 2.4.3 Public Service Regulations, 1999 | 102 |
| 2.4.4 Promotion of Access to Information Act, 2000 | 103 |
| 2.4.5 White Paper on Transforming Public Service Delivery, 1997 | 104 |
| 2.4.6 Public Finance Management Act, 1999 | 104 |
| 2.4.7 Promotion of Administrative Justice Act, 2000 | 105 |
| 2.5 An empirical perspective | 105 |
| 2.5.1 The prevalent unethical behaviour in rural-based municipalities | 106 |
| 2.5.1.1 Conundrum: failing to separate politics from management | 106 |
| 2.5.1.2 Irregularities in tenders and procurement process | 108 |
| 2.5.1.3 Diverting public resources | 110 |

| | |
|---|-----|
| 2.5.1.4 Supply of low quality material | 112 |
| 2.6 Conclusion | 112 |
| CHAPTER 3 | |
| RESEARCH METHODOLOGY | |
| 3.1 Introduction | 113 |
| 3.2 Research design | 114 |
| 3.3 STAGE 1. QUALITATIVE APPROACH | 115 |
| 3.3.1 Population | 116 |
| 3.3.2 Sample | 116 |
| 3.3.3 Data collection | 117 |
| 3.3.4 Data analysis | 119 |
| 3.4 STAGE 2. QUANTITATIVE APPROACH | 121 |
| 3.4.1 Target population | 121 |
| 3.4.2 Sampling | 122 |
| 3.4.3 Research instrument | 123 |
| 3.4.4 Data collection | 124 |
| 3.4.5 Data analysis in phase 2 | 125 |
| 3.5 Analysis of the findings from stage 1 and stage 2 | 125 |
| 3.6 Ethical consideration | 126 |
| 3.6.1 Protection from harm | 126 |
| 3.6.2 Social value | 126 |
| 3.6.3 Right to privacy | 126 |
| 3.6.4 Permission to conduct a research | 127 |

| | |
|----------------|-----|
| 3.7 Conclusion | 127 |
|----------------|-----|

CHAPTER 4

DATA PRESENTATION, INTERPRETATION AND ANALYSIS

| | |
|------------------|-----|
| 4.1 Introduction | 128 |
|------------------|-----|

| | |
|---|-----|
| 4.2 Challenges encountered during data-collection process | 128 |
|---|-----|

| | |
|--|-----|
| 4.3 Analysis and interpretation of results | 129 |
|--|-----|

| | |
|---|-----|
| 4.3.1 Data analysis collected through interviews during the first phase | 129 |
|---|-----|

The first phase

| | |
|---|-----|
| 4.3.1.1 Question 1: What are the existing challenges posed by unethical behaviour in Vhembe District Municipality? | 130 |
|---|-----|

| | |
|--|-----|
| 4.3.1.2 Question 2: What are the dominant effects of unethical behaviour in service delivery? | 131 |
|--|-----|

| | |
|---|-----|
| 4.3.1.3 Question 3: What are the mechanisms that could be employed to minimise unethical behaviour in order to enhance service delivery? | 131 |
|---|-----|

| | |
|---|-----|
| 4.3.1.4 Question 4: What are possible strategies that can be used to curb unethical behaviour in the public service? | 133 |
|---|-----|

| | |
|---|-----|
| 4.3.2 Data analysis collected using a questionnaire during the second phase | 134 |
|---|-----|

| | |
|----------------|-----|
| 4.4 Conclusion | 219 |
|----------------|-----|

CHAPTER 5

FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

| | |
|------------------|-----|
| 5.1 Introduction | 220 |
|------------------|-----|

| | |
|---------------------------|-----|
| 5.2 Overview of the study | 220 |
|---------------------------|-----|

| | |
|---------------------------------------|-----|
| 5.3 Significant findings of the study | 220 |
|---------------------------------------|-----|

| | |
|--|-----|
| 5.3.1 Challenges posed by unethical behaviour | 221 |
| 5.3.2 Assessing the effects of unethical behaviour | 222 |
| 5.3.3 Mechanisms to minimise unethical behaviour | 222 |
| 5.3.4 Strategies to curb unethical behaviour | 222 |
| 5.4 The main research objective: To investigate the prevalence of unethical behaviour at Vhembe District Municipality | 223 |
| 5.5 Research conclusions | 223 |
| 5.6 Recommendations | 225 |
| 5.6.1 Recommendations with regard to the challenges posed by unethical behaviour in service delivery | 225 |
| 5.6.2 Recommendations on the effects of unethical behaviour | 225 |
| 5.6.3 Recommendations with regard to ways of minimising unethical behaviour | 225 |
| 5.6.4 Recommendations on the types of strategies to curb unethical behaviour | 226 |
| 5.6.4.1 Employment practices | 226 |
| 5.6.4.2 Procurement activity | 227 |
| 5.6.4.3 Public education | 228 |
| 5.7 Limitations of the study | 228 |
| 5.8 Suggestions for further study | 228 |
| 5.9 Conclusions | 229 |
| References | 230 |
| APPENDIX A Questionnaire | 249 |
| APPENDIX B Interview schedule | 256 |
| APPENDIX C Informed consent | 257 |

| | |
|---|-----|
| APPENDIX D Application to conduct a research | 259 |
| APPENDIX E Application to conduct academic research: Yourself | 260 |
| APPENDIX F University of Venda Research Ethical Clearance Certificate | 261 |
| APPENDIX G Editorial letter | 262 |
| LIST OF TABLES | |
| TABLE 4.1 Distribution in sample according to age | 135 |
| TABLE 4.2 Distribution in sample according to race | 137 |
| TABLE 4.3 Distribution in sample according to gender | 138 |
| TABLE 4.4 Distribution in sample according to highest qualification | 139 |
| TABLE 4.5 Distribution in sample according to number of years in the municipality | 141 |
| TABLE 4.6 Distribution in sample according to current position in the municipality | 143 |
| TABLE 4.7 Secrecy restricts residents to know how the municipality perform its duties | 144 |
| TABLE 4.8 Bribery is rife in areas of appointments, promotions and procurements | 146 |
| TABLE 4.9 Unqualified and inexperienced family members and relations are hired in the municipality | 147 |
| TABLE 4.10 Lack of productivity wastes huge amounts of money | 149 |
| TABLE 4.11 Unauthorised expenditure involves expenditure that exceeds the budget amount for specific purpose | 151 |
| TABLE 4.12 Residents vandalise service facilities intended for their use | 153 |
| TABLE 4.13 The municipality loses competent public officials who find it difficult to associate themselves with corrupt officials | 155 |
| TABLE 4.14 Unqualified, incompetent officials who are politically connected are employed and promoted | 156 |
| TABLE 4.15 The loss of experienced, competent employees result in a serious decline of the required standard of services | 158 |
| TABLE 4.16 Appointing consultants to render a service increases the cost of service delivery | 160 |
| TABLE 4.17 Corrupt public functionaries promote the culture of corruption in the Municipality | 161 |
| TABLE 4.18 Unethical behaviour by officials inhibits creativity in the municipality | 163 |
| TABLE 4.19 Local residents distrust unethical municipal officials | 164 |

| | |
|--|-----|
| TABLE 4.20 The billing system at my municipality is suspect | 166 |
| TABLE 4.21 Local residents often do not pay for service rendered to them | 167 |
| TABLE 4.22 Citizens are consulted about the quality of services they receive | 169 |
| TABLE 4.23 Communities are informed about what level and quality of services they receive so that they know what to expect | 170 |
| TABLE 4.24 All people are treated with courtesy and consideration irrespective of their external social status | 172 |
| TABLE 4.25 Communities are given full and accurate information about the public services they are entitled to | 173 |
| TABLE 4.26 Citizens are informed on how local authorities function and the information they are entitled to | 175 |
| TABLE 4.26 If the promised standard of services are not delivered, citizens are an apology, a full explanation and a speedy and effective remedy | 176 |
| TABLE 4.28 When complaints are made, citizens receive a sympathetic positive response | 178 |
| TABLE 4.29 Services are provided economically and efficiently in order to provide people with the best possible value for money | 179 |
| TABLE 4.30 Municipal officials who perform beyond their job descriptions are rewarded | 181 |
| TABLE 4.31 Municipal officials have understanding of Batho Pele Principles | 182 |
| TABLE 4.32 Batho Pele Principles are well displayed at municipal offices | 184 |
| TABLE 4.33 Section 195 of the constitution encourages public officials to conduct themselves in line with the values and principles of public administration | 185 |
| TABLE 4.34 Auditor-General performs independently at my local municipality | 187 |
| TABLE 4.35 Recommendations of the Auditor-General are taken very seriously at my local municipality | 188 |
| TABLE 4.36 Public Finance Management Act requires municipal official to disclose business interest of officials | 190 |
| TABLE 4.37 PFMA makes legal sanction possible for any unauthorised expenditure by the public officials | 191 |
| TABLE 4.38 Public Protector performs independently at my local municipality | 193 |

| | |
|---|-----|
| TABLE 4.39 Recommendations of the Public Protector are implemented at my local municipality as a matter of urgency | 194 |
| TABLE 4.40 The code of conduct is respected on its fights against unethical behaviour | 196 |
| TABLE 4.41 Whistle blowing is encouraged at my local municipality | 197 |
| TABLE 4.42 Training of officials in sound ethics is vital in local municipality | 199 |
| TABLE 4.43 People in senior management demonstrate ethical conduct | 201 |
| TABLE 4.44 There is an appointed ethics officer at my local municipality | 203 |
| TABLE 4.45 I often feel discouraged when I want to report unethical conduct by my fellow colleague | 205 |
| TABLE 4.46 Ethics training is considered important in my local municipality | 206 |
| TABLE 4.47 Ethics education is recommended in my local municipality | 208 |
| TABLE 4.48 There are adequate control mechanisms to ensure that I comply with policies and procedure in my local municipality | 209 |
| TABLE 4.49 Public Service Act outlines mechanisms to be followed when dealing with ineffective and inefficient officials | 211 |
| TABLE 4.50 Accountability is the major responsibility of all municipal officials in this Municipality | 212 |
| TABLE 4.51 My ethical behaviour is rewarded through a performance of formal system which focuses on ethics | 214 |
| TABLE 4.52 Regular workshops on ethical values are held at my municipality | 215 |
| TABLE 4.53 Qualifications of senior municipal officials are made known to members of the public | 217 |

LIST OF FIGURES

| | |
|--|-----|
| FIGURE 3.1 Sample derived from the population | 116 |
| FIGURE 3.2 Population (examples) sample (examples) | 122 |
| FIGURE 4.1 Distribution in sample according to age | 136 |
| FIGURE 4.2 Distribution in sample according to race | 137 |
| FIGURE 4.3 Distribution in sample according to gender | 138 |
| FIGURE 4.4 Distribution in sample according to highest Qualification | 140 |

| | |
|--|-----|
| FIGURE 4.5 Distribution in sample according to number of years in the municipality | 142 |
| FIGURE 4.6 Distribution in sample according to current position in the municipality | 143 |
| FIGURE 4.7 Secrecy restricts residents to know how the municipality perform its duties | 145 |
| FIGURE 4.8 Bribery is rife in areas of appointments, promotions and procurements | 146 |
| FIGURE 4.9 Unqualified and inexperienced family members and relations are hired in municipality | 140 |
| FIGURE 4.10 Lack of productivity wastes huge amounts of money | 150 |
| FIGURE 4.11 Unauthorised expenditure involves expenditure that exceeds the budget amount for specific purpose | 152 |
| FIGURE 4.12 Residents vandalise service facilities intended for their use | 154 |
| FIGURE 4.13 The municipality loses competent public officials who find it difficult to associate themselves with corrupt officials | 155 |
| FIGURE 4.14 Unqualified, incompetent officials who are politically connected are employed and promoted | 157 |
| FIGURE 4.15 The loss of experienced, competent employees result in a serious decline of the required standard of services | 159 |
| FIGURE 4.16 Appointing consultants to render a service increases the cost of service delivery | 160 |
| FIGURE 4.17 Corrupt public functionaries promote the culture of corruption in the Municipality | 162 |
| FIGURE 4.18 Unethical behaviour by officials inhibits creativity in the municipality | 163 |
| FIGURE 4.19 Local residents distrust unethical municipal officials | 165 |
| FIGURE 4.20 The billing system at my municipality is suspect | 166 |
| FIGURE 4.21 Local residents often do not pay for service rendered to them | 168 |
| FIGURE 4.22 Citizens are consulted about the quality of services they receive | 169 |
| FIGURE 4.23 Communities are informed about what level and quality of services they receive so that they know what to expect | 171 |
| FIGURE 4.24 All people are treated with courtesy and consideration irrespective of their external social status | 172 |
| FIGURES 4.25 Communities are given full and accurate information about the public services they are entitled to | 174 |

| | |
|---|-----|
| FIGURE 4.26 Citizens are informed on how local authorities function and the information they are entitled to | 175 |
| FIGURE 4.27 If the promised standard of services are not delivered, citizens are offered an apology, a full explanation and a speedy and effective remedy | 177 |
| FIGURE 4.28 When complaints are made, citizens receive a sympathetic positive response | 178 |
| FIGURE 4.29 Services are provided economically and efficiently in order to provide people with the best possible value for money | 180 |
| FIGURE 4.30 Municipal officials who perform beyond their job descriptions are rewarded | 181 |
| FIGURE 4.31 Municipal officials have understanding of Batho Pele Principles | 183 |
| FIGURE 4.32 Batho Pele Principles are well displayed at municipal offices | 184 |
| FIGURE 4.33 Section 195 of the constitution encourages public officials to conduct themselves in line with the values and principles of public administration | 186 |
| FIGURE 4.34 Auditor-General performs independently at my local municipality | 187 |
| FIGURE 4.35 Recommendations of the Auditor-General are taken very seriously at my local municipality | 189 |
| FIGURE 4.36 Public Finance Management Act requires municipal official to disclose business interest of officials | 190 |
| FIGURE 4.37 PFMA makes legal sanction possible for any unauthorised expenditure by the public officials | 192 |
| FIGURE 4.38 Public Protector performs independently at my local municipality | 193 |
| FIGURE 4.39 Recommendations of the Public Protector are implemented at my local municipality as a matter of urgency | 195 |
| FIGURE 4.40 The code of conduct is respected on its fights against unethical behaviour | 196 |
| FIGURE 4.41 Whistle blowing is encouraged at my local municipality | 198 |
| FIGURE 4.42 Training of officials in sound ethics is vital in local municipality | 200 |
| FIGURE 4.43 People in senior management demonstrate ethical conduct | 202 |
| FIGURE 4.44 There is an appointed ethics officer at my local municipality | 204 |

| | |
|--|-----|
| FIGURE 4.45 I often feel discouraged when I want to report unethical conduct by my fellow colleague | 205 |
| FIGURE 4.46 Ethics training is considered important in my local municipality | 207 |
| FIGURE 4.47 Ethics education is recommended in my local municipality | 208 |
| FIGURE 4.48 There are adequate control mechanisms to ensure that I comply with policies and procedure in my local municipality | 210 |
| FIGURE 4.49 Public Service Act outlines mechanisms to be followed when dealing with ineffective and inefficient officials | 211 |
| FIGURE 4.50 Accountability is the major responsibility of all municipal officials in this Municipality | 213 |
| FIGURE 4.51 My ethical behaviour is rewarded through a performance formal system which focuses on ethics | 214 |
| FIGURE 4.52 Regular workshops on ethical values are held at my municipality | 216 |
| FIGURE 4.53 Qualifications of senior municipal officials are made known to members of the public | 218 |

CHAPTER 1

BACKGROUND OF THE STUDY

1.1 Introduction

Despite interventions by different legislation such as the Promotion of Access to Information Act (Act 2 of 2000), Promotion of Administrative Justice Act (Act 3 of 2000), Protective Disclosures Act (Act 26 of 2000), Public Finance Management Act (Act 1 of 1999), Prevention and Combating of Corrupt Activities Act (Act 12 Of 2004) members of the public still believe that unethical behaviour is at its worst (Fox, 2010:3). Municipalities are still faced with the challenge of providing adequate and efficient services to the people (Mafunisa, 2006:903). Unethical behaviour however has manifested itself as the fundamental cause of lack of service delivery. This invites questions about the detrimental effects of unethical behaviour on the part of the public officials and political office bearers who have been entrusted with guarding public interests and resources. These negative effects include, decline in trust and confidence in public institutions and losses in valuable scarce resources which are meant to strengthen economic and social development of the people (Bertucci, 2000:1).

For the purpose of this study, public officials and municipal officials were used interchangeably as if they were the same and this also applied to political office-bearers and councillors. The local government of which the municipality is part of, could be described as public institutions mandated to respond to the basic needs of the community within its area of control.

Interestingly, South Africa has 13 public sector agencies that have a particular legal or policy role to play in combating graft (Newham, 2014:1). A number of national mechanisms such as the National Anti-Corruption Task team and the Special Investigating Unit have been established to coordinate the functions of these agencies. South African municipalities also have dedicated policies, standards and legislation specifically designed to enable the state to tackle corruption through both criminal and civil actions (Newham, 2014:3). The questions then become: *Why, with all these resources available to tackle unethical behaviour, do South African perceive the municipalities to be failing in this regard? What, if anything, needs to be done to ensure a moral and ethical operations? What could be possible remedies to prevent or reduce the unethical practices in question?* Although the Constitution of the Republic of South Africa, 1996 has

attempted to regulate the conduct of public officials at municipalities, outcomes are rather unethical and illusive. One drawback of the Constitution of the Republic of South Africa in its attempt to address unethical behaviour is that it does not specifically state the mechanisms for holding councillors accountable for their misconduct (Craythorne, 1997:198). Municipal officials and councillors are required to demonstrate a sense of responsibility when carrying out their duties. Unethical municipal officials and councillors should account for their decisions and activities in public (Gildenhuys, 1997:17). Mechanisms to ensure that municipal officials and councillors account for their unethical behaviour are inadequate hence there is an inherent constrain in the achievement of the local government objectives. Against this background this research study will attempt to develop strategies to enhance good ethical conduct in Vhembe District Municipality. Unethical behaviour has to be combated as it destroys the integrity of public officials and also public perception of government credibility (Mafunisa, 2006:507). The findings, informed by the research may then assist to address the challenge of unethical behaviour.

According to Kanyane in Mafunisa (2008:11) unethical behaviour occurs when public officials pursue private gains at the expense of public interest and against the objectives of the government. The presence of unethical behaviour can be damaging to the public sector.

1.2 Background

According to the Local Government Turnaround Strategy (2000:4) it is the role of the government to ensure that municipalities are sites of excellence and that they are led and staffed politically and administratively with political office-bearers and public officials who are responsive, accountable, effective, efficient, and carry out their duties with civil pride. It is the vision of the strategy to turn around municipalities from struggling with failure to ones that are confident in their abilities to execute their service delivery mandates (Local Government Turnaround Strategy, 2009:5). The sad truth however is that, unethical behaviour is posing an enormous challenge amongst municipalities. Unethical behaviour can affect work teams and even an institution (Arlow & Ulrich, 2000:27). There is no contestation to the argument that unethical behaviour is one of the causes of a public service delivery problem. Unethical behaviour among senior public officials can be devastating to the institution they lead. The

reason behind this is that senior public officials occupy positions of trust in society and therefore should strive to promote the interests of the public (Mafunisa, 2008:81). Leaders play an important role in influencing ethical conduct in the public service. Ethical leaders are considered to be moral persons because they are honest and trustworthy, take care of their people, and do the right thing in both their personal and professional lives (Trevino & Brown, 2004:79). According to Trevino & Brown (2004:69) leaders are coming under scrutiny because of the role that they play in managing the conduct in institutions. Leaders are viewed as responsible for standards that govern the conduct of subordinates in the public service. According to the social learning perspective, leaders influence their followers through modelling processes (Bandura, 1977). Senior public officials are expected by their followers to be upright and outstanding role models for subordinates to follow (Mafunisa, 2002:55). According to Wessels and Pauw (1999:20) public officials without personal morals and a sense of public duty are susceptible to corruptive elements with inherent possibility for them to abuse their public positions.

According to Joseph (2010:2) many unethical practices go on routinely in public institutions. The prevalence of these practices remains a thorny issue which deserves critical interrogation. One factor could be that public officials knowingly commit unethical actions because public institutions often reward behaviour that violates ethical standards (Joseph, 2010:2). Joseph (2010:2) continues to say that in some public institutions, it is often considered not only acceptable but also desirable to be deceitful. Some public institutions may actually not reward those who are open and honest. For example, employees who are willing to blow the whistle on unethical behaviour may experience negative treatment (Joseph, 2000:3). The worst result from unethical behaviour is that it contributes in non-delivery of essential public services, thus denying communities their right to a better life (Kanyane, 2004:82).

1.3 Rationale of the study

According to Sebugwago (2014:1) it is well recognised that the effects of unethical behaviour are extremely negative in the public sector. This negativity manifests itself in the sporadic and spontaneous eruption of service delivery protests. Since 2012, thousands of residents who accused Senqu municipality in the Eastern Cape of tender fraud and maladministration have been taking their battle to the streets (Sello, 2014:1). In March 2014, the Hawks arrested senior

officials, including the municipal manager and chief financial officer in Senqu municipality on charges of tender irregularities. According to Sello (2014:3) a number of municipal officials have been arrested countrywide, for crime ranging from financial mismanagement to tender fraud. The latest data from Municipal IO's Hotspots Monitor, which monitors the occurrence of service delivery protests across South Africa, indicates that there have been more protests in 2014 than the previous years since service delivery protests first started in 2004 (Allen & Heese, 2014:2). Allegations of rampant corruption and nepotism within municipalities are other reasons for or causes of service delivery protests. The Auditor-General, in his Municipal Audit Report for 2012-2013, has also painted a grim picture of the state of municipalities across the country (Clean audits for just 9% of SA's municipalities www.mg.co.za). In Vhembe District Municipality, for example, the Auditor-General reported that tender awards were made to service providers who were persons in services of other state institutions, in contravention of the requirements of the Supply Chain Management (SCM) regulation 44. Furthermore, the service provider failed to declare that she/he is in the service of the state as required by the SCM regulation 13 (c). The Special Investigating Unit (SIU) was dispatched by the President of the Republic of South Africa to investigate irregularities and maladministration in the Vhembe District Municipality resulting in the municipal manager (MM) being suspended with immediate effect. It was further alleged that the MM recommended salary increases for councillors and senior managers without the approval of the council.

Being unethical involves going against social or professional expectations of what is right. Unethical is a word that is often used to describe bad behaviour or immoral act. Joseph (2010:3) notes that the potential for individuals or an institution to behave unethically is limitless; for example, some senior public officials make empty promises around vital and fundamental issues such as the provision of water and electricity. Such leaders talk about the 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. In order to curb such behaviour, leaders should see themselves as role models, and avoid ethical dilemmas (Joseph, 2010:3).

Municipalities also depend partly on funds collected from residents in order to render services and to sustain their activities. Revenue collected from property rates and service charges forms

23% of the total income (www.infrustructure.ws), therefore the willingness of residents to pay for services is very crucial. According to the White Paper on Transforming Public Service Delivery, 1997 there is a need to encourage residents to pay for services rendered to them and for this to happen, their views should be listened to and taken into consideration when decisions are taken. These will be decisions pertaining to quality service delivery. During this process, residents should be treated with consideration and respect; the promised level and quality of service must be of a highest standard possible and when service standards are met, residents should receive a sympathetic and a positive response.

When residents perceive the prevalence of unethical behaviour, it becomes very difficult for municipalities to collect funds. Some local residents out of frustration vandalise service facilities intended for their use. In Bronkhorstspuit, protesters set alight several buildings, including a clinic (48 service delivery protests so far this year. www.news24.com). It is therefore important for municipal officials to have a clear understanding of the detrimental effects of unethical behaviour in service delivery in Vhembe District Municipality. Davis (2000:33) reports that there is a general concern that unless the challenges of unethical behaviour are addressed, inefficiency and ineffectiveness will continue to waste scarce government resources at the expense of quality service delivery, indicating a need for a large and vigorous national campaign of ethical rejuvenation.

1.4 Problem statement

The National Anti-Corruption Hotline (NACH), since its inception, has revealed various allegations of unethical behaviour that range from fraud and bribery to appointment irregularities. The most common types of alleged unethical conduct concern fraud and bribery, which constitute 19%. Mismanagement of government funds by public officials represents the second most common type of unethical behaviour (11%). Procurement irregularities accounted for 9% of the matters reported to the NACH. Cases of procurement irregularities involve collusion between a person issuing a tender and an associate who is often a family member or friend seeking to win a tender and such practices place a strain on government resources and increase the cost of public services. Appointment irregularities account for 8% of the matters

reported to NACH and most of the allegations concern senior positions even though they do not qualify for these positions.

In an attempt to curb unethical behaviour, section 195 (1) of the Constitution of the Republic of South Africa, 1996 makes provision for the basic values and principles of public administration, including accountability, transparency and openness, professional ethics, efficiency, effectiveness, equity and objectivity. Section 185 of the Constitution, 1996 provides for the establishment of state institutions such as the Office of the Public Protector and the Office of the Auditor-General to promote the development of ethical behaviour and accountability.

Despite all attempts by government agencies to curb corrupt behaviour, the national resources are mismanaged by officials who lack morals and standards. The effects of the strategies in curbing malpractices are not effective in municipalities. At Thulamela municipality, the local councillor was accused of irregularly appointing 15 of the 50 workers in a water related project; the implicated councillor has since admitted to appointing 15 workers over the phone. The municipality spokesperson promised that the matter will be investigated (Thulamela municipality accuses councillor of corruption www.sabc.co.za).

The 48 year old Chief Traffic and Licencing Officer of the Thulamela municipality appeared in the Louis Trichardt Regional Court with 1640 charges of fraud and contravention of the National Traffic Act. The charges were brought against him after he allegedly issued fraudulent driver's licences over a one-year period (Traffic boss faces 1640 charges www.sowetanlive.co.za).

The Vhembe District Municipality's Manager of Revenue and a businesswoman were arrested for corruption and appeared in the Thohoyandou Magistrate's court on charges of corruption. The manager of Revenue was alleged to have received a R40 000 kickback from a businesswoman for awarding a tender in 2008. The tender was for the delivery of disposable nappies and heavy-duty machinery (Vhembe manager up on corruption charge www.zoutnet.co.za).

At Makhado local municipality a civil engineering manager in the Technical Services Department was suspended following allegations of corruption as the manager allegedly awarded tenders to construction companies which belonged to her husband. The spokesperson for the

Makhado Local Municipality confirmed that the manager was suspended for this alleged maladministration (municipal official suspended for corruption www.zoutnet.co.za).

This is unfortunate considering that vital services are offered at municipalities because of their immediacy to the people. Against this background there is a need for well-coordinated efforts, programmes, policies and resources to curb such corrupt behaviour in Vhembe District Municipality.

1.5 Aim of the study

The aim of the study is to investigate the prevalence of unethical behaviour in Vhembe District Municipality. Upon investigating this problem, the study needs to contribute in the improvement of municipal understanding of unethical behaviour.

1.6 Specific objectives

In order to accomplish the aim of this study, the specific objectives in relation to the study are as follows:

- To determine the challenges posed by unethical behaviour in the Vhembe District Municipality.
- To assess the effects of unethical behaviour in Vhembe District Municipality.
- To determine the mechanisms to minimise unethical behaviour in service delivery.
- To determine strategies to curb unethical behaviour in the public service.

1.7 Research questions

The following research questions were used to guide this investigation:

- What are the challenges posed by unethical behaviour in Vhembe District Municipality?
- What are effects of unethical behaviour in Vhembe District Municipality?
- Are there mechanisms to minimise unethical behaviour in order to enhance service delivery?

- Which strategies can be used to curb unethical behaviour in the public service?

1.8 Significance of the study

The main reason of concern about unethical behaviour 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). President J.F Kennedy (in Frier, 1969:3-4) remarked that even though a technical conflict of interest may exist in public institutions, it is desirable to avoid showing the public of the existence of such a conflict. By the same token, even though unethical conduct may not exist, its presence should be avoided from the public point of view.

Unethical behaviour could lead to ineffective administration, poor governance and poor service delivery (Kernaghan & Langford, 1990:140). The behaviour of municipal officials and councillors is 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 and councillors must be accountable to the people they serve. Members expect municipal officials and councillors to be honest, just, fair, and professional in the performance of their duties.

In the view of the above, the significance of the study can be explained as follows:

The study attempts to provide a full insight into the prevalence of unethical behaviour and strategies to enhance ethical behaviour in Vhembe District Municipality. This is significant because Mafunisa (1998) in his research indicates that the South African municipalities need public officials who are loyal to their work. Ratjoman (2005) indicates that the promotion of professional behaviour in Limpopo Province by public 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) also shows that, citizens tend to mistrust government if little or no information on government policies and activities are available.

The researcher's observation is that some municipal officials and councillors are key players in perpetuating unethical conduct such as corruption and mismanagement of public funds. This study will attempt researching this issues, within Vhembe District Municipality so the researcher will be able to provide possible solutions.

The researcher is of the opinion that this study will stimulate debate among academics, politicians and public officials in municipalities and add to the existing literature.

This study also has academic significance as it should be of interest to scholars and researchers who focus on ethics and local government and identify further research on theories of Public Administration. Municipalities can benefit as well by using the information to prevent unethical behaviour within their structures.

1.9 Limitations of the study

The following limitations are anticipated during the study:

There may be difficulty in obtaining information from research participants on sensitive issues involving unethical behaviour by municipal officials. Public 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 “traitors” and “troublemakers.” In order to motivate the participants to willingly provide information, they will be assured that their responses will remain anonymous and confidential. Information with regard to any kind of misconduct can be obtained from Public Protector’s reports and this can supplement any lack of information from participants.

According to Terre Blance, Durrheim and Painter (2006:296) a researcher must avoid forcing the respondent to respond to sensitive issues. The researcher will therefore tactically back off when he becomes aware that the bounds of comfort have been transgressed or may consider to rephrase the questions.

1.10 Delimitation of the study

According to Baron (2012) 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. The scope of the study includes local municipalities under Vhembe District Municipality: Thulamela local municipality, Mutale local municipality, Musina local municipality and Makhado local municipality. These local municipalities are predominately rural and render related services.

1.11 Definitions of operational concepts

For the purpose of this research project, concepts are defined below.

1.11.1 Unethical behaviour

According to Du Toit, Van Niekerk, Van Der Waldt, Doyle (2002:111) behaviour is considered unethical when it constitutes an act by public officials which is inconsistent with the Constitution. It is a negligent and intentional behaviour involving a deviation from well-established guidelines designed to inform a desired pattern of behaviour in a given situation and involves lack of moral principles and unwillingness to comply with proper rules of conduct (www.thedictionary.com/unethical).

1.11.2 Public official

Cloete (1998:52) describes a public official as an individual who is employed in a public institution but who is not a political office-bearer and if in a high position is termed an ‘administrator’. Fox and Meyer (1995:105) classify a public administrator as a public official with managerial responsibilities.

1.11.3 Ethics

Ethics refers to a well-founded standards of right and wrong that prescribe what humans ought to do, in terms of rights, obligations, benefits to society, fairness, or specific virtues (Velasquez,

Andre, Shanks, Meyer, 2010:1). 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 the goodness and badness of the motives and ends of such actions (Mbatha, 2005:16).

1.11.4 Efficiency

In the context of service delivery, efficiency refers to the achievement of the intended objective with the least amount of resources (Van Der Waldt & Du Toit, 2008:19). In order to be efficient, the public functionary must be trained specifically for that purpose and must have obtained appropriate qualifications at a tertiary institution (Coetzee, 1991:10).

1.11.5 Effectiveness

Effectiveness is the degree of achieving or failing to achieve a particular objective (Denhardt & Denhardt, 2000:277). It is an achievement of predetermined objectives. When something is deemed effective, it means it has an intended or expected outcome, or produces a deep, vivid impression. In contrast to efficiency, effectiveness is determined without reference to costs.

1.11.6 Public service

Public service refers to a variety of services that the public receive directly or indirectly from government institutions, including the municipality. Public services can be delivered by the state or by private entities on behalf of the state. The term is associated with a social consensus that certain services should be available to all, regardless of income. Examples of public services include water and sanitation, electricity, health care, safety and security, transport services and quality education (Du Toit, Knipe, Van Der Waldt, Doyle, 2002:97).

1.12 Organisation of the study

The study is divided into 5 chapters as indicated below.

CHAPTER 1

Background of the study

The chapter will focus on the rationale of the study, statement of the problem, aim of the study, specific objectives, research questions, significance of the study, limitations of the study, delimitation of the study, definitions of concepts and organisation of the study.

CHAPTER 2

Literature review

Chapter 2 will focus on conceptual framework, theoretical framework, legislative framework and empirical perspective.

CHAPTER 3

Research methodology

Chapter 3 will outline the methodology which will be used in the study. This will include the research design, the methods of data collection and analysis and finally ethical considerations.

CHAPTER 4

Data presentation, interpretation and analysis

Chapter 4 will present 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 will present 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.

CHAPTER 2

LITERATURE REVIEW

2.1 Introduction

This chapter focuses on the literature review. Literature review provides insights on preceding research regarding topic and in this context, the prevalence of unethical behaviour in municipalities. Literature review is important to the researcher since it foregrounds analysis of results and research findings. The review of literature in the context of this study is meant to establish a framework within which the problem can be investigated. This chapter will focus on the conceptual framework, theoretical framework, legislative framework and empirical research.

2.2 Conceptual framework

A conceptual framework is used to organise ideas and focuses on something real with an aim of making it easy to understand and implement. Unethical behaviour in the South African municipalities has attracted interest among politicians, academics, civil society and the general public. This interest can be attributed partly to the fact that unethical behaviour undermines sound public administration. Section 195 (1)(a) of the Constitution of the Republic of South Africa Act, 1996, requires adherence to a high standard of professional ethics with regard to public administration at all levels of the government, notably, the national, provincial and local levels. Irrespective of the Constitutional provision, unethical behaviour is increasingly a driving force in South Africa, and has a negative effect in the public sector, undermining the faith people

have in the government of the day (Ferreira & Bayat, 2005:15). Research reveals that the prevalence of unethical behaviour continues to be an issue of serious concern in the public sector. Unethical behaviour by public officials is not a new concept in South African municipalities and occurs on a daily basis (Askew, Beisler, Keel, 2015:107). In a democratic society where the rule of law is respected, citizens begin to question the unethical practices of public officials. Members of the community are concerned about unethical conduct for various reasons. Some of the damaging effects associated with unethical behaviour in municipalities include decreases in organisational performance, financial losses and reputational damage (Askew et al, 2015:107). Understanding these types of behaviour could possibly assist in finding solutions resulting in organisational success and enhanced productivity.

Ideally, public administration would prefer public officials to exhibit ethical behaviour that could enhance performance and success. Unfortunately, unethical behaviour is an area of concern which violates accepted moral norms and the costs involved are enormous (Kaptein, 2011:240). Unethical behaviour has negative impacts on municipalities' finances. Counterproductive behaviours such as absenteeism, ineffective work performance are examples unethical behaviour that cost the institution financially and it is therefore critical to understand them. Unethical conduct can also foster an environment of conflict, reduced employee commitment and performance. When the employee performance and commitment is adversely affected, the municipality suffers resulting in reduced service delivery. Municipalities would therefore prefer to prevent unethical behaviour and to promote ethical conduct (Askew et al, 2015:108). For the purpose of this section attention will be on ethical theories, specific guidelines to remedy unethical behaviour and administrative functions as instruments of curbing unethical behaviour.

2.2.1 Ethical theories and principles

Public officials need an orderly way of thinking through the ethical implications of a decision, an approach and a language for assessing alternatives from a moral perspective. Ethical theories allow public officials to be in control when making rational decisions because they are the only officials who are expected to understand their chosen decision. Public officials are required to make ethical decisions. According to Crane & Matten (2010, n.p) ethical theories are the rules and principles that determine right and wrong for a given situation. Ethical theories and

principles are the starting point of ethical analysis as they provide valuable guidance towards a particular decision (Rainbow, 2000:1). An ethical theory is an exposition of a specific view about what is the nature and basis of good or right. 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 (Mackinnon, 2012:9). Ethics and ethical principles can assist public functionaries make better decisions, and help them evaluate the decisions of others. Public officials and political office-bearers will continue to make decisions, and in doing so they should attempt to make ethical decisions. Administrators should seek a solid understanding of ethical theories and look for methods for thinking about the ethical dimensions of their decision-making (Amundson & Pinto de Andrade, 2009:5). Ethical theories are different and that each theory provides different points towards reaching a particular ethically correct decisions (Rainbow, 2001:1). For an ethical theory to be relevant, it must be aimed at achieving a common set of goals (Rainbow, 2001:1). Ethical theories differ in terms of what they say we should look at in making moral decisions about actions or practices, others judge actions in terms of the consequences of the action or practices (MacKinnon, 2012:10). Ethical theories include virtue ethics, consequentialism and deontology. These theories exemplify different approaches to doing ethics. Virtue ethics focuses on the character of those who are acting, while both consequentialism and deontology ethics put emphasis on the status of an action. Ethical theories are normative theories and are meant to help us figure out what actions are right or wrong (Gray, 2010). Normative ethics take on a more practical task, assisting public officials to arrive at moral standards that regulate right and wrong conduct. This may involve articulating the good habits that we could acquire, the duties that we should follow, or the consequences of our behaviour on others (Internet Encyclopedia of Philosophy www.iep.utm.edu). Normative ethics and moral theory involves the study of what makes actions right and wrong (Amundson & Pinto de Andrade, 2009:7). Virtue ethics, consequentialism and deontology are discussed in the section which follows.

2.2.1.1 The virtue ethics

Virtue ethics is an approach that deemphasises rules, consequences and particular acts and places the focus on the kind of person who is acting (Garrett, 2005:1). The issue is not whether a public

official is following the correct rule; nor is it important whether the consequences of action are good. What is primary is whether the person acting is expressing good character or not (Rainbow 2002:4). Virtuous municipal officials would strive to promote honesty and integrity in the public environment (Pauw *et al*, 2011:340).

Virtue ethics does not provide guidance on how a public officials should act, as there are no clear principles for guiding action other than requiring them to “act as a virtuous person given the particular situation” (Internet Encyclopedia of Philosophy www.iep.utm.edu).

2.2.1.2 Deontological ethics

The deontological theory advocates that people should adhere to their obligations and duties when analysing an ethical dilemma (Rainbow, 2002:2) and this can mean that a person has to follow his obligations to another individual or society because upholding one’s duty is considered ethically correct (Pensar, 1995:n.p). Deontological theory believes that morality is a matter of duty and individuals have a moral obligation to act in accordance with duty (Law, 2007:n.p). A public official who follows the deontological theory will produce consistent decisions since they will be based on the individual’s duties. The central proposition of deontology with regard to public officials is that they should never perform certain acts even if performing them would lead to good consequences. Bribery 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. The action by the public official can be justified by showing that it produced good consequences, which is why it is sometimes referred to as non-consequentialist (Rainbow, 2002:2). As a broad philosophy, deontology values duty and strict obedience to duty and a right choice depends on its conformity with a moral norm (Zalta, 2007). According to deontological theory, duties must be obeyed or rights acknowledged regardless of the consequences (Rainbow, 2002:2) and certain kinds of actions are intrinsically right and others are intrinsically wrong and no extrinsic justification is needed as is the case with consequentialism (Preston, 2007:40). Emphasis is that actions that are morally right are those in accordance with certain rules, duties and rights.

Deontological ethics has at least two important features. First, duty should be done for duty's sake since the rightness and the wrongness of an act or rule, is a matter of the intrinsic moral features of that kind of an act or rule. Acts of lying or promise breaking by public officials in the performance of their official duties are intrinsically wrong and have a duty not to do these things. Second, humans should be treated as objects of intrinsic moral value; that is, as ends in themselves and never as means to some other end (Moreland, www.equip.org). However, this notion is very difficult to justify if one abandons the theological doctrine of man being made in the image of God. Nevertheless, justified or unjustified, deontological ethics imply that humans are ends in themselves with intrinsic value (Moreland article DE197-1 www.equip.org).

Ethical principles that are deontological in nature are different. There is a principle of autonomy which advocates that a competent person has the right to determine his own course of medical action in accordance with a plan he chooses and therefore people have the duty to respect the wishes and desires as expressed by a competent decision maker.

The principle of beneficence asserts that one should act to further the welfare and benefits of another and to prevent harm to that person. Beneficence requires public officials to do something for the benefit of other people.

The principle of non-maleficence says one should refrain from inflicting harm on another and as such public officials are required to refrain from doing harm to the people they serve.

The principle of life preservation says that people have a moral duty to protect and to preserve human life whenever possible. The burden of proof is always on taking human life, not on sustaining it (Moreland article DE197-1 www.equip.org)

Deontological ethical theory, as influenced by the Christian tradition is agapism which derives its name from the Greek word "agape" meaning love takes seriously the great commandment of Mark 12:30-31: "you shall love the Lord your God with all your heart, you shall love your neighbour as yourself". Agapism as a deontological system of ethics consists of one simple command in every situation, "do the loving thing, whatever that may be" (www.moralphilosophy.info-deontology).

2.2.1.3 Consequentialism

Consequentialism can be interpreted in many different ways (Carlson, 1995). Cambridge Dictionary of Philosophy explains consequentialism as a theory advocating that action is morally right if and only if it produces at least as much good (utility) for all people affected by the action as any alternative action the person could do instead.” Mizzoni (2009:104) argues that consequentialism is the class of normative ethical theories which hold that the consequences of one’s conduct are the basis for any judgement in terms of the rightness or wrongness of the conduct and from the consequentialist point of view, an act which is morally right produces a good outcome or consequence. Whether an action is morally right or wrong depends entirely on its consequences. An action is the right thing to do in certain circumstances if, of all the actions available in those circumstances, it would produce the best outcome (consequentialismwww.3.nd.edu). In an extreme form, the idea of consequentialism is encapsulated in the English saying, “the ends justify the means”, meaning that if a goal is morally important enough, any method of achieving it is acceptable. To the consequentialist, the choice that yields the best benefit to the most people is the choice that is ethically correct (Ridley, 1998; Penslar, 1995). This view puts forward the promotion of the public interest as the main issue in ethics and therefore does not regard strict adherence to rules as all that important.

According to consequentialism, people are out to do what has the best consequences and it does not matter if that involves lying, stealing or even killing the innocent person. Nothing in terms of consequentialism is forbidden, all that matters is the consequences of what is done (Rainbow, 2000:2). For an example, it is justified for the father to steal in order to feed his hungry children.

Consequentialism theory involves act utilitarianism and rule utilitarianism (Rainbow, 2002:3). Act utilitarianism adheres exactly to the definition of utilitarianism as it is founded on the ability to predict the consequences of an action. According to act utilitarianism, an action is good just in case it brings about the greatest amount of happiness for the greatest number of people. The choice that yields the greatest benefit to the most people is the choice that is ethically correctly. One benefit for this ethical theory is that it can compare similar predicted solutions and use a point system to determine which choice is more beneficial for more people. The point system provides a logical and rational argument for each decision and also allows a person to use it in a case by case context (Ridley, 1998; Penslar, 1995; Rainbow 2002). In act utilitarianism, public

officials perform acts that benefit the most people, regardless of personal feelings or societal constraints such as laws as it is solely concerned with achieving the maximum good. According to this theory, the rights of an individual may be violated in order to benefit a greater population. The theory is less concerned with justice, beneficence or autonomy for an individual if oppressing the individual leads to an outcome that benefits a majority of people (Ridley, 1999).

Rule utilitarianism is concerned with both the law and fairness and postulates that action is good just in case it brings about the greatest amount of happiness for the greatest number of people. Rule utilitarianism takes into consideration the law and is concerned with fairness. The emphasis of rule utilitarianism is to benefit the most people but through the just means available. Added benefits of rule utilitarianism are that it values justice and includes beneficence at the same time (Penslar 1995; Ridley, 1999).

2.2.2 Specific guiding values to remedy unethical behaviour

In order to refrain from unethical conduct, public officials and political office-bearers are required in a democratic society to respect specific guidelines that govern their behaviour during the performance of their work (Cloete, 2012:93). Government officials are there to serve the people and all their actions should be aimed at promoting the public interest (Van Der Walddt, 1998:39). Normative factors serve as watchdogs for public officials and political office-bearers in performing their duties (Hanekom & Thornhill, 1993:90) and their compliance refrain them from behaving unethically.

Before any attempt is made to consider normative guidelines (ethical foundations) upon which public administration is based, some vagueness on the term norm should be addressed. A norm refers to duties to be performed and standards expected (Hanekom & Thornhill, 1987:118; Coetzee, 1991:59). Norms are standards of conduct which must be observed by all political office-bearers and public officials when performing their official duties. Although no exact norms can be realistically expected in public administration, efforts should be made to identify them. It is expected from political office-bearers and public officials to respect a particular set of values and standards (Coetzee, 1991:59).

Where democracy is observed, voters put the government in power and the democratic government must therefore maintain principles accepted by the society in order to remain in power, failure of which the government will fall into disfavour among the voters. In order to remain in power, the democratic government must strive to be effective and efficient requiring political office-bearers and public officials to perform their duties with certain ethical guidelines in mind. The government must strive to meet the needs of the society, hence the relevance of ethical guidelines in public administration. (Du Toit & van Der Waldt, 2007:93).

Normative guidelines serve as a framework for the conduct of political office-bearers and public officials that must be respected while performing their official duties. According to Cloete (1997:64) normative guidelines in public administration refer to a collection of moral principles, norms, values and obligations, thus ensuring the conduct of political office-bearers and public officials remain focused on the general well-being of the people.

Normative guidelines are described as a rule or a standard involving the amount of work that has to be performed measured in terms of quality and quantity (Thornhill & Hanekom, 1994:33). This includes duties that have to be performed and the required standard that has to be met. In the same vein Coetzee (1991:59) describes normative guidelines as pillars of public administration which must be complied with by political office-bearers and public officials. This guidelines indicate how public administration should be exercised. Normative guidelines provide public servants with specific guidelines that govern their conduct when performing their duties. (Du Toit et al, 2002:101; Cloete, 1998:91). Public administration is considered a specific field of work because public administration practitioners, namely, political office-bearers and public officials are required to comply with certain specific principles (Cloete, 1998:91). Since public officials have to perform their duties with public purse, normative guidelines are important in assisting them achieve their goals. Normative guidelines are of less importance in the private sector since the moral issue does not play any role but are fundamental in public administration where public officials are required to execute their functions in order to achieve the goals of the government.

Since public officials have to perform their duties with the public purse, normative guidelines are important in assisting them to achieve their goals. Normative guidelines are of less importance in the private sector since the moral issue does not play any role but are fundamental in public

administration where public officials are required to execute their functions in order to achieve the goals of the government. For public officials normative guidelines is a moral issue focusing on service delivery. (Van der Waldt & Du Toit, 1998:39). As Cloete (2012:93) argues “observance of the normative guidelines will keep the legislature from passing malenactments, government office-bearers from practising misgovernment, and the public officials from committing maladministration.”

Ethical principles are either derived from politics, community values and legal rules. Guidelines emanating from the body politic include the supremacy of the constitution, maintenance of public accountability, and compliance with the principles of democracy (Du Toit & Van der Waldt, 1998:42).

Prior 1994 South Africa was a parliamentary democracy. Since the parliament was the supreme authority in the country public officials and political office-bearers working for the public sector were subordinate to the political authority of the parliament. After 1994 the Constitution became the supreme law of the country (Du Toit & Van Der Waldt, 2007:94). Public officials are therefore subjected to the guidelines and restrictions of the Constitution and all public officials are required to conduct themselves within a framework of the law and strict regulations.

The parliament is established under the Constitution and any law or any aspect of the law which is in conflict with the Constitution can be declared unconstitutional and therefore unenforceable. Section 2 of the Constitution, 1996 unequivocally declares that the Constitution as the supreme law of the country, and any law or conduct which is in conflict with it is invalid and thus unenforceable. To ensure that the supremacy of the Constitution is maintained, Section 167 (3) of the Constitution, 1996 makes provision for the establishment of the Constitutional Court which is empowered to reject any act if it is in conflict with Constitution. The Constitution as a supreme law of the country serves as a foundation at all levels of the government as well as guidelines for the conduct of public officials and political office bearers. Section 195 of the Constitution, 1996 makes provision for the basic values and principles which govern public administration. More specifically, Section 195(1) (a) provides for the promotion and maintenance of a high standard of professional ethics. The Constitution sets norms and standards for all public administration practitioners and therefore unethical conduct by political office-bearers and public officials is considered a serious violation of the Constitution.

According to Cloete (1998:97) and Du Toit & Van Der Waldt (2007:101) public accountability implies that, political office-bearer and public official have to display a sense of responsibility when performing their official duties. Their conduct must be responsible and should be of value to the citizens (Cloete, 1998:98). The fact that the Constitution and other relevant legislation determine the framework within which public officials operate, suggests that public officials should be accountable and refrain from any unethical conduct while performing their official duties.

The Office of the Public Protector and the Office of the Auditor-General are constitutional institutions empowered to promote and enforce accountability. Section 182 of the Constitution, 1996 empowers the Public Protector to investigate any conduct in public administration at any level of the government which is alleged or suspected to be improper. Section 188 of the Constitution, 1996 makes provision for the Office of the Auditor-General to audit and report on accounts, financial statements and financial management of all national, provincial and local departments.

The reaction of the people to the activities of public institutions such as the Public Protector and Auditor-General indicates whether such institutions are acting in a responsible manner or not. The reaction of the people serves as a norm or standard to measure accountability. If the general public is satisfied with the services of an institution, it is an indication that the work is performed in an accountable manner. Public officials are required to be accountable to ensure taxpayer's money is utilised efficiently and where accountability prevails, efficiency, effectiveness, transparency and responsiveness is promoted and maintained. It can be argued that where public officials and political office-bearers are accountable, abuse of power is at its lowest.

The democratic principles are considered specific guidelines for institutions of the government and public officials to perform their official duties (Du Toit & Van Der Waldt, 2007:102). According to Botes et al (1998:11) the concept democracy refers to the government by the people in which the supreme power is vested in the people and exercised directly by them. The objective of democracy is to create conditions under which individuals will obtain the greatest possible well-being. Democracy promotes public accountability to all those who hold public office whether elected or not elected and entails a public right of access to information about the activities of the government. The principle of democracy is related to an effective, transparent

and honest government which is freely elected and accountable for its management of public affairs (Cornillon, 1998:10). It is unacceptable for the individual to achieve the greatest well-being in a selfish way that could be of disadvantage to the welfare of the society, because if selfishness and greed are tolerated, then the general welfare will be at mercy (Cloete, 1998:103). In order to achieve the objectives of democracy, the government should be organised in a way that will promote transparent deliberation, mutual consultation and the exercise of discipline (Coetzee, 1991:65). This will ensure that the ideas of all parties involved are taken into consideration to ensure that their needs are addressed (Cloete, 1998:103).

The principles of democracy require political office bearers and public officials to perform their duties in such a way that power is not abused. The activities of political office-bearers and public officials should always be under scrutiny, observed, investigated and judged (Cloete, 1998:103; Coetzee 1991:65). Individuals should be allowed and encouraged to criticise any abuse of power by public authorities (Coetzee, 1991:65). Every action should be done in the open and not in secret. Botes et al (1998:13) argue that since individuals in open democracy are allowed to express themselves freely by participating in elections, they in turn have the right to demand that the state affairs take place publicly and thus the term public administration.

The activities of public authorities must conform to particular ethical norms. Public officials who are entrusted with authority should exercise such authority with trust (Cloete, 1998:104). From the foregoing, it is obvious that public administration should take place where the rule of law prevails.

For administrative purposes, the principle of the rule of law implies that:

- The executive institutions should not be given uncontrolled discretionary power that are too wide and unrestrained.
- All citizens are equal before the law and should be treated equally in terms of the law.
- The judicial functions should be exercised by qualified members of the judiciary who should function independently of the legislature and the executive. Judges and magistrates should act independently to ensure that the rights and freedom of individuals are respected

(Botes et al, 1998:22; Coetzee, 1991:65; Cloete, 1998:105).

Complying with the principles of democracy implies that public officials must perform their tasks in such a way that the needs and wishes of the people are addressed (Coetzee, 1991:66).

The community expects from its members to comply with the value system it considers good and acceptable hence government institutions are expected to adhere to their value system (Du Toit et al, 1995:104; Van Der Waldt & Helmbold, 1995:12). It is therefore expected that government institutions respect and comply with what the community considers as good and desirable. A value is what is fundamentally good or desirable that an individual holds on as a guide through life (Fox & Meyer, 1995:134). Fraenkel (1997:6) defines a value as what people regard as important in life, something that is worthwhile having, doing or trying to obtain. Van Der Waldt & Helmbold (1995:11) consider a value system as a stabilising factor in any community as it enables people to differentiate between right and wrong and also to evaluate conduct and behaviour. According to Cloete (2012:9) public administration is established to protect the interests of people and public institutions are expected to comply with the principles of thoroughness, fairness, and reasonableness, balanced decisions, honesty and decency, efficiency and effectiveness (Du Toit et al, 1998:43).

Section 33 (1) of the Constitution, 1996 provides that every person has the right to administrative action which is lawful, reasonable, and procedurally fair. Public officials in public institutions must adhere to the principles of fairness and reasonableness during the performance of their duties (Du Toit & Van Der Waldt, 2007:104). Reasonableness requires that the information available to the public official support the decision made; the decision be supported by sound reasons; the decision makes logical sense in relation to the available information; the empowering provision and other relevant provisions be correctly understood and applied; the adverse effect of the decision be proportionate to the objective sought to be achieved; and there not be less restrictive means to achieve the purpose of the decision. Public institutions and public officials must strive to ensure that the general welfare of the society is taken into account. Section 9(3) of the Constitution provides that the state may not discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth.

Actions of the senior manager towards a subordinate must be fair. Public officials must also exercise fairness and reasonableness towards the members of the community (Du Toit & Van Der Waldt, 2007:104). However, fairness and reasonableness cannot only be achieved by rigid compliance to formal prescripts by public officials and political office-bearers and therefore the positive attitude of public officials and the willingness to serve the people with integrity is very important in this regard (Cloete, 2012:111). The White Paper on Public Service Delivery, 1997 (Batho-Pele White Paper) is a clear indication and commitment of the government's initiative of ensuring that quality service is delivered by putting people first.

Through compliance by public officials and political office-bearers to the principles of Batho-Pele, fairness and reasonableness will prevail and public administration will achieve its intended objective of rendering quality service to the people.

Service delivery by government institutions requires a lot of money and therefore balanced decisions should be taken by public officials to ensure efficiency and effectiveness in the utilisation of resources. The consequences of ill-informed decisions can be devastating news to the people. It is required of public officials to ensure that decisions taken are balanced and consistent across time and in all situations (Cloete, 1991:68). Balanced decisions ensure that everyone is subjected to fair and equal treatment under law (Coetzee, 1991:68; Cloete, 2012:111). Where there are no prescripts to follow before a particular decision is taken, it becomes the responsibility of the public officials to consider all factors before a decision is made and an action taken (Du Toit and Van Der Waldt, 2007:105). This becomes important when there are no prescripts to follow before a particular decision is taken.

Public officials are expected to comply with the principle of thoroughness which implies that public officials should perform their duties thoroughly and to the best of their abilities (Coetzee, 1991:68) by ensuring that a high standard of work is maintained and sustained (Cloete, 1984:30). Thoroughness also involves taking decisions at the right time and that quality service delivery be carried out timeously and economically.

The success of government institutions is often measured in terms of its efficiency. Efficiency is important to government institutions since unlimited needs of the people should be satisfied under severe restrictions of the shortage of money. Efficiency in the public sector involves satisfying the most essential needs of the community using limited resources that are available

for the purpose, and also upholding public accountability, the democratic requirements, fairness and reasonableness and the supremacy of the Constitution. (Cloete, 2012:113). Efficiency as a principle of public administration is realised when objectives are achieved economically and as effectively as possible. Efficiency implies a definite standard which can only be achieved through concerted effort (Coetzee, 1991:67; Cloete, 2012:114). However, there is a popular misconception labelling public institutions of being inefficient merely because certain needs have not been achieved in full. Resources could have been insufficient that provision was deliberately made in the policy for the needs to be satisfied only in part. Due care should therefore be exercised not to brand a public institution as inefficient merely because one does not agree with the public policy (Cloete, 2012:114).

Public officials and political office-bearers should consider legal rules as a source of rules of behaviour since legal rules are in fact products of rules of the society that are made enforceable by law. Legal rules, according to Cloete (2012:114) provides a normative code of conduct for public officials to observe in performing their tasks and requires public servants to be faithful in the performance of their official duties. Legal rules imply that actions of public officials and political office-bearers should be *intra vires* (within the law) and not *ultra vires* (beyond legal powers) (Coetzee, 1991:69; Cloete, 2012:114). Public officials and political office-bearers who fail to comply with prescribed legal rules may face the full might of the law.

Specific guiding values of public administration require public functionaries to behave in such a way that is acceptable to the members of the public precisely because good governance requires good public servants. When public functionaries use their position of trust for dishonest gain, it raises serious ethical concerns on their ability to serve the best interests of the people. It is therefore required to hold public officials to higher ethical standards.

Public administration is critical to ensure that quality services are delivered to the people and the section which follows will attempt to explain the relevance of public administration with specific reference to administrative functions and how their effectiveness and efficiency will achieve the intended goal, namely, welfare of the people.

2.2.3 Administrative functions as instruments of curbing unethical behaviour

Henry Fayol, at the beginning of the 20th century explained management as comprising of planning, organising, commanding, coordinating and controlling (Piano, 2005:65). In the South African context, Cloete (2012:88) explains the functions of public administration in terms of generic functions consisting of policy-making, organising, financing, staffing, work methods and procedures and controlling. Generic functions occur in all public institutions (Cloete, 2012:88) and therefore create a system of managing quality service delivery. Generic functions are usually performed by public officials who are in the hierarchy of posts because they are accountable for arranging, directing and leading activities performed in the institution (Hanekom & Thornhill, 1990:10). Generic functions cannot work in isolation from one another as they are interdependent and aimed at achieving specific goals.

2.2.3.1 Policy making

Policy making can be defined as the process during which specific decisions are taken in relation to what is to be achieved. Policy making as a process occurs before intended decisions are announced and a decision on who is to take the lead to achieve them is made (Hanekom & Thornhill, 1990:18). It follows that policy making is a purposeful activity aimed at achieving a clear goal that should be known to all participants to ensure that all activities are coordinated. Cloete (1984:57) argues that legislatures have the biggest say in policy making because before decisions are taken they indicate what must be achieved, and when must the product of policy making becomes a policy. A policy is a statement of intent to perform a particular action (Cloete, 2012:6) indicating in clear certain terms what the government does in order to achieve a particular objective. It gives direction on what the government should do hence its observance will significantly reduce unethical behaviour in public entities.

Policy making is aimed at determining objectives (Cloete, 1986:56) and it should be stated in unambiguous way in terms of what should be achieved. Policy making as an activity precedes the announcement of goals and a policy is the product of that activity (Hanekom & Thornhill, 1990:18). Public policy is the formal statement of the objective that needs to be achieved (Hanekom & Thornhill, 1993:63).

Formulating a policy in precise terms is important because the public sector cannot in any way tolerate activities which are purposeless and lack direction (Hanekom & Thornhill, 1990:18). To this end, it follows that a public policy should be a purposeful and a deliberate process aimed at achieving the set objective or goal.

The initiative for policy making is often a difficult process because it involves different sources which may naturally differ in the establishment of a public policy. According to Hanekom & Thornhill (1990:19) different sources which usually contribute in policy making include political office-bearers through legislative institutions, top public officials and interest groups operating as pressure groups. At most, political office-bearers have the biggest say in policy making as they are usually interested in pushing their agenda to appease electorates in order to be voted back to power during elections. This may unfortunately impact negatively on service delivery.

Top public officials also play an important role in policy making as they are required to exercise their own discretion and value judgement with regard to policy making (Hanekom & Thornhill, 1990:23). Although the final decision in terms of policy making is in the hands of political office-bearers, top public officials must advise political office-bearers and implement the policy. This becomes important because top public officials have experience and expertise in terms of the activities of their respective departments. Moreover, the relationship between the political office-bearers and the top public officials should be sound to ensure that administrative policy is not in conflict with political policy (Hanekom & Thornhill, 1990:24-26) as serious differences between them (political office-bearers and top public officials) may delay service delivery.

The challenging area in policy making is in the capacity by policy makers to make rational policies. Being rational implies acting effectively and wisely to choose the appropriate way to advance a particular goal. However, according to Cloete (1998:142) there is a growing tendency by policy makers to claim that they are rational in policy making processes. Rationality in policy making involves achieving predetermined goals through making reasoned and careful selections from alternative course of action (Hanekom, Rowland & Bain, (Eds.) 1995:27). Rationality in policy making attempts to evaluate different alternatives taking into account all the consequences and select the best. It is basically concerned with how the government can best organise itself, paying particular attention on the accuracy of feedback and the flow of information. Rational decision making may support ethics in some situations by making it important to consider the

effects of emotions of policy makers on the ethical implications of being rational (Zhong, 2005:2). However, emotional states can be in conflict with certain goals in specific situations as feeling empathetic towards a particular community may lead to actions that improve the welfare of that community but at the expense of the ethical principle of impartiality.

Rational policies are difficult to make because policy makers are expected to make policies that have to deal with the future which is completely distant and unknown to them when decisions are taken. However, municipal officials who follow rational decision-making process are confident that they are making the right choice (Dawson, 1994:14). Despite challenges, both municipal officials and political representatives are required to follow ethical leadership as it may contribute to the success of the institution. Unfortunately, some leaders fail to embrace ethical leadership in policy making because that may be accompanied by undesirable challenges and personal risks (Greenbaum, Quade, Bonner, 2015:44).

2.2.3.2 Organising

A public institution can only function effectively and efficiently if it is well organised and this entails bringing together physical, financial, and human resources and developing a relationship amongst them for the organisation to achieve its goal. Organising also entails the grouping of activities to achieve the objectives of an institution (Starling, 2008:303) and institutions should be structured in such a way that they are able to achieve the objective of rendering quality service. According to Cloete (2012:166) organising implies classifying and grouping functions in a coordinated manner as well as allocating of functions and workers in an orderly manner so that workers can achieve the objectives of the institution. Organising involves creating a framework for an institution that will ensure that people work together effectively to achieve predetermined objectives (Smit, Cronje, Brevis, Vrba, de Klerk, 2000:209).

The aim of organising is to ensure that the work be broken down into manageable units so that the institution attains its goal (Cloete, 1993:42) and entails creating a harmonious and a workable

situation to ensure that all parts of the public sector function together to achieve predetermined objectives (Hillard, 1995:59). Organising is not an end in itself but a means to an end. That is, it is not a goal in itself, but assists in the achievement of the goal. Organising an institution occurs both at macro and micro level. At a macro level, it involves formulating an organisational structure where positions designed with regard to the formalisation, specialisation, socialisation are grouped into units resulting in a system of formal authority and the hierarchy of the organisation (Fox, Schwella, Wissink, 1991:78). In the public sector, organisational structure ensures that public officials are arranged in the manner that their activities are coordinated in a particular direction to achieve the overall objective of the organisation. There are challenges with regard to the formulation of the organisational structure. Research by Dlamini (1995:29-30) indicates that challenges with formulating an organisational structure at a macro level include lack of knowledge about organisational structure and poor involvement of public officials with regard to the formulation of the organisational structure. Organising an institution at a micro level encompasses the processes related to the internal organisation of institutions. Internal organisation of institutions consists of a number of functions which are as follows:

- Horizontal division of work involves dividing the work so that different people have different jobs or posts. The division of work is imperative because it is not possible for an individual political office-bearer or individual public official to perform all activities within the department.
- Assigning authority entails delegating authority by a person in authority to a subordinate so that the latter can act independently but within specified limits.
- Coordinating the activities of functionaries within an institution ensures the activities and employees in public institutions work together to achieve predetermined goals.
- Creating lines of communication is important so that communication takes place in an orderly manner. When communication is effective all functionaries are well informed about the activities taking place in achieving predetermined objectives.
- Creating control measures are exercised to ensure that subordinates who have been given instructions or delegated powers are held accountable for the work they do by their seniors.

Organising is a comprehensive process of public administration and can be achieved by the application of the merit system principles which provide a framework for responsible behaviour.

The merit system entails hiring and promoting government employees based on their ability to perform rather than on their political affiliation and connections and if implemented effectively creates an honest, productive workforce which render quality work to the public and who are less likely to be involved in unethical conduct.

2.2.3.3 Personnel Administration

As a function, personnel administration cannot be separated from other generic administrative functions since they are interconnected to an extent that no one can hope of success without the involvement of people. Personnel administration refers to the effective utilisation of people within the public institution to ensure its success in terms of achieving predetermined objectives. Cayer (2004:1) concurs by stating that the success of any institution depends on its people. Personnel administration entails all activities which are related to people in an institution involving utilising human resources to ensure that the institution achieves its objectives effectively and efficiently (Cayer, 2004:1) Personnel administration is a comprehensive process which involves staffing of public institutions by public officials who have suitable skills required to carry out the objective of the public service (Cloete, 1984:131).

In order to ensure that the public sector is staffed with relevant personnel, the merit personnel policy must be promoted encouraging that posts at the public service be occupied by experienced and suitably qualified personnel (Cloete, 1995:215). The merit personnel policy, if implemented correctly ensures that the public sector is staffed with competent personnel.

Affirmative action, despite its benefits poses a serious challenge in personnel administration. In the context of personnel administration, affirmative action is a policy aimed at employing suitably qualified people into the public sector who were previously excluded from public employment (Milakovich & Gordon, 2007:56). In South Africa, as an official government policy, affirmative action is aimed at ensuring that previously disadvantaged designated groups be allowed equal opportunity in the labour market (Cheminais, van der Waldt, Bayat, 1998:55). Affirmative action is viewed as part of the personnel administration whose objective is to redress the disempowering consequences of the apartheid and is aimed at making the public service

more representative and reducing inequality in the public sector employment (Cloete & Mokgoro, 1995:77).

It is unfortunately true that affirmative action can promote patronage and nepotism in the public sector (Cloete, 1998:241). Instead of appointing and promoting suitably qualified people who were previously disadvantaged, unqualified people are hired at the expense of quality service delivery. If carelessly implemented, affirmative action can cause racial tension and therefore employing and promoting people in the name of affirmative action should be carefully considered on the basis of its merits and demerits. .

Corruption is another challenge affecting personnel administration in the public sector. Corruption is a wide concept which refers to fraudulent, dishonest, and dishonourable action by political office-bearers, public officials or any other person (Cloete, 1996:28) and is also viewed as an action which violates accountability (Hanekom and Thornhill (1993:79). Corruption cannot be tolerated in the public sector and should be dealt with decisively as it defeats any attempt by the government to improve the general welfare of the society.

Public personnel administration is concerned with establishing a well-trained and satisfied workforce that can perform effectively to ensure the general welfare of the people despite challenges with regard to creating a motivated workforce that will be responsive and accountable to the people. Given that all government employees are paid with tax money, inevitably, there is a real public interest in ensuring that the government is efficient, effective and economical

2.2.3.4 Financing

Financing as an administrative function requires that there should be a clear financing policy of ensuring sound financial management and a clear general policy which prescribes how public institutions should be financed (Cloete, 1998:191). Since citizens pay taxes to finance the activities of public institutions, they should be kept informed on how money is being used.

Public finance is a sensitive matter necessitating the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996) to make specific provisions of dealing with financing public activities. The budget is important in this regard promoting sound performance of the financing activities. Greene (2005:232) defines budget as a plan of action which informs how the government generates and utilise money to provide for services. Section 215 of the Constitution

of the Republic of South Africa, 1996 promotes transparency, accountability and the effective financial management of the public sector. In the Republic of South Africa there are organisational arrangements for dealing with public funds starting with the legislatures which are at the apex in the hierarchy of public institutions followed by political office-bearers who head executive institutions. The legislatures as the final authority concerning financial matters, exercise supreme authority in financial matters by passing legislation which prescribes how money should be collected, banked and utilised (Cloete, 1998:191-192). Legislatures also make provision for the appointment of accounting officers who are administrative officials standing at the head of the administrative executive institutions such as the state department (Cloete, 1998:197). Some of the members of the legislature are appointed to committees to summon the accounting officers if deviations from the directives are observed. The Standing Committee on Public Accounts (SCOPA) performs an important function of ensuring that accounting officers are accountable to the legislature by summoning them to account for financial transactions within their respective institutions.

Legislatures have the duty of laying out a financial policy which provides for the specific organisational arrangement to ensure the implementation of financial functions and to prescribe due procedures which should be followed (Cloete, 1998:207). To ensure sound financial management, Section 181 of the Constitution of the Republic of South Africa makes provision for the establishment of the office of the Auditor-General. The primary function of the Auditor-General is to monitor the utilisations of money in all institutions which are wholly or partially financed by public funds (Mafunisa, 2008:41). Reports of the Auditor-General attract news media and this serves as a powerful weapon of enforcing accountability and ensuring that unethical conduct with regard to financial management is addressed at all levels of the government.

2.2.3.5 Work Procedures and Methods

Work procedure is defined as the standardised way to be followed by public institutions in order to achieve predetermined goal (Coetzee, 1991:62) and gives direction in order to achieve a particular task successfully. Without a clear formal procedure, workers can use their own methods at the expense of service delivery. Work procedure which should change with

circumstances and time ensures that public officials work together to achieve the policy objective without undue waste of time and scarce resources (Cloete, 1998:248). This effectively renders public institutions relevant and they will continue to play a meaningful role in the provision of quality service delivery.

Work procedures provide a systematic and organised approach to organisational efficiency and effectiveness. Implementing ineffective and outdated work procedures is unethical and can negatively impact service delivery resulting in undue waste of scarce resources (Du Toit & Van Der Waldt, 1997:137).

Human beings are creatures of habit and prefer security of familiar surroundings. In the same vein, public officials are considered impediments in the improvement of work procedures because they are inclined to resist in the implementation of change in work procedures in public institutions. Some public officials are unwilling to accept change because they are not sure of what the unknown will bring and also fear that their stronghold to positions of power may be destroyed. Public officials also resist to improve work procedures because they fear that their prospects of promotion may be negatively affected. It is advisable to request assistance from outside the organisation to improve work procedures and organisational systems (Cloete, 1998:257). In order to improve organisational systems and procedures it might also be necessary to get rid of the “deadwood” and to replace them with other public officials with specific knowledge, skills, expertise and experience. However, Cloete (1998:258), concedes that it is difficult to dismiss public officials unlike in the private sector. Public institutions can rather take pain and train their own public officials to improve organisational systems and work procedures to advance efficiency and effectiveness in public service delivery.

2.2.3.6 Control

Control can be defined as a process of ensuring whether actual activities are consistent with planned activities (Smit et al, 2000:397 ; Van der Waldt & Du Toit, 2008:201). Control measures can be implemented once performance standards are clearly defined and agreement is reached with public officials on how to measure performance for a particular activity. If actual results are inconsistent with the planned results, then corrective measures must be taken to remedy the

situation. The essence of control measures in the public sector is to ascertain whether expected and required results have been achieved without undue waste of scarce resources. Control is important when people are working together to achieve a common objective (Coetzee, 1999:62).

In the public sector, control is exercised to ensure that the public is kept informed about the activities of public officials and can be practised through inspection, auditing and reporting (Coetzee, 1991:62). According to Van der Waldt & Du Toit (2008:201) control measures are important in the public sector for the following reasons:

- Actions of public officials are standardised to enhance efficiency.
- The effectiveness of top management in planning is evaluated through control.
- Waste of scarce resources and unethical conduct are eliminated through effective control.
- Employees who perform to the best of their abilities are appraised through control measures.

Control in the public sector has two parts, namely, internal control and public accountability (Cloete, 1998:265). Internal control is basically the task of political office-bearers and public officials attached to public institutions and involves breaking up tasks so that public officials can carry on their work to pursue intended objectives. The objective is to ensure that public officials perform their tasks effectively and efficiently in order to achieve predetermined objectives (Cloete, 1998:206). Internal control can be achieved when public officials display self-discipline and self-control which require them to implement formal internal measures with caution. Public officials should be motivated and inspired to comply with the guidelines of public administration in their actions.

Control in public administration is aimed at fostering public accountability which is an important element in a democratic society since public institutions and public officials are required to promote the general welfare of the people (Cloete, 1996:30). Control measures should be put in place to ensure that accountability is enforced for public institutions and public officials to serve in the best interests of the people.

As a control measure, public officials are accountable for their official functions to their immediate supervisors and to the public. Citizens can play a constructive role in ensuring that the

executive and the legislative institutions are accountable for their actions by being vigilant about public administration so that they get the best service possible. The conduct of the executive and legislative institutions can improve if citizen involvement is encouraged. If citizens are silent, they will have to be content with what the executive and public officials offer (Cloete, 1999:282).

The control function can be effective if public officials understand what is expected of them to do in order to render the best service possible. When there are set standards for activities to be performed, supervisors are able to take remedial action when discrepancies in the performance are observed.

However, public administration is faced with challenges with regard to improving control measures and to make control function more effective to advance public accountability. According to Cloete (1999:281-282) for control function to be more effective leading to public accountability, informal control measures should be strengthened so that public officials can display self-control and self-discipline. Legislation should play an effective role in the enforcement of public accountability by ensuring that policies of control are clear and understandable. Members of the public should also play a constructive role by actively involving themselves in order to get the quality of public administration they deserve.

2.3 Theoretical framework

The relevant theoretical framework provides a scientific foundation and supports the entire thesis. This section of theoretical framework will indicate how the existing theories and ideas are consistent with the prevalence of unethical behaviour in municipalities

The public is interested in the ethical behaviour of public functionaries since they occupy positions of trust. Members of the public cannot tolerate any form of unethical behaviour by public officials and political office-bearers. Public officials are required to conduct themselves ethically while rendering public service to the people. It is considered unethical when public

officials do not perform their duty in terms of their job descriptions. Unethical behaviour also constitutes an act by political office bearers and public officials which is in conflict with the Constitution. Unethical behaviour can be defined as negligent and intentioned behaviour involving a deviation from a well established guidelines designed to inform a desired pattern of behaviour in a given situation. It involves lack of moral principles and unwillingness to comply with proper rules of conduct.

Unethical behaviour seems to be a universal challenge since it also occurs in the religious, business, non-governmental organisations and state-owned enterprises and as such all institutions should join hands and assist the government to combat unethical behaviour.

Unethical behaviour does not only undermine the quality of service delivery, but also the credibility and morality of municipalities. Below are categories of unethical behaviour which are institutional because they are conducted by public officials.

2.3.1 Categories of unethical behaviour

Unethical behaviour by public officials and political office-bearers in Vhembe District Municipality undermines public trust which is critical for effectiveness and efficiency. Categories of unethical behaviour in the public sector have the following forms:

2.3.1.1 Secrecy in administration

It is accepted that people should have the right to know how the government is performing its duties. Therefore, 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 et al, 1995:154-155) and open and accountable government is one of the principles of democracy.

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. Where secrecy is nurtured, trust between political office bearers and public officials and the public they serve is negatively affected to the detriment of quality service delivery.

2.3.1.2 Nepotism

Nepotism involves the appointment of relatives or friends to the public positions with a total disregard to the merit principle (Hanekom et al, 1995:155) and may lead to poor service delivery because usually the appointed candidates try to please their appointer and do not conform to the required standards. Nepotism is a form of favouritism which is based on hiring family members and relations (Milakovich & Gordon, 2007:308) and instead of appointing possible capable candidates with relevant qualifications and experience, people who are not capable of performing the job are employed. Nepotism 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. When someone is offered a position because of connections rather than the credentials and experience, service offered to the public often degrades or becomes inferior (Cloete, 1998:185).

Employing people without relevant qualifications and experience ultimately leads to inefficient and ineffective utilisation of government's scarce resources which ultimately undermines the delivery of quality service.

Nepotism does not only affect the public sector; in the corporate world, it is not inherently wrong and companies may benefit from nepotism if they consistently enforce fair policies (Family Business Institute, 2009). People are hard-wired to look after their family and friends and nepotism has produced both positive and negative results but if practised haphazardly, nepotism may embarrass everyone, including the recipient (Corkindale, 2007:2). Some of the richest people in South Africa have achieved much of their business success through family connections. 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). Moreover, in the private sector nepotism does not

receive as much media attention as the news media focusses much on the public sector precisely because its readership is mainly taxpayers who are defrauded. It can be argued that all taxpayers have the right to complain about wasteful spending as citizens have the right to expect service delivery on political promises of services, infrastructure and welfare benefits, hence a lot of media attention. However, this can also be misleading because there is a growing assumption that blacks in government and the public sector are prone to nepotism as compared to the private sector which is predominately white. However, the detrimental effect of nepotism is that it weakens morale and productivity, breeding public distrust.

2.3.1.3 Unauthorised expenditure

Unauthorised expenditure is defined as overspending or spending that is inconsistent with the mandated requirement of appropriate funds (Moeti, 2014:9). Public Finance Management Act (PFMA) (NO 1 of 1999 as amended by Act 29 of 1999) explains unauthorised expenditure as either involving expenditure for the purpose that was not allocated for or expenditure which exceeds the budget amount for a specific purpose which is inconsistent with the economic, efficient and effective utilisation of resources (Pauw et al, 2011:41). Pauw, Woods, van der Linden, Fourie, Visser (2011:132) caution that 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. Public Finance Management Act (PFMA) makes legal sanction possible for unauthorised expenditure a serious offence. Section 2 of the Public Finance Management Act 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.

2.3.1.4 Conflict of interest

A conflict of interest occurs when objectivity and judgement is compromised (Trevino & Nelson, 1999:60) and where a public official's private interests interfere, or appear to interfere, with their duty to put the public interest first. Public officials have the duty to perform their roles fairly,

efficiently and effectively and should not be influenced by their own personal situations, interests or preferences when making decisions in their public capacity (www.conflict-of-interest-corruption-watch.pdf). In the context of public service, conflict of interest has the potential to undermine the impartiality of the public servant because of the possibility of a clash between the person's self-interest and public interest. It is a difficult challenge for public officials because they have access to government information than ordinary citizens providing opportunities and temptations to exploit government resources for personal gain (Cooper, 2006:133).

Conflict of interest by public officials attracts public interest and public interest makes a clear distinction between the public and personal life (Lewin & Gilman, 2005:80). Public managers are ethically required to act through their position on the behalf of public interest and although they are normally expected to pursue personal interests, they are ethically restricted from using public office to pursue them. However, Hardin in Rhode (2006:121) argues that conflict of interest is an integral part of human life and that there is nothing inherently immoral about it. According to Hardin in Rhode (2006:121) there is nothing unbecoming when a conflict of interest arises over who obtains a job and as it is normally not wrong when one ends up getting a job. However, it becomes an issue of serious public concern when the role of the public official is compromised. This happens when public officials use the power of their office to achieve personal financial gain (Kuye & Mafunisa, 2003:427). Conflict of interest exists in the form of bribes, gifts and jobs for relatives. The damaging effect of conflict of interest is that it erodes trust between public officials and members of the community which ideally should be mutual (Hardin in Rhode, 2006:122). Common conflicts of interest are as follows:

2.3.1.4.1 Kickbacks

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 behaviour in the government. Money is usually negotiated ahead of time and this form of unethical behaviour differs from other forms of bribes in that there is collusion between two parties rather than one party extorting the bribe from the other and the main purpose is usually to encourage the other party to cooperate in an illegal scheme (www.en.wikipedia.org/wiki/Kickback-bribery). In municipalities. Kickbacks occur when the supplier who is awarded business gives a sum of

money or other gift, usually prearranged to a government official who is dishonest, influences the choices of the supplier (Pauw et al, 2002:334). In the context of public service, kickbacks is an illicit payment made to a public official in return for facilitating a transaction.

2.3.1.4.2 Bribery

Bribery is an illegal acceptance of money or other valuables in exchange for special favours from public officials having to do with their normal official duties (Cooper, 2006:136-137). Public officials faced with personal interests and in conflict with the laws, policies, for the conduct of his office, are induced to resolve in favour of themselves. Bribery involves giving money or any form of inducements to secure a desired action or some favours from the public official which can be paid out before or after the public official has performed an action. According to Benson (1978:4) the public official may receive part of the money before an act and the balance paid after the act has been completed. It is usually rife where salaries are low or in instances where the probability of being caught is low. Bribery involves persuading a person by a gift of some sort to act immorally (Malan & Smit, 2001:12) and is a common phenomenon in South African rural-based municipalities and is becoming a way of accessing government financial resources at the expense of public service delivery. Bribery occurs when a public official corruptly solicits, or receives, or agrees to receive from any person any fee, advantages or reward as an inducement to perform a certain act in the performance of his/her duties (Craythorne, 1993:183). Bribery takes numerous forms. For an example, a citizen seeking paperwork or utility line connections might bribe a public official for faster service (www.en.wikipedia.org/wiki/Bribery). The practice where a motorist bribes a traffic officer not to issue a ticket for violating road signs is rife in municipalities. Another form of bribery happens when a public official, during the performance of his/her duties unethically offers a contract for rendering a particular service to a company on condition that a certain amount of money is paid to him/her by the company. Bribery is common in areas of promotions, procurements where unqualified public officials are appointed in the public sector and to the detriment of effective service delivery. When financial resources are in the hands of ineffective and unqualified public officials, service delivery is negatively affected.

Common obvious forms of bribery include the following:

- Officials receiving discounts, holidays and overseas trips for themselves and their families, and have the education of their children paid for in exchange for cooperation.
- Officials accepting money to unethically influence decisions regarding promotions or appointments despite regulations specifically forbidding this.
- Officials paid for inside information or for falsifying documents.
- Public officials buying state land cheaply and resell it at its market value.

Public official also expect to be paid for services that are part of their normal duties like issuing permits and ID documents. If someone pays a bribe, they receive immediate attention (Malan et al, 2001:12).

As a way of minimising bribery in municipalities, public officials are not allowed to accept improper gifts and entertainments, however, Trevino & Nelson (1999:61-62) argue that accepting a gift cannot always be interpreted as a conflict but becomes problematic if a gift is offered to a particular public official and not to all employees.

2.3.1.4.3 Influence peddling

Influence peddling is an illegal practice of using one's influence in the public sector to obtain preferential treatment in return for a certain agreed sum of money (www.en.wikipedia.org/wiki/influence-peddling). The relationship of the public official with someone by itself may constitute a conflict of interest (Trevino & Nelson, 1999:62). If, for an example, a public official is in charge of awarding a business contract and his or her friend owes a company which is bidding, it will be considered a conflict of interest if he or she makes a decision to give that company a business. However, that does not restrict the company from bidding, but it does restrict a particular public official from making a decision. As Kuye & Mafunisa (2003:429) put it, a public official may avoid a conflict of interest by disqualifying himself/herself from situations where personal interests are involved.

2.3.1.4.4 Privileged information

Public officials can access valuable information before it is made ready for public consumption but are not allowed to use or disclose any privileged information for their own personal gain or the gain of others. Privileged information is not subject to disclosure, not because the information provided is without substance, but because there are public policy reasons the information should not be made public (www.law.conell.edu/wex/privilege). But the temptation to provide relatives or close friends with valuable information before it is made public is there and in order to address this problematic issue, a full disclosure of a relative or a close friend who has an interest in the information can be helpful (Trevino et al, 1999:62).

2.3.1.4.5 Gifts and entertainment

Accepting gifts and entertainments become a conflict of interest if a public official's impartial discharge of his or her duties is unduly influenced. Usually, gifts or any hospitalities are given to the public official with no specific favours asked as would be the case with bribery, but they nevertheless are intended to create a generally positive predisposition toward the donor. This may include discounts on purchases, sex, use of vehicles, recreational equipment, theatre tickets, vacation trips, lavish meals and liquor (Cooper, 2006:138).

Some of the guiding principles of avoiding conflicts of interest include the following:

- Maintaining impartial and independent judgement.
- Being responsive to the needs of the people.
- Rejecting any personal gain from public office or responsibilities.
- Upholding public confidence in the integrity of public service and public servants (Lewis & Gilman, 2005:81).

The best way to deal with conflicts of interests is to avoid them entirely and public officials should recuse themselves from decisions where a conflict of interest exists.

2.3.1.4.6 South African legislation and conflict of interest

The government, in its attempt to curb the occurrence of conflict of interest has enacted different legislation.

Section 195 of the Constitution of the Republic of South Africa, 1996 makes provision for the basic values and principles that govern public administration. Services should be provided impartially, fairly, equitably and without bias. Public administration must be accountable.

The Prevention and Combating of Corrupt Activities Act restrict members of the public bodies from holding private interests in contracts with that body. Any public official who acquires a private interest in a contract connected with the public body, is guilty of an offence.

The Public Service Regulations require of members of the senior management service to disclose their financial interests to their executive authorities by 30 April each year. The executive authorities are required to send the disclosure forms to the Public Service Commission (PSC) each year. The PSC assesses the financial disclosures for potential conflicts of interest.

Section 5.5 of the Code of Conduct for Public Servants prohibits employees from undertaking outside remunerative work.

Section 30 of the Public Service Act provides that employees in the public sector shall not perform remunerative work outside their employment except within the written permission of the executive authority of the department (corruptionwatch.org.za).

2.3.1.4.7 Implications of laws regarding conflict of interest for public officials

Legislation with regard to conflict of interest for public officials have various implications. The primary objective is that public officials should not use the public office to enrich themselves. Amongst others public officials:

- Must not involve themselves in activities that could compromise their performance in the public sector.
- Do not engage in activities which could damage the reputation of the public entity that they work for.
- Must not engage in outside remuneration without prior approval from the authority.
- Must not bid for government contracts at local level if employed at the municipal level.
- Should withdraw from supply chain management processes if they have an interest in the contract being awarded.

- Must disclose their financial interests if they are in senior management.

Conflict of interest is a controversial phenomenon that occurs when the public official is involved in multiple interests which could corrupt the intended motivation (www.wiki.pedia.org/wiki/conflict-of-interest) and the long term consequence of pursuing private personal interests by public officials and political office-bearers at the expense of the interests of the citizenry will inevitably result in the collapse of the government. “No man can serve two masters: for either he will hate the one, and love the other, or else he will hold to the one, and despise the other. Ye cannot serve God and mammon” Mathew 6:24 (King James).

2.3.1.5 Fraud

Fraud is defined as a false representation of a matter of fact, by false or misleading allegations, that deceive and is intended to deceive another so that the individual will act upon it to her or his legal injury (legal-dictionary.thefreedictionary.com). Fraud is commonly understood as dishonesty calculated for advantage therefore a person who is dishonest may be called a fraudster. Fraud is bad news for the public sector since it increases the cost of rendering public services. In 1999, South Africa’s (then) Deputy President, Mr Thabo Mbeki, described the war against fraud as a national priority, thereby giving urgency to all activities related to the prevention of this phenomenon (First National Anti-Corruption Summit, Cape Town, April 1999). In march 2005, Mr Mbeki as the President of South Africa reiterated his position during the opening of the Second National Anti-Corruption Summit when he described fraud as a challenging constrain to the fight against poverty and other related social ills (Mbeki, 2005). Fraud also stimulates corruption in the public sector and also attracts organised crime such as money laundering (Rossouw with Van Vuuren, 2007:154) and no government can claim to be immune from it.

Fraud occurs when public 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 and Gloeck & 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.

Rossouw et al (2007:155) points out that fraud is committed if deception results in gaining advantage over, or inducing a loss to the other party in the transaction. Deception can either be done in hiding when a person committing fraud remains silent during the transaction or in showing when a fraudster appears smart and well-dressed when committing a transaction (Bowyer in Rossouw et al, 2007:155).

Fraud is a serious unethical behaviour and is the main cause of problems in area of procurement. Some of the common fraudulent activities in the public sector involving the public officials include:

- Drawing up specifications for a particular job to favour particular suppliers from whom they receive a kick-back.
- Doing business while holding a public post and are using state vehicles as part of their private business.
- Restricting information about contracting opportunities to favour a specific company from whom they receive a kick-back.
- Charging figures to claim more overtime for allowances than are entitled to.
- Taking their families in abroad trips at public expense.

Fraudulent activities by public officials need immediate attention since they are obstacles in promoting quality service delivery. If fraud continues unattended, public service will be adversely affected resulting in people losing confidence in the public officials and the public sector.

2.3.1.6 Laziness

Laziness results in lack of productivity and if measured financially it wastes huge amount of money in the public sector. Laziness impedes the effectiveness and efficiency of an organisation's performance and is considered as a form of theft since the employee is stealing time and money from the employer. Well known examples of laziness include, passive apathy and disinterest ; a lack of commitment and loyalty to 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 matters (Malan et al, 2001:17-19).

Having discussed the various factors which undermine service delivery at Vhembe District Municipality, the section which follows focuses on the main causes of unethical behaviour at Vhembe District Municipality. Vhembe District Municipality cannot afford immoral and unethical behaviour, including hard-core corruption such as fraud and bribery. Discussing the causes of unethical behaviour is important to ensure that public managers be proactive in preventing it by implementing certain measures and controls (Du Toit et al, 1998:119).

2.3.2 Possible causes of unethical behaviour

Although causes of unethical behaviour differ from one society to the other, public institutions are basically corrupt because of personal greed and dishonesty (Mafunisa in Kuye et al, 2002:194). Unethical conduct can be classified into social causes, economic causes and organisational features. Difficult and vague legislation, poor control and lack of accountability, insufficient supervision and weak organisational structures are organisational features. Human as fallible beings and lack of ethical awareness of the public and public officials are classified as social causes while insufficient benefits and remuneration is categorised as an economic feature. The promotion of quality service delivery is frustrated by the prevalence of unethical behaviour.

2.3.2.1 Difficult and vague legislation

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 et al, 2001:45). Present-day South African politicians who are inexperienced and improperly trained fail to draw up efficient and effective legislation.

It then becomes difficult for public officials to implement legislation which is fairly 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 behaviour. (Du Toit et al, 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 non-specialists 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. Legislation which is clear is an important part of the democratic process and an essential element for good governance (<https://www.gov.uk>).

2.3.2.2 Poor control and lack of accountability

Effective control and accountability is indispensable for effective processes and accountability but over control is as bad as no control. 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 et al, 2001:46).

Dishonest public officials may exploit the lack of control for their own selfish gain and therefore organisational measures should be put in place to ensure that public officials are held accountable for their actions (Du Toit et al, 1998:119).

Adequate channels of communication make accountability possible (Louw, 1998:67) ending with the political head of the department, who must account to parliament, and therefore indirectly to the public, for the conduct of the appointed public officials in his/her department.

2.3.2.3 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 novice and inexperienced public officials do their work adequately and if neglected, especially where public officials are not properly trained, maladministration and the collapse of intended standards are unavoidable. There are reasons why proper supervision may

not take place in public institutions. In some instances inspectors may be openly threatened or intimidated by their fellow colleagues to prevent them from submitting negative or strongly worded reports. Public 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 an institution is to maximise its success potential. Poor supervision is an obstacle for achieving potential success of a public institution and where there is lack of supervision, there are no mechanisms of preventing problems, mistakes, accidents and injuries. If supervision is not adequate, public officials feel that their performances are not valued by the superiors and loyalty becomes difficult to form and without loyalty, public officials are more likely to deviate from acceptable standards inviting unethical behaviours such as theft, unauthorised use of equipment, falsifying official documents, among other things (www.anonymousemployee.com).

2.3.2.4 Weak organisational structures

Features within the organisation which may create an environment conducive to unethical practices include incorrect and inconsistent leadership, insufficient supervision, outdated or inadequate policies and procedures, excessive discretion and ineffective delegation (Mafunisa in Kuye, 2002:195).

The problem with the process of delegation arises when the person delegated is not capable of carrying out the task delegated to him/her. This becomes prevalent where public officials are not properly trained or inexperienced to carry out the task. 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 public 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 public service since they are seen as being responsible for the ethical standards that govern the behaviour of subordinates in the

public service. Unethical practices that are known to exist in the South African public service start at the top of the political and public service leadership, and trickles down the ranks by example. Elected representatives should always provide guidelines for the subordinates and the way they behave will have an impact on the behaviour of other public officials (Hanekom et al, 1995:166).

Incompetence is another cause of unethical behaviour since it restricts public officials from executing their duties properly. When public 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 behaviour in the public sector, strategies can be designed and implemented to address the challenge and this will become apparent when we examine the consequences of unethical behaviour in the next section.

2.3.2.5 Humans as fallible beings

Humans are fallible beings with numerous failings, such as craving for power and money (Louw, 1998:68) and therefore some temptations do not and will not ever disappear; individuals succumb, no matter how widely accepted the ethical standard is (Lewis & Gilman, 2000:81). Public officials, like all human beings, make mistakes but the key is to admit them and not repeat those mistakes (Lewis & Gilman, 2005:92). Twain (1984) gives a biblical perspective by arguing that Adam, the first human being according to the creation myth of the Abrahamic religions, was but human who did not want the apple for the apple's sake, he wanted it only because it was forbidden. This separation from God came when Adam and Eve sinned by choosing to put their own desires and thoughts above God's commandments (Genesis 3). There is therefore a tendency by people to put their desires and wants first and above God's. This mental factors including thoughts and feelings which affect attitude, behaviour and functions of the human mind have an impact on how a person thinks and later affect his/her decisions and relations in his/her daily life (www.ask.com). 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. An

individual may be aware of other options, but the impact of the stimulus may override other potential options (www.gbr.pepperdine.edu).

Social comparisons may also make unethical behaviour contagious because if unethical behaviour is well known and the performer still gets rewards such as promotions, it can create the impression that these unwanted behaviours are acceptable which may motivate other people to act unethically. People will ultimately believe that the only way to get ahead in terms of promotions is through a questionable behaviour (www.psychology.com).

Should a situation arise, a public official may be unable to resist and may be tempted to place personal self-interest above the public interest. Senior public 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. For every questionable gift received, someone might have paid tenfold than what they believe (Curley, 1981:1).

2.3.2.6 Lack of ethical awareness of the public and public officials

Ethical dilemmas arise as the result of a lack of ethical awareness in public officials (Boling and Dempsey, 1980:11) and this happens when public officials are not sufficiently sensitive to the ethical dimension of their work. 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 public officials are aware of the ethical dimensions of their work for the benefit of quality service delivery.

2.3.2.7 Insufficient benefits and remuneration

The government is finding it difficult to cope with unmanageable salary bill to pay public officials. Although salaries are low for public officials, the public account for salaries constitutes

a major part of the budget for delivering basic services ([www.https://global-health.tcd.ie](https://global-health.tcd.ie)) and this results in many public officials being underpaid, simply because the budget is inadequate. Underpaid public servants are therefore more prone or susceptible to fraudulent and corrupt temptations such as bribes and self-enrichment (Malan et al, 2001:48). Public officials who are demotivated by their pay levels, are distracted from their work by the need to moonlight to help meet their basic financial obligations.

2.3.3 Consequences of unethical behaviour

The unfortunate truth is that almost every public institution has individuals that partake in unethical behaviour for their own personal gain. Unethical behaviour might be as simple as using work time for personal benefit to financial fraud (www.sixsigmonline.org). Sadly, workers with moral standards are helpless against unethical behaviour they witness in their colleagues and to make it worse, many unethical conducts go unpunished because of poor interpretation of the law. Workers working in such an environment are sometimes affected physically and mentally and may even suffer from illnesses associated with emotional challenges such as high blood pressure and diabetes. But the principle is the law that even if unethical public officials cannot be found guilty by any court of law, the physiological impact of immoral acts lead to intense mental and physical stress because human conscience has a strong effect on physical and mental stability. The section which follows will pay due attention to the consequences of unethical behaviour in municipalities so that political office bearers and public officials can be aware of the detrimental effects of immoral conduct to service delivery.

2.3.3.1 The exodus of skilled personnel to the private sector

The significant component of the public sector is its personnel and without a solid foundation of skilled human resources, the public sector cannot function adequately and effectively. The municipality becomes dysfunctional if its human resource is not functioning. However, the South African public sector is experiencing a serious exodus of highly competent public officials to the private sector (Malan et al, 2001:65). In South Africa, there is a greatest imbalance in personnel distribution between the private sector and the public sector. The private health services, for

example, consumes 58% of the total health expenditure and capture a higher proportion of all types of personnel than in the public sector (www.health-e.org.za). Municipalities are hard hit because at most it is the wrong people who leave the sector and whose skills and competencies are highly valued and in extreme demand in the private sector. Competent public officials leave the public sector because they find it difficult to associate themselves with unethical and incompetent political office bearers and public officials and those who remain are usually unmotivated and frustrated by the work environment. The situation is compounded by lack of job opportunities resulting in new and inexperienced public officials in the public sector.

However, Malan et al (2001:65) further argue that many experienced and competent public officials leave the public sector for varied reasons. Lack of trust in the government and high levels of crime in the country are notable reasons for continuous exodus of competent public officials to the private sector.

2.3.3.2 The decline of productivity

Productivity refers to the production of goods and services in abundance or applying factors of production to ensure a favourable output (Etekpe, 2012:111). It is about performing more with the same or even fewer resources. If the municipality is able to increase the number of services rendered over time, while maintaining or reducing resources, then it could be argued that a significant productivity has been achieved. In the public sector productivity is measured by the relationship between the amount of input an institution takes to achieve its objectives which assists in measuring the efficiency and effectiveness of organising and implementing public programmes to achieve intended results. It is unfortunately true that the public sector is experiencing problems of low productivity resulting in part from political and institutional factors (Etekpe 2012:109). It is accepted that productivity in the public sector and also in the wider economy has declined over the past 20 years (www.ajilon.com.an/addressingpublicsectorproductivitydecline). Where the work environment is characterised by incompetency, public officials divert their energies and attention and focus primarily on their own selfish personal interests at the expense of quality service delivery. Low productivity is an inevitable consequence where public officials lack commitment, initiative and creativity (Malan et al, 2001:65).

2.3.3.3 Destruction of trust and credibility

Concerns with declining public trust in government have become a permanent element of the contemporary political discourse. These concerns have effects on the level of citizens' trust in the public administration and public services. Trust which is declining in the public sector is seen partly as detrimental to public service delivery (www.m.ras.sagepub.com). Trust in the context of public administration is a positive expectation by members of the community that public officials will not act opportunistically when rendering services. People have an expectation that public officials will respond to their needs. People expect public officials to be responsive and competent even in the absence of scrutiny. People trust the public service when they regard it to be ethical, honest, and fair and that it will act in order to enhance public interest (Elliot, 2007:3). Trust is based on expectations and if there is a negative reporting about the public service by the media, the image of the public sector will be negatively affected. When public officials are involved in unethical activities it becomes difficult for the general public to trust them and people cease to believe that they will act with integrity and protect their interests (Malan et al, 2001:16). Where unethical behaviour is prevalent, innovation and creativity is inhibited (Malan, 2001:64) causing irreparable damage to the morals and people end up losing faith in the integrity of public officials and political office-bearers (Kanyane in Mafunisa, 2008:16). When people distrust the public sector they can reject their policies and their initiatives and the notable consequence of the lack of trust and credibility in public officials is that people ultimately lose their hope in the future, become depressed and are no longer motivated to do anything about their future.

2.3.3.4 Decline of service delivery

Unethical behaviour leads to the decline in the required standard of service delivery and such a situation has serious implications more especially in the provision of essential services such as water and sanitation, health, education, pensions and the criminal justice system (Malan et al, 2001:64). Recruitment into the public service which is based on patronage and political connections results in the hiring of unprofessional and incompetent public officials and such

incompetent officials do not know what to do once they are in office resulting in the collapse of service delivery standards (Abdullah, 2013:118). Public officials justify their incompetence and declining standards by blaming extraneous circumstances and sadly such personnel are even rewarded and protected by their seniors for their “loyalty and good performance”(Malan, 2001:64).

2.3.3.5 Cost of inflated number of employees

The local government in South Africa is mandated in terms of Section 6 of the Municipal Systems Act (2000) to perform its activities as enshrined in the constitutional principle of public administration in Section 195 of the Constitution of the Republic of South Africa, 1996. Section 56 of the Municipal Structures Act, 1998 also gives power of service delivery to the leadership of the local municipalities to ensure that effective and efficient services are delivered to the people. Despite the powers given to local government by various policies and pieces of legislation, the South African government is struggling to fulfil its mandate of rendering effective and efficient service to the people. Salaries of municipal employees rose from R61, 2 billion in 2012/13 to R68,4 billion in 2013/14, a rise of 11,6% (Financial census of municipalities report by Statistics South Africa). Local municipalities contributed 34, 6% (R24 billion) and District Municipalities 8,0% (R6 billion). Musina Local Municipality reflected a largest increase in employee-related costs of up to 65, 1% from R47,1 million to R77,8 million. The main reason for these increases include among other things the following: the appointment of new more staff to improve service delivery and more payment of bonuses to employees (www.statssa.gov.za). Political office-bearers who are morally incompetent also use the public sector to create job opportunities to appease potential voters irrespective of how much it costs the country of its scarce resources (Malan, 2001:67). Over-staffing in the public sector is also caused by uncontrolled recruitment which is problematic and undermining efficiency and effectiveness. The sad truth is that such anarchic appointments do not meet the criteria of competence and experience and undermining the credibility of public administration.

2.3.3.6 Reckless hiring of consultants

Consultants are regarded as specialists in their field and give expert advice in the public sector but should only be engaged when the necessary skills are not available in the public sector and where the authority cannot be reasonably expected to train people in time available (National Treasury Republic of South Africa Norms and Standards, 2003). Hiring of consultants should be considered when authorities experience additional work demands which are not permanent but under no circumstances should that appointee be granted higher remuneration packages than are prescribed in terms of the provision of the Public Service Act, 1994. The aim should only be to assist public sector institutions to improve efficiency and effectiveness in the services they offer to their customers. However, the number of consultants in the public sector has increased in recent times but this development has not been embraced by prospective employees because they think money spent on consultants can be better spent on hiring permanent positions (www.dayjob.com).

As a result of the brain drain of skilled labour to the private sector, the public sector has no alternative but to appoint consultants to ensure that work is get done. But it becomes more problematic when consultants do the job of existing personnel because incompetent public officials continue to get their salaries even though they no longer do the job (Malan et al, 2001:68).

2.3.4 Principles for promoting ethics in the public service

The need to foster and sustain high levels of ethics in the public sector has come into focus (Dales, 1992:175). High standards of conduct in the public service has become a critical issue for sound governance. Due to corruption cases and misbehaviour of public officials and politicians, citizens are increasingly aware of the importance of integrity and ethics management (Moore, 2003:19). Current public management reforms involving greater devolution of responsibility for public officials and new forms of delivery of public services, have challenged traditional values in the public sector (Dales, 1992:175). The fight against misconduct is needed for success and this will require sound ethics management systems. Increased concerns on the decline of confidence in government and unethical behaviour have prompted governments to review their approaches to ethical conduct. There is suspicion in the public sector that public officials have been lining their pockets at the expense of service delivery, and calls for a monitoring of assets

of senior public officials are topical everywhere. These suspicions are fuelled by scandals with serious moral implications revealed daily (Dales, 1992:175). It is imperative because public service officials are entrusted with managing public funds and resources, and may also act as defenders of constitutionality and probity in governance. (OECD, 1995). Principles have to be designed to assist the public sector review their institutions and systems they have for promoting public service ethics (www.acts.oecd.org). However, principles are not sufficient in themselves but provide a useful means for integrating ethics management into broader public management environment. In the section which follows some of the principles which promote ethics in the public sector are discussed.

2.3.4.1 Clear ethical standards

Public officials are ethically obliged to act through their public position on behalf of public interest. Public interest basically indicates a boundary between public life and personal life. Although public officials are expected to have personal interests; they are however ethically restricted from using public office to pursue them and the use public office for personal gain is outright abuse of office (Lewis & Gilman, 2000:80-81).

Public servants must know the basic principles and standards that are expected to be applied at work and where the boundaries of acceptable behaviour lie. A well-publicised statement of core ethical standards and principles that guide public service such as a code of conduct can assist this by creating a shared understanding across governments and within the broader communities (www.acts.oecd.org).

A code of conduct for the public service in South Africa was developed by the Public Service Commission (PSC) and has been incorporated as a chapter in the Public Service Regulations (www.psc.gov.za). The Code of Conduct forms the cornerstone of the public service integrity framework as it sets standards for ethical conduct (Mgijima, 2010:5). The Code exemplifies the spirit in which public officials should perform their duties, and points out what should be done to avoid conflicts of interest. Similarly, the code also indicates what is expected of public officials with regard to their personal conduct and in serving the public. In addition the Public Service Commission has also developed a Financial Disclosure Framework for senior manager in the

public service which is aimed at preventing conflicts of interests by making it compulsory for senior manager to disclose their financial interests (Mgijima, 2010:5-6).

2.3.4.2 Ethical guidelines for public servants

Professional socialisation contributes to the development of the necessary judgement and skills enabling public servants to apply ethical principles in certain circumstances. Training also facilitates ethics awareness and can develop essential skills for ethical analysis and moral reasoning. 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). Guidance and internal consultation mechanisms should be made available to help public servants apply basic ethical standards in the workplace.

Civil service 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 civil servants since well-known established operating procedures no longer offer answers across situations. A civil servant must cultivate a special relationship with citizens which include impartiality, transparency and independence. Public service implies acting in the mandate of citizens, with funds of the citizens and for the good of the citizens (<https://www.vm.fi/vm/en/...publication>). Ethical rules to guide the behaviour of public servants should not simplify matters too much, but if the rules are too comprehensive, they can become too complicated thus making them difficult to implement. For the rules to have a guiding effect, they should be publicly strengthened, supported by training and information (<https://www.vm.fi>). Ethical guidance is important to public sector as it is required to provide better and more responsive services with limited resources (Washington, 1997:15). According to the Standards in Public Life in Great Britain, 1995, there are basic principles which apply to all public life and which serve as guidelines available to public servants.

Public servants are expected to make decisions to advance public interest and should not take decisions for financial gain, or other benefits for themselves, their family or their friends. Holders of public office 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. In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices based on merit. Public 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 holders of public office to be accountable to their decisions and actions to the public and to submit themselves to whatever scrutiny which is appropriate to their office. Public officials should be as open as possible about all the decisions and actions that they take and should provide valid reasons for their decisions and restrict information only when the wider public interest clearly demands. Holders of the public office should promote and support these principles by leadership and example (Paavilainem & Aijala, 2000:10-11).

Governments have introduced mechanisms to regulate unwanted behaviour and to provide incentives for good conduct (Washington, 1997:16) in order to encourage high standards of behaviour. Guidance can also be provided by strong commitment from political leadership, statements of values such as codes of conduct and professional socialisation activities such as education and training. Management can be realised through co-ordination by a special body or an existing central management agency, and through public service conditions, management policies and practices. Control can be assured through a legal framework enabling independent investigation and prosecution, effective accountability and control mechanisms, transparency, public involvement and scrutiny (Washington, 1997:16-17).

2.3.4.3 Accountability mechanisms

Accountability requires the public official or a political office-bearer to act on the behalf of the people to whom they should respond and report. People are therefore able to hold a public official or a political office-bearer for his/her action (Bevir, 2009:33). In the public sector, the idea of accountability has been institutionalised through the creation of institutions and posts whose main functions are to enforce accountability in all public institutions and over all public officials. According to Schwella (in du Toit, 1991:61) these institutions and posts include the judiciary, executive and administration. Public servants should be accountable for their actions to their superiors, and more broadly to the public and the focus should both be on compliance on

rules and ethical principles and on achievement of results. Mechanisms for accountability may be internal to the agency or can be provided by civil society (www.acts.oecd.org).

In order to entrench basic values such as transparency and accountability, various pieces of legislation have been introduced, and these serve as another affirmation that the South African government is committed to good governance (Mgijima, 2010:4). Examples of these pieces of legislation for combating unethical behaviour in the public service include: The Protected Disclosures Act, Act 26 of 2000; Promotion of Administrative Justice Act, Act 3 of 2000; The Promotion of Access to Information Act, Act 2 of 2000, Prevention and Combatting of Corrupt Activities Act, Act 12 of 2004; Financial Intelligence Centre Act, 1995; Public Finance Management Act, 1995; Public Service Act, Act 103 of 1994; The Public Service Regulations, 2001, Municipal Finance Management Act, Act 56 of 2003.

Section 181 (1) of the Constitution of the Republic of South Africa, 1996 creates institutions such as the Office of the Public Protector and the Office of the Auditor-General which are custodians of certain policies and procedures that must be observed by the South African public service in order to promote 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. According to section 188 of the Constitution of the Republic of South Africa, 1996, the office of the Auditor-General audits and report to parliament on the financial statements and financial management of all national and provincial state departments and municipalities and during such audits, unethical activities in financial management of departments are uncovered. Section 1 (d) of the Constitution of the Republic of South Africa, 1996 states that the South African government is also founded on the value of universal adult suffrage, a national common voters roll, regular elections and multiparty system of democratic government to ensure accountability, responsiveness and openness. The implication derived from these sections is that the government and public officials should carry out their responsibility in the manner that can be accounted for in the public.

2.3.4.4 Exposing wrongdoing through whistleblowing

Whistleblowing is a means of calling attention to wrongdoing that is occurring within an institution (Nadler & Schulman, 2006:1) and involves going outside routine channels (Lewis & Gilman, 2005:176). It is acceptable to blow the whistle to protect the public interest, but not to exact revenge upon fellow employees, supervisors, or an institution (Fledderman, 1999:1). Whistleblowing occurs when an employee makes an unauthorised disclosure of information about criminal or irregular conduct along avenues that are not specified (Bakman, 2003:3) because the whistle-blower believes that the interests of the public overrides the interests of an institution he serves (Mathews, 1987:40). Whistleblowing can either be internal or external (Ravishankar, 2003:2). Internal whistleblowing occurs when employees bring wrongdoing at their institution to the attention of superiors or management and may be via existing communication channels such as hotlines, or via unauthorised communication channels such as email, if that is the only way (Johnson & Wright, 2004:69). Internal whistleblowing can be encouraged by creating a whistleblowing culture and this can involve creating a policy where reporting illegal or unethical practices is included. External whistleblowing entails disclosure of information outside the organisation and includes media, politicians, interest groups, regulatory bodies, law enforcement agencies (Miceli & Near, 1994:774-775). However, Uys in Binikos (2006:22) argue that the appropriate whistleblowing procedure is for the whistle-blower to report firstly internally, and if it fails, to then approach law enforcement agencies, the media and politicians. Public institutions should encourage internal whistleblowing and public officials should be encouraged to bring unethical practices to the forefront and address them before they become fatal to the organisation (Ravishankar, 2003:4). Public institutions need to know about the problems early before unethical behaviour becomes front-page news. Full disclosure of unethical or illegal activities in the public sphere is particularly important (Nadler & Schulman, 2006:3) since public institutions are expected to be open and transparent. Top management should also demonstrate a strong commitment to encouraging whistleblowing by making every effort possible to talk about the commitment to ethical behaviour hence promoting a culture of openness and honesty (Ravishankar, 2003:2). Public officials must know what their rights and obligations are in terms of exposing actual or suspected wrongdoing within the public service and these should include clean values and procedures for public officials to follow, and a formal chain of responsibility. Public servants also need to know what protection will be available to

them in cases of exposing wrongdoing (OECD, 2013:108). In South Africa, Protected Disclosures Act 2000 (Act 26 of 2000) was enacted with the view of creating a culture in which employees may disclose 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.

2.3.4.5 Transparency in decision making

A contemporary issue in governmental reform process is transparency. This is so because administrations have grown into large, opaque entities. Therefore, practices of secrecy often cover the hidden struggle and interests of particular sectors, civil servants and the broader society (UNESCO, 2006:6). Greater transparency in public administration allows for checks on potential conflicts of interest and ensures greater legitimacy for the government. Schnackenberg & 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 Leaders of public institutions must focus on creating and maintaining transparency in their actions and decision-making (Staub, 2009:1). All key stakeholders must be involved in order to make decision making process open to arrive at a particular conclusion. What leaders say and promise must be reflected in what they actually support and do. Leaders can build transparency by consciously and clearly focusing on a healthy flow of communication out of the stakeholders. If communication is limited, incomplete and secretive, damage is done on faith and trust. Leaders must work to ensure that the people involved are informed. Employees understand and respect the decision if decision-making process is transparent (Rogers, 2014:1). Leaders must ensure a coherent focused communication strategy and plan that has frequency and multiple venues of information flow (Staub, 2009:1). Creating leadership transparency also implies generating, following and reinforcing clear rules of engagement for how decision are made, how people will be engaged or ideas solicited and how policies and guidelines will be used in running the public institution. When leaders are seen as consistent and minimise surprises, trust can deepen (Staub, 2009:2). Lack of transparency in public institutions leads to uninformed and poor decision making, thus generating doubt and uncertainty, leading to loss of faith and trust, damaging everyone involved (Staub, 2009:2).

Transparency positively affect public perceptions of political decisions and decision makers and it is the right and the means to examine the process of decision making in the public sector. It assists in holding public officials accountable and fighting corruption. When a government's meetings are open to the press and the public, and its laws and decisions are open to discussion, it is seen as transparent, and there is less opportunity for the authorities to abuse the system for their own interests (Transparency www.en.m.wikipedia.org). Transparency and accountability complement each other and together they enable citizens to have a say about issues that concern them and a change to influence decision making and hold those making decisions to account. As a principle, public officials have a duty to act visibly, predictably and understandably to promote participation and accountability (Transparency Accountability Initiative www.transparency-initiative.org).

The public has the right to know how public institutions apply power and resources entrusted to them. Public scrutiny is facilitated by transparent and democratic processes, oversight by the legislature and access to public information. In government institutions, transparency increases trust of citizens and improves the ability to have their voice heard thus improving accountability of policy makers (Konstantinon, 3013:1). Transparency can be promoted by measures such as disclosure systems and recognition of the role of an active and independent media (OECD, 2013:109). Dahal (2002:8) argues that transparency guarantees can play an instrumental role in preventing corruption, financial irresponsibility and underhand dealings. Transparency encourages open public debate on crucial matters.

2.3.4.6 Political commitment

Political leaders are responsible for maintaining a 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. Creating legislative and institutional arrangement reinforces ethical behaviour and creates sanctions against wrongdoing. Providing adequate support and resources for ethics related activities throughout government avoids the exploitation of ethics rules and laws for political purposes. 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). Experience certainly suggests that where the behaviour

of the superior is seen to be questionable, similar indiscretion is fostered among subordinates. Unethical practices known to exist in Africa start with senior managers and top politicians and cascade down the ranks (Rasheed & Olowu,1992:44) It is therefore important that political leaders articulate their unqualified support for high ethical standards (Dales, 1992:179).

2.3.4.7 Relationship between the public and private sectors

Clear rules defining ethical standards should guide the behaviour of public servants in dealing with the private sector, for example with regard to issues such as public procurement, outsourcing or public employment conditions. Increasing interaction between the public and the private sectors demands that more attention be placed on public service values and thus requiring external partners to respect those values (OECD, 2013:109).

Although much of the corruption in administration takes place on the interface between the public and the private sector, special attention goes to public procurement where the public and the private sector do business. The question of respect for shared values is not exclusive to the public service as leading players in the private sector are increasingly concerned to ensure that their own private partners respect and share the core business principles to which they subscribe (Dales, 1992:180).

2.3.4.8 Policies, procedures and practices

Management policies and practices should demonstrate an organisation's commitment to ethical standards but it is not sufficient for governments to have only rule-based or compliance-based structures. Compliance systems alone can inadvertently encourage some public officials simply to function on the edge of misconduct, arguing that if they are not violating the law, they are acting ethically. Government policy should not only delineate the minimum standards below which a government official's actions will not be tolerated, but also clearly articulate a set of public service values that employees should aspire to uphold (OECD, 2013:110).

This principle stresses the significance of the aspirational aspects of ethical conduct, and the need to avoid a minimalist, rule-bound approach under which everything which is not expressly forbidden is implicitly allowed (Dales, 1992:180).

2.3.4.9 Conditions of Public servants and management of human resources

Public service employment conditions such as career prospects, personal development, adequate remuneration and human resource management policies should create an environment conducive to ethical behaviour. Using basic principles such as merit system consistently in the daily process of recruitment, remuneration and promotion helps operationalize integrity in the public service (OECD, 2013:110).

Ethical conduct can be fostered, just as ethical conduct can be contagious but if unethical practices such as nepotism, favouritism and the selective application and waiver of rules are allowed to take place, the standards of all public officials can be expected to come under pressure (Dales, 1992:181).

2.3.4.10 Addressing misconduct through procedures and sanctions

Mechanisms for the detection and independent investigation of wrongdoing such as corruption are a necessary part of an ethics infrastructure. It is necessary to have reliable procedures and resources for monitoring, reporting and investigating breaches of public service rules, as well as commensurate administrative or disciplinary sanctions to discourage misconduct but it is incumbent for managers to exercise appropriate judgement in using these mechanisms when actions need to be taken (OECD, 2013:111).

Mechanisms need to be fair and trustworthy and aimed at protecting the innocent and the naïve, just as they should detect and publish the culpable. Penalties, where applicable, should be proportionate and should be consistently applied. Sanctions regime viewed as untrustworthy by staff can seriously undermine efforts to raise and to protect ethical standards (Dales, 1992:181).

2.3.4.11 The role of the legal framework

The legal framework is the basis for communicating the minimum obligatory standards and principles of behaviour for all public officials. Laws and regulations communicate the fundamental values of public service and provide the framework for guidance, investigation, disciplinary action and prosecution (OECD, 2013:111).

When legislating, the aspirational aspects of a code can be stated to reinforce the values being protected by the laws and regulations (Dales, 1992:178).

2.3.4.12 Manager as an epitome of sound ethics

Managers are ethically required to act through their public position on the behalf of the public interest (Lewis & Gilman, 2005:80) although they cannot reasonably be required to abandon other affiliations and relationships, they nonetheless are obliged not to use public office to advance their personal gains (Lewis & Gilman, 2005:33). 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 public service values and ethical standards (OECD, 2013:109-110). 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 public servants and citizens (Mafunisa, 2008:5).

2.3.5 Batho-Pele as an instrument for promoting ethics

Batho-Pele is a South African initiative which was first introduced by the Mandela Administration on October 1997 to ensure quality public goods and service delivery (Batho-Pele www.en.wikipedia.org/wiki/Batho-Pele). Batho-Pele was adopted as a framework to establish a new service delivery ethic in the public sector in line with the nation's constitutional ideals which promote the efficient, economic and effective use of public resources in a manner that is development-orientated and responsive to the needs of people (Hemson & Roberts, 2008:1). Batho-Pele, a Sotho translation for "People First", is an initiative to get public servants

to be service-orientated, to strive for excellence in service provision and to commit to continuous service delivery improvement (Gildenhuis & Knipe, 2013:130). The principles of Batho-Pele are also relevant to municipal service delivery and therefore serve as a cornerstone of optimal delivery by municipal officials (Van der Waldt et al, 2014:184). In Botswana, Botho is a principle which is closely related to Batho-Pele which people of Botswana subscribe to and refers to the concept of a person who has a well-rounded character, who is well-mannered, courteous and disciplined. The building of a moral and ethical society in Botswana is founded on the principle of Botho and the successful socioeconomic transformation over the years has been attributed to it. Botho is based precisely on the belief that legislation cannot ensure things like honesty and integrity. They have to come from within and be passed on to others by example (Masire in Collins, 2000:19). Batho-Pele places its focus more on values and standards in as far as these pertain to services rendered to members of the public (<http://www.info.gov.za/aboutgovt/publicadmin/bathopele.htm>). There is a sound ethical content to the practices advocated by Batho-Pele initiative. It is a simple and transparent mechanism, which allows citizens to hold public servants accountable for the level of services they deliver (Batho Pele Handbook – A Service Delivery Improvement Guide 2007:8). Citizens have a democratic right for appropriate services, effectively delivered.

Batho-Pele Strategy on service delivery was developed to achieve strategic objectives such as introducing a new approach to service delivery which puts people at the centre of planning and delivering services; improving the face of service delivery by fostering new attitudes such as increased commitment, personal sacrifice and dedication; ensuring that the image of the public service is improved (White Paper on Transforming Public Service Delivery 1997:2).

Batho-Pele principles were developed to serve as acceptable policy and legislative framework with regard to service delivery in the public sector. These principles are consistent with Section 195 of the Constitution of the Republic of South Africa, 1996 which makes provisions for promoting and maintaining high standards of professional ethics; ensuring that services are provided impartially, fairly, equitably and without bias; utilising scarce resources efficiently, effectively and economically; ensuring that the needs of the people are responded to as quickly as possible; responding to people's needs; encouraging people to participate actively in policy-

making; ensuring that public administration be accountable, transparent and development-oriented (White Paper on Transforming Public Service Delivery, 1997:5).

The new dispensation inherited the public service which operated within hierarchical, centralised and rule-bound system and which failed to hold elected and appointed officials accountable (Fox, 2010:101-102). Citizens were at the receiving end since their concerns and dissatisfaction received less attention from relevant authorities. Public officials and political office-bearers employed to serve the public directly were also frustrated because they were bound to comply by the system and practices they believed were not helpful with regard to service delivery. To address the gap created by the previous order, the government published the Batho-Pele principles on 1 October 1997 as a policy document called the White Paper on Transforming Public Service Delivery whose emphasis was on improving service delivery. The principles of Batho-Pele are also relevant to the municipalities, which is the level of government very close to the people. The nearness of the municipality makes it a focal point of service delivery (Van der Waldt, Khalo, Nealer, Phutiague, Van der Waldt, Van Niekerk, Venter, 2014:46). The White Paper on Transforming Public Service Delivery, 1997 (Batho-Pele) promotes mechanisms to maximise quality service delivery. According to van der Waldt (2004:89) Batho-Pele as framework has the primary duty of delivering services to the people who are treated as customers where it will also be possible for citizens to hold public officials accountable for the delivery and quality of public services. Public officials are also required to introduce more customer-focussed ways of performing their functions. Batho-Pele principles have not been published as a bill and therefore remain a public policy document but interestingly, the principles spelt out in the document have been incorporated in certain legislation. Section 195 of the Constitution of the Republic of South Africa, 1996 insists that public services should be improved and that public servants should commit themselves in rendering services of a high standard that meet the needs of the people. People should be in a position to access a decent public service since it is not a privilege but a rightful expectation for people to access quality service. People are therefore encouraged to take an active role in the planning process in order to improve service delivery. Batho-Pele principles are aimed at improving quality service delivery within a short term, and then setting higher standards in order to reach internationally recognised standards (Fox et al, 2006:20). Batho-Pele principles are also aimed at enhancing accessibility of government services by improving efficiency and accountability to the recipients of public services.

Batho-Pele initiatives are consistent with the African value of Ubuntu which requires that people be treated with care, respect and courtesy. In order to benefit from Batho-Pele initiative, active participation of the wider community must be encouraged because municipalities need feedback from the community if they are to improve their operations. Batho-Pele principles are interlinked and interrelated and cannot be dealt with in isolation. The section which follows will attempt to discuss principles of Batho-Pele in relation to how they can assist in addressing unethical behaviour in Vhembe District Municipality

2.3.5.1 Actioning Batho-Pele in the quest to curb unethical behaviour

Putting Batho-Pele principles into action describes what municipalities should do to ensure quality service delivery and service improvements. This will require introducing innovative ways to implement service delivery programmes. The first four principles have a direct implication on citizen participation which is a cornerstone of the democratic decision-making.

2.3.5.1.1 Consulting users of services

Consultation is one of the pillars of democracy and good governance because it invites active participation of service recipients in decision-making on service delivery. Consultation implies that citizens should be involved about the level of the public service they receive and wherever possible should be given a choice about the services that are rendered (Du Toit et al, 2002:108).

Consultation is closely related to participation and requires people to be included and treated as equals in decision-making (Callahan, 2007:163). Consultation is a multi-way interaction where stakeholders communicate and work in both formal and informal ways to influence action and to bring about positive results. Public consultation requires interacting with, listening to and learning from the people who are provided with public service (Craythorne, 1993:74) and provides the opportunity for cooperative problem-solving and improved public service delivery. Municipal officials should be in touch with the people 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 people. If the system is defective, management can be afforded an opportunity to change it.

According to Newman in Mclaughlin, 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 requires an agreement between public officials and the people in setting standards and in planning performance improvements as the goal must be to engage the people as users of services to be more active in decision-making processes. Fox et al (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 public service should also be attended to.

Consultation can be conducted through interviewing users of services, arranging meetings with representatives of users of services, involving representatives of the previously disadvantaged communities, and promoting active participation of Non-Governmental Organisations (NGOs) and Community-Based Organisations (CBOs). The methods used during consultation must suit the characteristics of the users and consumers involved (White Paper on Transforming Public Service Delivery, 1997:16).

Benefits associated with involving and consulting members of the community include improved channels of communication; improved implementation of programmes and decisions; reduced criticism by users of services to the minimal since people are involved in decision-making; and empowering citizens to address their challenges better (Thomas, 1995:8-9).

In the same vein, Cohen and Eimicke (2002:260) emphasise the importance of consultation by stating that it provides valuable feedback to programmes and equally helps to define, monitor quality and recommend improvements. This can assist to foster a participative and cooperative relationship between public officials and users of public 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 public officials are aware of how their services are perceived by users. Results must then be taken into consideration when decisions are made about what services are to be provided and at what level. People are empowered by being informed about their rights and obligations, and also about the services that are rendered by the municipality.

2.3.5.1.2 Setting service standards

Service standards are a commitment by the municipality that a certain level of service is provided to the people as customers which are important for managing expectations of customers based on available resources. Customers are informed what the municipality can provide and what they can expect to receive. Service standards should be made known to all affected and should be client-driven and reflect what the customers want, but also what the municipality can afford (www.tbssct.gc.ca). 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. Public servants will therefore be obliged to deliver services in terms of the level and quality of services they have promised to deliver (Du Toit et al, 2002:108). When public servants 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). The principle of setting service standards reinforces the need for benchmarks to measure the extent to which citizens are satisfied with the services or products they receive. This eventually promotes the development of service delivery improvement plans to ensure a better life of the people. Of importance is to ensure that people as users of services are actively involved in the development of service standards.

Callahan (2007:187) emphasises ownership of citizens by encouraging them to be in control and public servants are bound to comply and abide by people's decisions. It can be argued that when citizens assume an active role, service delivery will improve because whenever problems arise, both the service users and the public servants get together to solve problems and get things done.

Service standards must be meaningful and relevant and must be expressed in such a way that they are easily understood by users. Service standards must be measurable so that individual users can assess for themselves whether the promised standard was indeed delivered (White Paper on Transforming Public Service Delivery, 1997:17). 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 in a position to hold public servants accountable if the promised service is not delivered. This becomes important because public officials are in true sense, public servants who must be accountable to the public for the services they produce. 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.

2.3.5.1.3 Providing more and better information

The right of people to have information must be respected by public institutions (Schwella, Burger, Fox, Muller, 1996:263). People have the right to accurate information about the services they are entitled to (Du Toit et al, 2002:108) and must also know how the municipality is operating. Municipal officials provide people with full and accurate information. 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 will have to be devised. Public officials must have accurate information since they have the duty to keep the public informed (Cohen & Eimicke, 2002:237). Informed people participate actively in activities of the municipality including public policy making. Information can be provided in a variety of media and languages to address the differing needs of different customers (Fox et al, 2006:24).

Public officials should be encouraged to spend extra time with people who need better information or special assistance to ensure that they access the services themselves. Public officials should also make regular visits to remote communities to disseminate information. When people are better informed, it becomes easier for them to access public services.

Information is a powerful tool a customer can use in order to exercise his/her right to good service it is also another way of reaching customers to make sure they are well informed about

the services the municipality provides. Accurate and up-to-date information must be provided to the people about the services they are entitled to. This must be done actively to ensure that information is accessed by all those who need it, especially those who have been previously excluded (White Paper on Transforming Public Service Delivery, 1997).

2.3.5.1.4 Increasing openness and transparency

Openness and transparency are important elements in cultivating the culture of accountability and trust which are necessary for the fight against unethical behaviour in Vhembe District Municipality. Sustained efforts should be supported to enhance openness and transparency through the free flow of information and the sharing of knowledge. 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.

Transparency concerns itself with the way in which the functioning of public officials is open to public scrutiny and requires public officials to be open, honest and visible to the public Mafunisa in Kuye et al, (2002:210). In this regard Section 32 (1) of the Constitution of the Republic of South Africa, 1996 encourages openness and transparency by advocating the right by everyone to access any information held by the state including information that is held by another person that is required for the exercise or protection of any rights.

In terms of Section 195 (1) (g) of the Constitution of the Republic of South Africa, 1996 transparency is one of the basic principle governing public administration which makes provision for the timely, accessible and accurate information. Where transparency is encouraged and promoted any form of secrecy is restricted (Schwella et al, 1996:16). 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. Transparency enhances confidence and trust by people in government operations (Callahan, 2007:203).

As a way of promoting transparency and openness, the municipality can use events such as open days, preferably, not during normal working hours, to invite people to visit the institution to meet with all levels of officials to discuss service delivery programmes, standards and challenges (Fox et al, 2006:24). 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. The principles of openness and transparency can also assist the poor who fail to access free basic services such as social grants due to lack of information.

2.3.5.1.5 Increasing access

Batho-Pele provides a framework for making decisions about rendering public services to many South Africans who do not have access to them. Citizens have the right to equal access to services and it is the duty of public servants to ensure that they do not withhold that right from them (Du Toit et al, 2002:108). The principle of access is also applicable to disabled people, illiterate people and rural people, who may have difficulty in accessing municipal services. Special facilities should be provided to people on wheelchairs and walking aids so that they are able to get into municipal buildings. Special arrangements must also be made to help people with visual and hearing disabilities.

Batho-Pele principle of access is also aimed at rectifying inequalities in the distribution of existing services. People 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). In setting targets, institutions which promote the interests of previously disadvantaged groups such as the Gender Commission and the groups representing the disabled, should be consulted (White Paper on Transforming Public Service Delivery 1997:18). In order to improve access to services especially in rural areas, service facilities such as Multi-Purpose Community Centres and Call centres should be used.

Access to information and services empowers citizens and creates value for money and quality services thereby reducing unnecessary expenditures for the citizens. Access to service is negatively affected by the distance between the service provider and the service users hence the municipality must develop strategies to eliminate the barriers of distance by setting up mobile units and redeploying facilities and resources close to those who are in dire need. Infrastructure such as roads should also be improved to ensure that rural areas are more accessible.

2.3.5.1.6 Ensuring courtesy

In all successful municipalities, courtesy is practised by everyone and therefore members of the community expect to be treated fairly by municipal officials and political office-bearers. Courtesy should be an important part of the strategic plan of the municipality. Municipalities which embrace and practise courtesy extend the concept not only to customers and municipal officials, but to all stakeholders in the municipality, including the community at large.

Public servants are required to treat all citizens with courtesy and consideration irrespective of their external social status (Du Toit et al, 2002:108). Courtesy principle goes far beyond being polite to customers and also requires service providers to be friendly, helpful and treating everyone with dignity and respect. This principle must be applied throughout in a municipal consultative process and requires public officials to empathise with service users by treating them with consideration.

The standards for the way in which customers as users of services should be treated require public 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.

Municipal officials who deal directly with the public either face-to-face or on telephone should be trained and through training these functionaries are informed how to behave to ensure that their conduct and actions are ethical (Mafunisa in Kuye et al, 2002:196). In this regard, Thakhathi in Mafunisa (2008:69) argues that public officials should have skills and competencies

with regard to treating people with dignity and respect when performing their official duties and functions. The performance of public officials who are in close contact with customers should be regularly monitored and any performance that do not meet the required standard should not be tolerated (Fox et al, 2006:24).

Customer-focused behaviour can be encouraged when municipal officials who are in close contact with the public are offered opportunities of suggesting ways of improving service. Senior managers must also lead by example by providing guidance on a regular basis with regard to courteous conduct. Senior managers have the responsibility of ensuring that the values and behavioural norms of subordinates are consistent with the Batho-Pele principle of courtesy (White Paper on Transforming Public Service Delivery, 1997).

2.3.5.1.7 Remediating mistakes and failures

When people do not get what they are entitled to from the public service, they have the right to redress (Du Toit et al, 2002:108). As a way of remediating mistakes and failures public servants must apologise to people and explain the possible solution they are offering to the problem (DuToit & Van Der Waladt, 2007:85). When people complain they should receive a sympathetic, quick and a positive response. This also requires municipal officials to welcome complaints an opportunity to improve service and to deal with them to ensure that discrepancies are addressed for the good of the people. 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. 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.

2.3.5.1.8 Getting the best possible value for money

The principle of value of 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). According to Jones (1996:89-91) value for money involves the combination of efficiency, effectiveness and economy so that cash resource is economically turned into maximum non-cash resource which is in turn converted efficiently into maximum service output and if this service output is effective then value for money has been achieved.

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). Public servants are encouraged to prioritise the use of resources of the state and to promote careful spending by various departments to ensure effectiveness and efficiency in service delivery. This involves an assessment of service performance with an aim of enhancing quality service to the people (Bovaid & Loffler, 2003:151).

Public officials are encouraged not to waste scarce resources of government by delivering services that are as cost-effective and efficient as possible. Public officials have the responsibility to inform the supervisor of any undue wastage of resources and to look for ways of saving money and time, without compromising the quality of the service delivered to the people.

Hemson & Roberts (2008:12) argue that Batho-Pele was adopted as a framework to establish an innovative service delivery ethics in the public sector 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. Through the implementation of these democratic principles there can be a major shift from over-centralised, hierarchical and rule-bound systems inherited from the old order to the system which is characterised by accountability.

2.3.6 Encouraging public interest in the ethics of public officials

Every action by the public official or a political office-bearer should be taken in the best interest of the public. Trust in the public service and the willingness by the people to be involved in activities of the government can only be enhanced if people are convinced that public functionaries have the public interest at heart (Denhardt & Denhardt, 2006: 445-446). The government through its appointed and elected officials is expected to maintain a higher standard in order to set an example for the society (Greene, 2005:361) ethics is concerned with the

character and conduct of public administrators as servants of the people and if they do not conduct themselves ethically, the image of the government which is considered the promoter of ethical values is damaged (Mafunisa, 2007:260). Ethics have their origin in community values and serve as an accountability standard by which the public will be able to evaluate the work being done by public officials. Values are perception filters through which we view the world and define what we view as right whilst core values give direction for the activities of public service. However, public servants must understand the standards they are expected to apply in their daily duties and where the boundaries of acceptable behaviour lie (Organisation for Economic Co-operation and Development, 2000). Thus, ethics and values are connected and are normative in nature. Normative rules of ethics assist public officials to make choices that demand the exercise of judgment (Lewis & Gilman, 2005:36). They show how public officials should behave in a given situation or under a particular set of circumstances (Greene, 2005:360-361). Political office-bearers and public officials are employed to serve the people and to manage their scarce resources. According to Mafunisa (2003:427) public officials and political office-bearers should put public duties before their private monetary interest. Public officials have an obligation to deliver public goods and services in the way that enhances the common good of the community life (Cooper, 1991:161). There is an expectation that the public should be interested in their ethical behaviour and official conduct (Ayee, 1998:5). According to the Organisation for Economic Co-operation and Development (OECD, 2000) there is an interest from the public that in conducting their duties, the public officials will observe fairness and equality and that openness will prevail in their workings to ensure that they are operating within the public perception of what is just and correct. Public officials occupy positions of trust (Hanekom, Rowland, Bain, 2004:154) and public service ethics are a prerequisite to public trust and a cornerstone of sound governance.

2.3.7 Ethics and the private life of public officials

Private life of ordinary members of the public is not made available to the public and cannot be reasonably expected to be subjected to public scrutiny. Personal conduct of an official should also be treated with caution for fear of violating his/her right to privacy (Kernaghan and Langford 1990:152). But, when a person enters into a public life, certain issues that might be

considered private for a private individual can be considered matters of public interest. It becomes an issue of public concern if the conduct of the public official renders him/her vulnerable to pressure to use his/her office improperly (Mafunisa, 2006:513). The decision to become a public servant means putting the interest of the public ahead of your own. If a private matter affects the performance of the public official's duties, it would be agreed that it is no longer private but subject to public concern. Private financial position and sexual misconduct of the public official can be considered issues of public interest.

Public official who fails to manage his/her financial issues, (e.g. failure to pay taxes) may not be expected to be a strong steward of public funds. Disclosure of personal finances is important, ethically, for the public to make a decision on the ability of the public official to manage public funds. However, opposing viewpoints to this argue that it is risky for the public official to disclose his/her financial information since it is at most linked to personal contacts that should remain anonymous (Cody & Lynn, 1992:128). Financial challenges, especially in a public official with budgetary responsibilities may be issues of public concern.

It is encouraged that the sexual life of a senior public official should be subjected to public scrutiny. This is motivated by the fact that sexual misconduct may lead to the manipulation of the official's daily decisions. When a senior public official is involved in sexual misconduct, it becomes an issue of public interest and also attracts media attention (Cody & Lynn, 1992:129).

Entering into a sexual relationship with a subordinate is a serious and unethical practice because of the subordinates' vulnerability and the inequality of the power that characterises the relationship. Victims of sexual misconduct may underperform and suffer from both psychological harm and physical harm (Muchinsky, Kriel, Schrender, 2002:186). Unfortunately, depressed victims of sexual misconduct may be dismissed of poor performance.

2.3.8 Encouraging the private sector and community organisations to enhance ethics in the public sector

The private sector and civil society can play an important role in ensuring that ethics are promoted and observed in the public sector. Areas of concern include the involvement of the private sector and civil society in politics, business, and the media.

Although politicians are viewed with suspicion, democratic politics conduct the government to ensure a better life for all its people (Unwin, 2000). Despite all the criticisms levelled against the role of politics and politicians, there are benefits which can be derived by the greater involvement of the private sector and the civil society in the public service ethics. For an example, the democratic credentials of politicians is improved and consequently the quality of politics. The involvement of the private sector and the civil society in the public sector increases democratic control of the political process and of the public service. This ensures that the performance of public officials is more transparent and the temptation of unethical conduct such as corruption is minimised. The effectiveness of public officials is also improved. For the private sector and civil society to succeed in its endeavour to improve public service ethical standards, the support of the public administration must come on board. Although resistance can be encountered during the process, public officials should be educated about the benefits they can gain from openness and transparency (Unwin, 2000).

Businesses also have a role to play in order to improve the ethics of the public service. The involvement of the businesses in improving ethical standards of the public service has the potential for quality service delivery to the people. Introducing commercial values into the public service results in improved efficiency and effectiveness. The skills of the private sector can also be introduced to the public service, hence improved services to the community.

The media has the role of ensuring that higher ethical standards such as honest democracy and accountable government in the public service are improved. According to Mafunisa (2006:507) the media uncovers incidents and allegations of unethical conduct which have public concern such as conflict of interest in order to ensure that public functionaries refrain from them.

The media is considered a means of disclosing issues of interest to the public sector and the society. Since the advent of democracy in South Africa, awareness of unethical behaviour by political office-bearers and public officials has improved. The freedom of expression as expressed in Section 16 of the Bill of Rights enshrined in the Constitution of the Republic of South Africa, makes it easier for the media to unearth unethical conduct in the public service (Mafunisa, 2006:507). Unfortunately, the public sector is still resentful of the media, in spite of the fact that all major scandals by public officials and political office-bearers were uncovered. This reaction seems to originate from the perception that the media is responsible for the

deterioration of the public image of the public sector. Public institutions are therefore of the opinion that they are being discredited as a result of unreliable sources, insufficient investigation and distortion of facts. The media is also criticised by the public sector for its tendency to highlight negative facts and ignore positive ones whenever the public sector is concerned (Bertucci, 2000).

Despite of all criticisms levelled against the media, it is still considered credible watchdog and whistle-blower in order to expose any wrongdoing inside the public sector (Du Toit, van Der Waldt, Bayat, Cheminai, 1998:123). The media is considered an important role player for improved ethical standards in the public sector by uncovering unethical activities and actions of political office-bearers and public officials (Du Toit et al 1998:162).

2.3.9 Promoting professionalism in the public service

Professionalism in the context of public service delivery can be defined as the way in which public managers and their subordinates behave and the fact that their conduct is evaluated in terms of the standards unique to the activities of public managers (Van Der Waldt & Du Toit, 2008:53). In the public sector professionalism can promote a better understanding of the dynamics of public administration resulting in more effective, efficient and economic quality service delivery that can contribute towards sound public administration in the workplace (Hanekom, Rowland, Bain, 2004:170-172).

The demand for public service professionalism is aimed at protecting the people against abuse by public officials while performing their duties (Du Toit et al, 1998:135). Members of the community have the legitimate right to be provided with professional services (Bayles, 1989:32). According to Henry (2007:249) public officials must also be paid in terms of their levels of professionalism and performance but Caiden (1999) argues that there is no need for professional public servants to compete with private institutions with regard to salaries. The rewards have to be derived from satisfaction in serving the people and in delivering public goods and services to

the people. To Caiden (1999) public service professionalism involves the commitment to serving the people, and ensuring that the interests of the general public are advanced. According to Lewin & Gilman (2005:37) professionalism in the public service is part of the solution of enhancing quality service delivery in that credentials and expert knowledge are important in modern life and to the image of who public servants are.

2.3.10 Promoting public service values of professional public servants

For public servants, compliance to public service values can generate trust and public confidence. The extreme demands on professional public servants require them to prioritise among conflicting value sets as choosing and implementing a particular set will depend on issues such as social conditions, economic demands, political set up and supporting institutions (Caiden, 1999:25). Kernaghan (2003:711) defines values as those enduring beliefs that influence the choices we make among available means or ends. Values are essential components of organisational culture and important in determining, guiding and informing behaviour (MacCarthaigh, 2008:10). Choosing and implementing particular set of values will depend on issues such as social conditions, economic demands, political set up and supporting institutions (Caiden, 1999:25).

Professional public servants strive to achieve social or community goals by advancing human values. The activities of the professional public servant must promote standards of public welfare and public well-being. According to Mafunisa (2003:63) professionalism in the context of public administration is the desire by professional public servant to achieve customer satisfaction. Public servants are required to be fair and impartial in the performance of their duties and, in particular, in their relations with the public and shall not afford any undue preferential treatment to any group or individual or improperly discriminate against any group or individual or otherwise abuse the power and authority vested in them (United Nations, 1996).

The ultimate loyalty of public servants must be to the public interests of their community and must strive to ensure that they perform their responsibilities efficiently, effectively and with integrity. Professional public servants must ensure that public resources for which they are responsible are administered in the most effective and efficient manner (United Nations, 1996).

In order to deliver services of quality in the public sector, professional public servants must act in the public interest at all times, consistent with the demands of the Constitution and other relevant government policies (<https://www.ifac.org>). Advancing public interest implies a wider benefit to the society, which should result in positive outcomes for service users. The activities of the government must be aimed at preserving the universe for the benefit of the future generations and all who live in it. In order to achieve this important task, professional public servants must be skilled in making ethical decisions. The ability of making ethical choices should not be left to chance and public service professionals should be armed with ethical decision-making skills, hence the importance of professional ethics education from higher learning institutions such as universities and technikons (Mafunisa, 2003:275).

Ensuring that the lives of the people is improved is a worthy objective of the professional public servant. The senior public servants must be committed to serving members of the community and promote and strive to implement the basic values and principles of public administration which include:

- Promoting and maintaining a high standard of professional ethics
- Ensuring that public administration is accountable.
- Promoting efficient, effective and economic use of resources.
- Ensuring that services are provided to members of the public impartially, fairly, equitably and without bias.
- Ensuring that members of the public are provided with timely, accessible and accurate information (Section 195 (1) of the Constitution of the Republic of South Africa, 1996).

According to Lewis & Gilman (2005:148) public administration is basically concerned with how people are affected. Public administration was established to provide politically neutral and loyal service to the people. In order to promote neutrality and loyalty, rules must be formalised with regard to issues such as impartiality, incorruptibility, allegiance to the Constitution, and obedience to the law (Demmke, 2000:86). Avoiding doing harm to others is a value around which there is general consensus. Professional public servants do not hurt others, do not tax unfairly or over charge people just because they have power to do so, do not abuse their position to inflict pain to others. They do not discriminate against anyone on the basis of ethnicity, race, culture, language, religion, colour, political and sexual orientation (Mafunisa, 2003:63).

Public service professionals put greater public benefit above their own comfort as they are expected to respond at all times in times of need. As employees of the public service, they are expected to be loyal to the state and the democratic ideals which may be at conflict with the logic of professional expertise (Mafunisa, 2003:64). According to Mafunisa (2008:90) professional public servants have the obligation of providing quality services to the people effectively and efficiently.

Professional public servants must deliver promised goods and services to the people and should also be physically accessible when they are needed. The attitude of political office-bearers and public officials towards their work, fellow colleagues and members of the public is very crucial in this regard (Mafunisa, 2006:904). It is required from public servants professionals to treat their colleagues and members of the community with dignity and respect in spite of their external social status.

Public servants should strive to utilise their powers for the benefit of the people and therefore demonstrate a strong commitment to the rule of law as well as compliance with relevant legislation. The rule of law is the legal principle that law should govern a nation, as opposed to arbitrary decisions by public officials (www.en.m.wikipedia.org/wiki/Rule_of_law). The rule of law which is closely related to the Constitution is the idea that we are governed by laws that are created by a democratic process. In the South African context the rule of law means that the constitution is the supreme law of the country and should be the ultimate authority and not the government. It is the basic constitutional principle in a real democracy (Gildenhuys & Knipe, 3013:93).

In municipalities, political office-bearers such as mayors and ward councillors are elected as representatives of citizens to make and to implement the law. The rule of law allows due process and the right to appeal decisions (Greene, 2005:19). Laws should be enforced to make them meaningful. Fair legal frameworks, which are enforced on an impartial basis coupled with the independence of the judiciary, assist in the foundation for building societies where people can feel secure. Compliance with the rule of law also requires effective mechanisms of dealing with breaches of legal provisions (<https://www.ifca.org>). Enforcing the rule of law examines how elected public officials in modern democracies have been subjected under intense scrutiny from new forms of political control, and how these have been successful in combating unethical

behaviour (Peruzzotti, 2006:1). Where the rule of law is enforced, unethical conduct such as corruption, unfair discrimination, undue abuse are minimised. The rule of law, as a first principle of democracy, eliminates misuse of power and position by professional public servants. Compliance to the Constitution, subordination to political supremacy, observing official propriety, compliance to administrative restrictions and upholding justice and fairness are instrumental in exposing unethical behaviour, bringing new issues to the public agenda, influencing policy decisions and enabling people the opportunity to fulfil their dreams, individually and collectively (Hamade, 2011).

In South Africa, section 2 of the Constitution, 1996 makes provision for the Constitution to be the supreme law of the country. Any act which is inconsistent with the Constitution is unlawful, invalid and unenforceable. The effect of this provision is that laws must comply with the Constitution. With regard to Local-government legislation of the municipality part of Section 151 of the Constitution, 1996 states that the executive and the legislative authority of a municipality is vested in its municipal council. The municipality has the right to govern, on its own initiative, the local government affairs of its community, subject to the national and provincial legislation, as provided for in the Constitution. Professional public servants are required to respect and to pledge allegiance to the Constitution as Section 195 requires them to respect the basic values and principles such as accountability, openness and transparency, efficiency and effectiveness.

Professional public servants are required to be subordinate to political office-bearers and judges and although they may attempt to influence policy direction, they must always respect their political superiors by being always at the background unless allowed to occupy the driving seat. Senior public officials must serve as role models in terms of ethics and conduct in their professional relationship with political office-bearers, fellow colleagues and members of the public (Mafunisa, 2008:84).

Public service professionals also are expected to support and to be loyal to the government of the day. It is expected of public officials to conform to established standards of good or proper behaviour (www.dictionry.reference.com/browse/propriety). Some may be required to demonstrate their support to an organisation through the wearing of special uniform.

Professional public officials cannot perform on behalf of the government without permission to do so and this includes the use of financial and human resources without higher approval. They are required to apply the law in order to ensure that any form of unethical behaviour is eliminated. Public servant professionals are required to be fully accountable to their political heads and for the purpose of quality service delivery to the people, tensions between them should be addressed as quickly as possible (Mafunisa, 2003:100).

Although South Africa is characterised by cultural diversity, it should in no way serve as a means of unfairly discriminating against one culture over another when rendering services (Mafunisa, 2008:90). Everyone should be treated with the same respect when judged since all are subject to the law. In public administration individuals should be accorded the same treatment and consideration which can generally be extended to all individuals at similar situations.

The public need the assurance that public services are under control and carried out within the framework of the policies (Hanekom & Thornhill, 1998:150) hence accountability is an important concept in contemporary management theory and practice. According to Starling (2008:169) a synonym of accountability is answerability and means that a public official must be answerable to someone or something outside himself/herself. In other words, when something goes wrong, someone must be held responsible. Public accountability requires that the actions of public institutions be publicised to encourage public debate and scrutiny (Du Toit et al, 1998:114).

Public sector institutions are run for the public good, so the need for openness about their activities is imperative. Openness can be promoted when professional public servants engage effectively with the people. It is required that professional public servants should promote the principles of openness and transparency when performing their official duties. To demonstrate that professional public servants are acting in the public interest and to maintain public trust and confidence, they should be open about their decisions, actions and how scarce resources are utilised (<https://www.fac.org>). Accountability which is closely related to openness and transparency requires senior public officials to conduct themselves in a way that subordinates might imitate them (Mafunisa, 2002:55). Openness puts everything in the open exposing any wrongdoing while transparency promotes open public administration which enables citizens to protect their interests. According to Du Toit et al (1998:156) openness and transparency can be

used as a powerful weapon to expose public servants and political office-bearers who are involved in unethical conduct.

In a democratic state, the public service is expected to be responsive to the needs of the people. The realisation of such expectation is often dependant on the public official's commitment to maintaining acceptable standards of service delivery (Dorasamy, 2009:56). The concept responsiveness refers to the prompt acquiescence by the public institution to the popular demands for policy change and can mean that the government does more than simply react to popular demand (Starling, 2008:157) Responsiveness dictates that public institutions and public officials are sensitive to the needs of the people (Du Toit et al, 1998:113). To achieve this important objective professional public servants must ensure that public administration is user-friendly by:

- Treating people with respect and dignity.
- Taking public relations seriously.
- Encouraging public participation in all their activities, and
- Being flexible in order to accommodate the needs of people to improve public participation.

Mafunisa (2008:88) argues that members of the public should be informed about unethical behaviour by senior public officials to enable them to serve as credible whistle-blowers. A culture of mutual cooperation characterised by trust must be cultivated between members of the public and public servants. Public service professionals are expected to be true to the public as this will encourage members of the public to support the government. The greatest worry that encourages dishonesty in the public sector is the tolerance and lack of political will of the leadership to stomp up the evil and punish the guilty (Paradiang, 2008:10). The tolerance sets a bad precedence for others and where parties who are supposed to have a mutual relationship do not trust each other, mutual corruption and ineffectual administration result.

Professional public servants must be knowledgeable and be fully informed about public administration. They must be conversant with the intentions of the government and issues which affect their work. Public officials should be life-long learners in order to address the dynamic challenges of the public sector and to keep pace with the modern technological environment.

Public servants should be loyal to the democratic ideals which sometimes can be at conflict with the professional expertise (Mafunisa, 2003:64). Democracy is a key to effective governance. According to Lewin & Gilman (2005:37) democracy upholds values of impartiality, justice, the rule of law, liberty, equality, and human dignity. Democratising the public service involves among others improving the rights of individuals and transforming the organisational culture of public administration. Public service professionals should adopt a particular set of values to ensure efficiency and effectiveness in service delivery (Caiden, 1999). The Constitution of the Republic of South Africa, 1996 requires professional public servants to be loyal to the democratic principles and fundamental rights of the nation by serving the people (Constitution of the Republic of South Africa, 1996).

Public servant professionals should strive to ensure that any form of unethical conduct is dealt with decisively in public administration and those who are involved in corruption must face the full might of the law. They should demonstrate through words and deeds that any form of corruption in the public sector cannot be tolerated. Professional public servants in the democratic government should refrain from any form of corruption and reprimand those who are involved in such unethical practices. The detrimental effect of corruption is that it promotes private gains or selfish interest at the expense of public interest (Gildenhuys, 1991:45) and it is therefore imperative to intensify the fight against corruption.

Democratic public administration promotes the involvement of the community in decision making and municipalities in a democratic society should be kept as close as possible to the people (Kendall, 1991:13-14). Members of the public should be encouraged to take an active part in the issues which affect their lives. Direct involvement of members of the community should be promoted by encouraging and allowing them to take an active part in public institutions such as libraries and health care. This initiative will allow the government to be more transparent and representative of its people. The scope of liberty should be enlarged and the rights of individuals should also be protected against undue interference by the state. This includes maintaining basic civil liberties such as freedom of speech and gathering (Bekker, 2011:16) as is enshrined in Section 16 of the Constitution of the Republic of South Africa, 1996.

In order to enhance quality service delivery to the people, activities of the government are carried out nationally, regionally and locally of which municipalities are part of. It is incumbent to

public service professionals to determine activities of the government that can best be performed nationally, regionally and locally. Although professional public servants are politically subordinates in nature to their political office-bearers, they always strive to improve their professional performance. They are knowledgeable in terms of technical expertise and therefore perform their duties to ensure that sound public administration is realised. This ultimately involves improvement in the quality and quantity of public goods and services, enhancing the quality of public leadership and policy-making. The emerging trend in public administration is more proactive, business-like, resourceful, creative and innovative. Professionalism of public officials will insulate them from undue political and public pressure, communication will be improved, worker's satisfaction will be enhanced while increasing the undertaking of the responsibilities of employees (Mafunisa, 2001:326). Although the government is not a profit making institution, senior public officials acknowledge that certain corporate principles are relevant in public administration, namely:

- Public administration must be effective and efficient.
- Better training and education is encouraged to strengthen professionalism among public servants. According to Mafunisa (2001:330) training can enhance effective and efficient work performance as well as sound public administration.
- Higher standards of conduct must be enforced.

The conduct of public officials must always be acceptable and be exemplary to all members of the community as they are always under public eye. Public servant professionals must behave in a way that is acceptable to the rest of the community. Although they cannot be expected to be perfect, they must strive to ensure that their conduct is consistent with what is valued as correct by the society. The personal behaviour of a senior public servant exert more influence than things they say (Mafunisa, 2003:64). It is therefore important for the government not to condone any action by public officials which is inconsistent with acceptable standards. If the government wants to change behaviour of people, public functionaries must refrain from doing what they want nobody to do (Caiden, 1999). Professional public servants should conduct themselves in such a way that it becomes difficult to find mistakes from them. They should be beyond reproach and are not expected to be found at the wrong side of the law. They must be positive role models (Mafunisa, 2003:64). Public officials are also expected to promote good habits which include regular exercise, balanced diet and to avoid harmful substances and substance abuse. It is

expected that senior public officials be physically and mentally fit. For an example, it became an issue of national concern when the health of the former President of the Republic of South Africa, Nelson Mandela deteriorated (News 24.com). The Constitution of the Republic South Africa does indicate that the President can be removed from his position if he is ill to govern the country. The National Assembly has the power to vote on the removal of the President (Constitution of the Republic of South Africa, 1996).

Professional public servants are expected to uphold higher moral standards and to demonstrate virtues of the righteous as being considerate, hardworking, respectful and kind. They should avoid doing bad and evil things to the community. According to Mafunisa (2003:64) senior public servants must also treat their subordinates with respect as they cannot be leaders without them and have the duty of instilling competence and commitment to subordinates to enhance their knowledge and skills levels. Coaching can serve an important role in this regard as it helps newly appointed public officials to be conversant with the new environment. Learning is improved through coaching because it is timely and the focus is on what the public official should know about the job (Kinlaw, 1993:13-14). Through coaching the professional public servant can create a conducive environment for the subordinates to improve performance and public servants will be more successful in their duties if they possess required abilities credentials (Thornhill & Hanekom, 1995:205).

Ethics and professionalism in public administration are closely tied and are both aimed at promoting the best interest of the community (Du Toit et al, 1998:135; Mafunisa, 2001:325). Although professionalism and ethics are related and are the requirement of good governance, they are not the same. Professionalism is more specific to a particular profession whereas ethics is general and unifying to everyone. However, it is required of public officials and political office-bearers to display a high degree of professionalism and ethical behaviour in performing their duties (Dassah, 2008:38). It is for this reason that Edwards (2008:86) argues that there is an urgent need for a high standard of professional ethical conduct to ensure good governance in the public sector. It is therefore required of public administration to ensure that a high standard of professionalism and ethics is demonstrated by its political office-bearers and public officials during the performance of their professional duties.

2.3.11 Implementing codes of conduct and codes of ethics

Codes of conduct and ethics have attracted enormous attention partly because of increasing public concern about how public officials conduct themselves while performing their official duties. Codes of conduct and codes of ethics are erroneously understood and sometimes used interchangeably as if they are the same (Mafunisa in Kuye, 2012:198). Codes of ethics govern decision-making and relate to the ethical conduct of public 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).

2.3.11.1 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 et al, 2001:175) and outlines specific behaviours that are required or prohibited as a condition of ongoing employment (Gillikin, 2016:2). Codes of conduct consist of set of provisions that defines right and wrong behaviour (Mafunisa in Kuye et al, 2002:198) and are usually contained in a section of government's rules on public service ethics (Mafunisa, 2008:27) making a statement about what is expected of public officials and set out principles that are to be followed (Greene, 2005:361). They focus on the core functions of the institutions which are rigorous standards that are tightly enforced by senior public 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 are aimed at promoting and maintaining responsible conduct of public officials; providing guidelines to public officials in exercising their discretionary powers; providing guidelines to public 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.

Public officials are expected by the code of conduct to promote sound, efficient, effective and accountable administration; to be honest and accountable in the utilisation of public funds and to

use the public service's property and other resources efficiently and only for official's purpose (Mafunisa in Kuye, 2002:198).

The code of conduct contributes to developing ethics and accountability in the public officials which encourages public officials to perform their duties effectively and efficiently (Mafunisa, 2008:29) and serves as the basis against which conduct which is not desirable, can be assessed (Du Toit et al, 1998:121).

2.3.11.2 Codes of ethics

Codes of ethics are generally wide-ranging and non-specific and are designed to provide a set of values which allow public officials to make independent judgements about the correct course of action (Gillikin, 2016:2) and thus serving as a yardstick for the behaviour of public officials in the performance of their duties (Kuye et al, 2002:199). Codes of ethics provide guidance to public officials while rendering service to the society, and safeguard them against undue claims from the society and improve public perception about the public service (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 public official; indicate what sanctions will be imposed where ethical principles are violated and may be aspirational, guiding and regulatory in character depending upon the context (Lawton, 2004:95).

If effectively implemented both the codes of conduct and codes of ethics promote public trust and confidence in the performance of political office bearers and public officials; eliminate any form of unethical behaviour of public officials; serve as guidelines to public officials in sustaining relationships with fellow colleagues, political office bearers and members of the public and sensitise both serving and aspiring public officials to the ethical foundation of public administration (Mafunisa in Kuye et al, 2002:199).

2.3.12 Training and educating public officials in public service ethics

Public officials are involved in scandals involving unethical conduct and therefore, emphasis need 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 responsible for the teaching of general skills relevant to a field of discipline rather than a particular job while training is mainly concerned in imparting knowledge, skills and attributes that have immediate specific applicability to a particular set of situations in a specific job (Mafunisa in Kuye, 2002:196). Education is used to acquire a mind-set which is not correctly owned or to deepen a mind-set already possessed. Education broadens the learner and in this case the public official, making him/her different from everyone else and helps him/her think in his/her own way to solve problems that have not been solved before. 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. In this sense, education programs include training but training program does not include education (www.evollution.com). Training is a systematic and planned process aimed at shaping the knowledge, skills and behaviour of employees in order to achieve the objectives of the institution (Erasmus & van Dyk, 1999:2). Training is aimed at the practical application of knowledge as well as the development of specific behaviour patterns and attitudes (Du Toit et al, 1998:122). Disoloane (2012:980 asserts that ethics training refers to those processes and experiences, which are designed to impact knowledge, understanding, and skills to public 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). Academics (see van der Merwe, 2006; Kroukamp, 2006; Kanyane, 2005; Mafunisa, 2007; Edwards, 2008) agree that unethical behaviour is the main challenge in the South African public service. Inefficiency and ineffectiveness in the public service is partly attributed to a lack of relevant education and training in the majority of political office bearers and public officials and therefore ethics training and education should be offered to enhance their performance.

Comprehensive ethics training activities can address a number of weaknesses within municipalities. Training activities may take the forms of reforms at universities curricula and the introduction of recent technologies particularly the internet. A survey of the perceptions of graduates of Masters of Public Administration programmes suggests that ethics courses influence behaviour as good ethics courses provide students with awareness of ethics issues they might confront, as well as cultivate an attitude of ethical obligation in pursuing a career in public service (Menzel in Lewis & Gilman, 2000:204). Mafunisa (2008:33) goes so far as to offer examples of universities which offer compulsory courses on ethics and accountability in public management in their curricula, namely, the University of Witwatersrand's School of Public and Development Management and the University of Venda's Institute of Governance. This is a clear indication of how institutions of higher learning are concerned about knowledge with regard to ethics and accountability by public officials and political office bearers emphasising the fact that public officials and political office bearers should be encouraged to learn more about ethics and accountability in order to be effective in rendering services to the people.

Hanekom, Rowland and Bain (1995:170) are of the view that higher learning institutions such as universities and universities of technology should include aspects which deal with ethical dilemmas such as the relationship of the public service and the public officials with other government institutions and the public, exercise of discretionary powers, misuse of office, value choices. Sadly enough, not all public officials attend universities and technikons, and those that do, do not necessarily study ethics and accountability as their courses. Specific provisions should therefore be made to ensure that all employees are trained in terms of public service ethics.

Programmes of training should include prohibitions concerning the misuse of public funds for private gain or to further personal interests; measures to prevent confidential information from being accessed by private individuals for the purpose of advancing their interests at the expense of others; specific legislation, regulations and procedures which govern the actions of public officials and prescriptions with regard to reasonable and fair actions towards both the colleagues and the public (Andrews, 1988:40).

Education and training in public service ethics is always aimed at promoting public interests (Hanekom et al 1995:171) since public officials are regarded the stewards of public resources and guardians of a special trust that the citizenry has placed in them (United Nations, 200:3).

Public officials are required to understand what is ethical or unethical in their line of duty (Manyaka & Sebola, 2013:79) because they are entrusted with the responsibility of performing their duties for and on the behalf of the people (Manyaka & Sebola, 2013:80).

2.3.13 Promoting freedom of communication

There is evidence that where the public has access to the free press, there is political stability (Norris, 2008:1). The promotion of media that advocate for freedom of communication, is a cornerstone for a free and democratic society and is a necessary condition for the promotion and protection of human rights. Freedom of the media is the freedom of communication and expression which implies the absence of undue state interference and in South Africa section 16 (1) of the Constitution, 1996 expressly state that everyone has the right to freedom of expression including 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.

Reports in the media safeguard ethics and accountability (Mafunisa in Kuye, 200) by exposing scandals, mismanagement and other forms of corruption in the public sector. Exposing unethical behaviour and negative work ethics educate the members of the public about ethics and accountability and encourage them to become fearless whistle-blowers. Citizens are therefore encouraged to make comments on public issues without restraint allowing them to report any unethical conduct by public officials and political office-bearers.

The challenge is that some members of the public who are to benefit from the role of the media in exposing unethical behaviour by public officials and political office bearers are illiterate. However, members of the public must be encouraged to understand their rights and should be taught and motivated to express their dissatisfaction with regard to unethical practices of public officials and political office bearers (Mafunisa, 2008:35).

The fear of being exposed to the public by communication media might discourage political office bearers and public officials from behaving unethically, ineffectively and inefficiently.

2.3.14 Encouraging public participation

Public participation is a relatively new concept in South Africa as the previous government created municipalities based on race in order to facilitate the suppression of black communities (Nyalunga, 2006:1). Public participation is a constitutional matter and a political right afforded to all citizens (Hicks, 2004) and is one of the effective ways to improve accountability and good governance (Ackerman, 2004:448). Public participation in the South African system of government offers enormous challenges to public managers who are required to promote it in order to enhance service delivery. Through public participation, the diverse needs and requirements of the people are addressed (Pauw et al, 2011:281) and local residents commit themselves to be responsible for their collective action. Public participation entails the involvement of community members in the development of activities in the community to ensure the benefits from the results of such activities (Cloete et al, 2011:114). Public participation is a broader concept than merely receiving of information by citizens from authorities about proposed actions (Brynard & Bekker, 2011:41) and communities can also exercise their democratic choices in determining development priorities in the absence of coercion. Public participation is institutionalised through the enactment of the Municipal Structures Act, 1999 which allows citizens to elect their representatives, namely, Mayors and councillors. The Municipal Systems Act promotes public participation by providing the right of the citizens to contribute in decision making process of the municipality, be informed of decisions of the municipal councils, and the disclosure of the state of affairs of the municipality. These legislative provisions ensure transparency and accountability in the management of municipalities. Based on the above statements from different authorities it can be argued that public participation encourages the involvement of people before decision-making.

There is an apparent reluctance of public managers to encourage public participation (Bekker, 2011:76) because when people have information concerning government activities that may constitute an effective check on the exercise of their discretion, it forces them to be aware and be sensitive on the implications of their decisions. However, it is incumbent on the public managers to take steps to accommodate the citizen's needs to participate in the processes of decision-making and other public management activities (Du Toit et al, 1998:124). Although potential public participants are not provided with enough information to participate optimally, the transparent government can ensure that the public is well informed about government issues, problems and strategies (Bekker, 2011:72). It is unfortunately true that where there are immoral

performances and lack of accountability by government officials, citizens are not allowed to take an active part in decision-making and service delivery suffers.

2.3.15 The role of leaders in promoting ethical conduct

An ethical leader has an idea of goodness and respective goals and is willing to hold on to these goals even in trying times. A good leader is authentic, cares strongly about certain ideas that deserve robust concern and is a person of prudence. Ethics is central to leadership because of the nature of the relationship between leaders and followers. Leaders influence followers; this means they affect follower's lives either positively or negatively. The nature of the influence depends on the leader's character and behaviour. Leaders have more power with respect to their impact on followers and influence them in the pursuit and achievement of common goals. It is in these situations that leaders need to respect their followers and treat them with respect and dignity. Leaders need to treat their followers as individuals with distinctive identities. Leaders are instrumental in developing and establishing organisational goals and therefore their own personal values determine what kind of ethical climate will develop in their institutions. Senior public officials and political office bearers are required to exemplify the values of the public institution and must also provide realistic role models for subordinates to follow. Human Resource (HR) systems must reward such behaviour in order to create a strong ethical culture (Mafunisa in Kuye et al, 2002:197). Although legislation remains the main driver of ethics, it can never be a substitute for the presence of leaders who support and model ethical behaviour (www.businessethicsblog.com/2006/). Leaders must always be influencers of sound ethical conduct in the public service and must be viewed as being responsible for the ethical standards that govern the behaviour of subordinate public officials (Mafunisa, 2008:26). Public service managers must change their own mind set and accept ethical standards established by their own institutions, even if it is against their own beliefs and culture (Lues, 2007:219).

The example leaders set and decisions that they make influence their subordinates to make decisions according to similar criteria (Du Toit et al, 1998:122). Sindane (2011:759-760) argues that there is a strong link between good governance and ethical leadership. Accountability and transparency are the main ingredients of good governance and ethical leadership and leadership must show direction to the institution by empowering subordinates through collaborative actions

to enhance good governance. Senior public officials should exemplify the values of the public service and to provide tangible role models for subordinates to follow (Mafunisa, 2008:26) by showing their subordinates how to behave well at work (Deal & Kennedy, 1988:14-15). Ethical leadership is positively associated with desired outcomes related to their subordinates which include willingness to exert extra effort and help others, task performance, job satisfaction, commitment to an institution, optimism in the future regarding the institution and their place within it, and willingness to report challenges to management (Nelson, 2015:n.p). If senior public officials do not set a good example, it is possible for subordinates to imitate them. Once the head is rotten the body has no chance of escaping the same fate and it is therefore important for senior public officials at Vhembe District Municipality to behave ethically if they expect subordinate public officials to respect and to imitate them.

2.3.16 Constitutional institutions

The Constitution of the Republic of South Africa, 1996 makes provision for the establishment of institutions referred to as chapter 9 institutions to strengthen and to safeguard constitutional democracy. According to Section 181 (2) of the Constitution of the Republic of South Africa, 1996 these institutions are independent, and subject only to the Constitution and the law, and they must be impartial and must exercise their powers and perform their functions without fear, favour or prejudice. Chapter 9 institutions are the Public Protector, the South African Human Rights Commission, Auditor-General, Independent Electoral Commission, Commission for Gender Equality, Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities, Public Service Commission.

2.3.16.1 The Public Protector

The Constitution of the Republic of South Africa makes provision for the formation of the Office of the Public Protector for the Republic (Section 110 (1) of the Constitution of the Republic of South Africa Act, 1993). Before the formation of the Office of the Public Protector there was the Office of the Ombudsman which performed related functions.

Section 182 (1) of the Constitution, empowers the Public Protector as regulated by the national legislation to investigate any conduct in state affairs, or in public administration in any sphere of

government, that is alleged or suspected to be improper or to result in any impropriety or prejudice; to report on such conduct; and to take appropriate remedial action. The Public Protector's competence is not only restricted to investigate complaints that could be classified as criminal acts only but also where the law may not have been transgressed but where the community's sense of right and wrong is affected (Pienaar,1999:4).

The Public Protector is appointed by the government with a significant degree of independence, and who is charged with representing the interests of the public by investigating and addressing complaints with regard to maladministration or a violation of rights (www.en.wikipedia.org/wiki/ombudsman). Whilst the powers of the Office of the Public Protector in some countries are restricted by legislation and specific areas of state administration are explicitly excluded from his/her sphere of competence, the South African Public Protector has unrestricted authority to investigate any misappropriation of state funds (Gildenhuys, 2006:99). The Public Protector is also authorised to investigate any alleged maladministration in institutions in which the state could be the majority or controlling shareholder (Section 6 (a) of the Public Protector Act, 1994). Section 8 (1) and (2) of the Public Protector Act, 1994 authorises the Public Protector to declare to the public the findings and the recommendations thereof. The Public Protector is easily accessible to members of the public despite their financial, social status or resources available to them, and due to its independence can investigate cases of corruption and maladministration relatively early (Pienaar, 1999:2). However, the purpose of the investigation by the Office of the Public Protector is not to give publicity to the complaint but to redress a wrong if any wrong is found so that the recurrence of similar wrongs in future are avoided (Gildenhuys, 2006:98). The report of the Public Protector must be accessible to members of the community unless there are exceptional circumstances, to be determined in terms of the national legislation, which require the report to be kept confidential. According to Mafunisa (2000:40) the office of the Public Protector promotes the development of ethical behaviour and accountability. The fact that the Public Protector investigates complaints brought to his/her attention by aggrieved citizens and then report these to the legislature enable the Parliament to enforce accountability based on the report of the Public Protector. The Public Protector provides a visible and approachable point where citizens can lodge complaints, which are then objectively and independently investigated.

The Office of the Public Protector as an apolitical institution, has the obligation of investigating unethical behaviour of political office bearers and public officials (Mafunisa in Kuye et al, 2002:201). Despite the perception of a lack of commitment by some political leaders and officials to implement the recommendations of the Public Protector (Pienaar, 1999:6) it however assists to regulate and improve relations between the state and its citizens by addressing hostilities between public functionaries and the people as well as administrative challenges such as corruption. Because the report of the Public Protector is open to public consumption, it is hoped that public officials and political office bearers at rural-based municipality will be motivated to behave ethically and to perform their duties effectively and efficiently for fear of being exposed to the members of the public.

2.3.16.2 Auditor General

The Office of the Auditor General is formed in terms of the South African Constitution, 1996 making it the supreme audit institution of South Africa, existing to support constitutional democracy by enabling oversight, accountability and governance in the public sector through auditing, thereby promoting public confidence. Section 189 of the Constitution, 1996 provides for the appointment of the Auditor-General for the fixed, non-renewable term of between five and ten years and he/she is required to act independently to ensure that finances of the government are managed on behalf of the legislature. Section 188 (1) makes provision for the Auditor-General to audit and report on the account, financial statements and financial management of all national and provincial departments and administration; all municipalities; any other institution or accounting entity is required by national, provincial legislation to be audited by the Auditor General.

Section 3 of the Auditor-General Act empowers the Auditor-General to ensure that resources are procured economically, effectively and efficiently and to audit and report any irregularities regarding the use of public funds and property. The Auditor General also serves as an independent external auditor for institutions that depend on public funds and reports directly to parliament, the provincial legislatures and municipal councils. The independence of the Auditor General is protected by Section 181(5) of the Constitution which restricts anyone or state organ from interfering with the functioning of Chapter 9 institutions (Pauw et al, 2011:167). The

Auditor General has the duty to determine whether various state institutions comply with the laws, regulations, policies and internal control measures by performing audits to ascertain whether state institutions have indeed employed satisfactory management measures to ensure that resources are procured economically, and utilised efficiently and effectively. According to Mackenzie in Hanekom and Thornhill (1983:192), in the absence of auditing there would be no accountability, and in the absence of accountability there would be no control and without control the seat of power will be undermined. Finance is the enabling factor in the delivery of services in the municipalities, and without auditing which seeks to detect if the money is being properly used, the money will be misappropriated thus defeating the end for which budgeting was done. Hanekom and Thornhill (1983:193) contend that the main objectives to be achieved by the Auditor-General is to ensure that transactions are regular or are in conformity with relevant accounting, legal and administrative requirement. A further priority is that auditing should be aimed at establishing if the authority of the legislature has been obtained and that all activities of state departments are undertaken in accordance with the requirement of the Parliament. According to Schwella (in du Toit, 1991:63) Parliament needs to get a clear picture of how the government is performing its business and how resources are being used to achieve the aims of the Parliament. The Auditor-General is an indispensable aid to Parliament if it has to ensure accountability of governmental and administrative actions.

The audit reports cannot prevent irregularities and unauthorised expense because they are released after expenditures have been made by departments. As a watchdog over the government the focus of the Auditor-General is not on inefficient or improper bureaucratic conduct but on the proper use and management of public funds (www.en.m.wikipedia.org). Another weakness of the Office of the Auditor-General is that it has no legal power to prosecute as this could be performed by the Office of the Director of Public Prosecution (Nsingo in Moeti, 2014:51). While this could be regarded as a shortcoming in auditing, the process can however reveal gaps in the management of public funds.

In order to comply with ethical practices the findings of the Auditor General are reported to Parliament, thus making them available for public use (Visser & Erasmus, 2007:57). Reports of the Auditor General receive media attention since irregularities by political office bearers and public officials are exposed. (Cloete, 1998:209).

Political office bearers and public officials will be motivated to perform their duties effectively and efficiently to escape adverse publicity which they know will form part of a report on financial irregularities.

2.3.16.3 Public Service Commission

Section 196 of the Constitution of the Republic of South Africa makes provision for the formation of the Public Service Commission (<http://www.publicservicecommission.co.org>), which is independent and impartial and which must exercise its powers and perform its functions without fear, favour, or prejudice in the interest of maintaining effective and efficient public administration and a high standard of professional ethics in the public service. Public Service Commission derives its mandate from Section 195 of the Constitution of the Republic of South Africa, 1996 which promotes measures to ensure effective and efficient performance within the Public Service and to promote values and principles of public administration including the efficient and effective use of resources; promoting and maintaining a high standard of professional ethics; accountable public administration; providing services in a fair, impartial, equitable and without bias; fostering transparency by providing the public with accurate information; responding to the needs of the people and ensuring that public administration becomes representatives of the South African people.

Public Service Commission is empowered to identify unethical behaviour and to recommend steps to enforce compliance with the provisions of personnel regulations and a code of conduct. The Commission promotes effective financial management and administration and consequently a high standard of professionalism and ethics in the public service (Mafunisa, 2008:43). Public Service Commission can also introduce new performance management systems in order to improve productivity and to investigate corruption with an aim of curbing it (Cloete, 2012:153).

According to Section 3 of the Public Service Act, 1994 Public Service Commission may recommend the promotion of effectiveness and efficiency in the functioning of the departments through improvement of supervision; improving organisation, procedures and work methods; simplifying work by eliminating unnecessary work; ensuring that public officials are well

trained; improving facilities at work; promoting sound labour practices; and ensuring that the number of public officials in departments is limited.

The Commission has the power in terms of the Constitution, 1996 to make recommendations, giving directions and conducting enquiries with regard to the organisation and administration of public service departments, conditions of service and other matters in relation to personnel practices such as appointments, promotions, transfers, termination of service, promotion of effectiveness and efficiency and the code of conduct. Public Service Commission which is accountable to parliament with regard to its performances creates a unified system of governance which promotes efficiency and effectiveness in service delivery, a responsive public service, and compliance to ethical behaviour of public officials with a focus on accountability and high productivity.

2.4 Legislative framework

Legislative framework refers to the process of implementing the law and governing it. It is important to explore relevant legislation that have bearing on the current research which are related specifically to both the national and local spheres of government in South Africa. Legislative frameworks will be reviewed to determine how these are related in curbing unethical conduct.

2.4.1 The Constitution, 1996

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 (Van der Waldt et al, 2014:45).The provisions of Section 195 of the Constitution of the Republic of South Africa, 1996 are applicable to service delivery improvements. The following seem relevant:

- Promotion and maintenance of a high standard of professional ethics
- Delivering services impartially, fairly, equitably and without bias
- Utilising scarce resources efficiently, effectively, economically and effectively
- Responding to the needs of the people

- Ensuring that service delivery be accountable, transparent and development-orientated.

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 public services in an equitable, convenient and cost-effective way. Municipalities are also encouraged to promote community involvement in the affairs of the local government. This can be achieved by putting the Bill of Rights at the front, which reflects the country's values regarding human dignity, equality, and freedom and uphold the principles enshrined in the Constitution. (Van der Waldt et al, 2014:45).

2.4.2 The White Paper on the Transformation of the Public Service Delivery, 1995

The White Paper on the Transformation of the Public Service (WPTPS) of 1995 aims at introducing a new approach to service delivery which involves creating a framework for delivering public services by treating citizens as customers and to enable citizens to hold public servants accountable for the service they receive. Accordingly, the WPTPS is aimed at enhancing efficiency and effectiveness by transforming the culture of public service delivery to ensure that people are at the centre stage of service delivery.

2.4.3 Public Service Regulations, 1999

Public Service Regulations of 1999 make provision for all public officials to comply with the principle of the code of conduct for the public service. Public Service Regulations provide public officials with the code of conduct (Du Toit et al, 2002:12). Through compliance to the code of conduct the behaviour of public officials will improve and they will be motivated to conduct themselves ethically and to perform their duties without violating the provisions of the code (Mafunisa, 2008:29). It is unethical and also in violation of the provision of the Public Service Regulations, 1999 when public officials do not perform their duties in terms of expected standards.

Public Service Regulations, 1999 also provide guidelines regarding personal conduct of public officials and their private interests and promotes key principles such as effective and efficient

service delivery; the duty of consulting with the people; service standards which are clear and measurable; equal access to public services; openness and transparency; treating people with courtesy; mechanisms for redress in case service standards are not met. By embracing the values Public Service Regulations public officials will strive to improve public services delivery programmes.

2.4.4 Promotion of Access to Information Act, 2000

These legislative framework makes provision for the citizens to have a constitutional right to access any information which is held by the state and binds government institutions to ensure that the information is made available when needed.

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 et al, 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 in the public officials and political office-bearers to ensure checks and balances against any abuse of power. The purpose of the Act is to promote a society in which citizens have access to information and empowers them to exercise their democratic rights as informed by Section 32 of the Constitution of the Republic of South Africa, 1996. 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 Waldt et al, 2014:47).

2.4.5 White Paper on Transforming Public Service Delivery, 1997

Legislative frameworks which make provision for the promotion of efficient administration and sound governance in public institutions include White Paper on Transforming Public Service

Delivery, 1997; Public Finance Management Act, 1997; Promotion of Administrative Justice Act, 2000.

The White Paper on Transforming Public Service Delivery of 1997 was introduced as a new philosophy of public service delivery 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 et al, 2002:108).

The White Paper gives effect to Batho-Pele principles which are considered guidelines to all levels of the government, including municipalities when introducing service delivery programmes (White Paper on Transforming Public Service Delivery, 1997:7). 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 public service delivery. 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. This is important because municipalities need constant feedback from service users if they are to improve their operations (Van der Waldt et al, 2014:124).

2.4.6 Public Finance Management Act, 1999

Public Finance Management Act (PFMA) defines what is expected from an accounting officer (Fourie in Kuye et al, 2002:122-123) by introducing generally recognised accounting practices based on internationally accepted practices which require the efficient, effective and economic use of public funds. The PFMA requires managers in the public sector to comply with financial management and internal control systems, for effective, efficient and transparent utilisation of scarce resources of the government. Effectively, the Act prevents wasteful, irregular, fruitless and unauthorised use of public funds and failure to comply with the Act is regarded as financial misconduct and can be a valid ground for dismissal or suspension. Furthermore, Public Finance Management Act promotes value of money in the procurement of public goods and services.

2.4.7 Promotion of Administrative Justice Act, 2000

The Promotion of Administrative Justice Act, 2000 which is consistent with the Constitution of the Republic of South Africa, 1996 specifically protects individuals against any abuse of power by organs of state and public officials. The Act gives effect to the people's right to consultation and redress if his/her rights are negatively affected by administrative action. The objective of the Promotion of Administrative Justice Act, 2000 is to advance efficient administration and good governance by creating a culture of accountability, transparency and openness in the performance of a public function by public officials. Section 3 (1) of the Promotion of Administrative Act states that: "Administrative action which materially and adversely affects the rights or legitimate expectations of any person must be procedurally fair." Section 4 of the Promotion of Administration Act further states that where administrative action materially and adversely affects the rights of the public, a public official, in order to give effect to the right to procedurally fair administrative action must consult with the public by either holding a public enquiry or instituting other appropriate actions. Section 5 of the Promotion of Administration Act articulates rights of citizens to redress by stating that any person whose rights have been materially and adversely affected by administrative action and who has not been given reasons for the action, may request that he or she be provided with written reasons for the action.

2.5 An empirical perspective

This section focuses on examples of unethical behaviour which are prevalent in municipalities. The notion of unethical conduct in municipalities has gained interest among politicians, academics and the general public. This interest can be attributed in part to the increase in unethical conduct of most public servants which undermines service delivery and good governance (Manyaka & Sebola, 2013:77). Most public officials are involved in unethical behaviour because of the power they wield in both the development and administration of public policy (Mle, 2012:28).

Public officials and political office-bearers who occupy positions create opportunities for the diversion of money and other valuables from government to themselves (Langseth, 2000:3). Such misuse of public office and authority in return for personal gain by public officials can

partly be attributed to lack of accountability and transparency. Naidoo (2012:660) argues that accountability is the prerequisite for preventing the abuse of power and of ensuring that power is directed towards the achievement of efficiency, effectiveness, responsiveness and transparency. Unethical conduct by public functionaries negatively affect the image of municipalities and is a concern which deprives the citizens of the services due to them (Mle, 2012:29). Service delivery and good governance are negatively affected by unethical conduct in municipalities and therefore effective measures should be employed to remedy this malady. The section which follows focuses on the unethical behaviour by functionaries which are prevalent in rural-based municipalities. This becomes important because public officials are required to be responsive to the needs of the citizenry through effective, efficient and economic use of scarce resources.

2.5.1 The prevalent unethical behaviour in rural-based municipalities

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 behaviour. Some of the unethical behaviours 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. A discussion of each will be considered in the section which follows.

2.5.1.1 Conundrum: failing to separate politics from management

The Human Sciences Research Council states that the ruling party's (African National Congress, ANC) policy of cadre deployment is negatively affecting public services (www.m.g.co.za/tag/cadre-deployment). The majority of employees employed in rural-based municipalities which are under the control of the African National Congress (ANC) are allegedly politically deployed through the deployment policy with total disregard of the merit system. Deployment policy implies that rewards and appointments of senior public officials in government positions are made on the basis of allegiance to the ruling party and not on the basis of the merit system (Mafunisa, 2003:88). Through cadre deployment policy, public officials

become accountable to their appointees with total disregard to the members of the public, who should be main beneficiaries of services delivered.

A cadre refers to a competent civil servant who cares for the well-being of inhabitants of South Africa and is responsive to the development needs of inhabitants. Ideally, cadre deployment is aimed at ensuring that qualified and competent public servants who are loyal to the vision of the ANC for promoting and sustaining the better lives of all South Africans are employed in senior government positions.

This unethical employment practices are the main cause of tension which negatively affect delivery of services (Dzansi & Dzansi, 2010:996) and the potential of dividing the institution into opposing camps (Ngcamu, 2013:24). The African National Congress has deployed its loyal members to key public sector positions aimed at promoting loyalty and with a strong belief that effective service delivery relies on public officials who are loyal to its programmes and policies (Mafunisa, 2003:86). Through Cadre Deployment Strategy (1997), the ruling party ensures that people who are committed to the party's transformation agenda are deployed to senior positions. Such appointments despite their intended objective of enhancing service delivery, cause serious tensions and confusions between senior public officials and political office-bearers with interference of politicians in administrative duties (Mafunisa, 2003:89). While legislation such as Employment Equity Act (1998) and subsequently affirmative action is intended and designed to redress the wrongs of the apartheid era, the same has turned out to be misused or abused (Dzansi & Dzansi, 2010:996). Political interference in administration has the opportunity of destroying administrative efficiency and therefore policy making activities should be separated from administrative functions (Shafrits, 1985:415). The ruling party's deployment strategy places loyalty ahead of merit system and becomes a serious obstacle to quality service delivery. Politically connected employees are often incompetent and unqualified who naturally are unable to deliver services efficiently and effectively. It should also be understood that the deployment policy was not the new invention of the ANC-led government. When the National Party assumed power in 1948, it deployed its loyal members to senior positions in the public sector making it difficult to separate the party from the public service (Mafunisa, 2003:93). Politicians obtain mandate directly from the electorate to implement their political manifestos making politicians to

be accountable to the electorate. It follows that politicians are pressured to deploy loyal party members who would implement their political agenda (Mafunisa, 2003:93-94).

Competency and ethical standards are crucial for an effective and efficient quality service delivery (Kanyane, 2012). It is at municipalities where there is a serious deficit of skills as skilled people are concentrated at the national and provincial levels as a result of deployment policy of the ANC. However, researcher Gregory Houston argues that it is unfair to place all the blame for incompetent public servants on the ruling party as the ANC has acknowledged the challenges and that not all people deployed by the ANC are incompetent (Mail & guardian, 2012-12-07). The Gauteng Premier concurs that the ANC deployment policy contradicted itself by failing to appoint qualified and properly skilled people to occupy crucial positions in government (www.buzzsouthafrica.com/makhura-cadre).

2.5.1.2 Irregularities in tenders and procurement process

A municipality is an organ of state and that any decision with regard to the awarding or rejecting a tender constitutes an administrative action in terms of the Constitution of the Republic of South Africa, 1996. In terms of the Preferential Procurement Policy Framework Act (2000) all organs of state are required to establish a procurement policy. The Promotion of Administrative Justice Act (2000) also requires the process to be lawful, procedurally fair and justifiable. As an attempt to curb and to prevent the rise of corruption in tenders and procurement process, Minister of Finance Pravin Gordhan in his Budget Speech (2012:26), stated that “National Treasury had issued new regulations which require departments to submit annual tender programmes, limit variations to orders, and require disclosure of all directives”. The Minister of Finance also emphasised that “significant progress had been made in identifying and dealing with those who have abused the system and whose activities fall within the category of priority crimes”.

Despite the legislative framework pertaining to tenders and procurement, senior political office-bearers and public officials are still implicated in unethical conduct relating to tenders and procurement irregularities. Most corruption and misappropriation of public funds occur during procurement (Amponsah, 2012:35) Procurement irregularities involve the rigging of bids where potential suppliers agree beforehand among themselves on the bid winner and the winning price

whilst other companies would submit non-competitive tenders at a much higher prices. The conspiracy increases the profits of the company and cost of the government. Usually, public officials are involved and receive bribes known as kickbacks. This unethical practice is rampant in municipalities and members of the community are shocked when public officials who occupy positions of public trust are implicated in a scandal (Mle, 2012:29). This form of collusion is illegal and causes economic distress to the municipality and to the members of the community who should foot the cost.

The forensic report into financial irregularities at Vhembe District Municipality implicated the Executive Mayor for allegedly looting and defrauding millions of rands. Both the Executive Mayor and the Chief Financial Officer were alleged to be co-conspirators in the concerted plan to loot the public money. For five consecutive years Vhembe District has been obtaining disclaimer opinions from the Auditor-General and continues to fail people who remain in poverty and unemployed. The fraudulent misappropriation of money at Vhembe District which is violating Municipal Finance Management Act (2000) explains why the majority at the ground are still living in miserable poverty (www.dampl.co.za/2015/08/forensicreportshow). Another example of procurement irregularity implicating the Executive Mayor at Vhembe District involved awarding a lucrative tender to a pseudo security company which did not even meet the required standard. It was alleged the Executive Mayor authorised the appointment of duplicate security companies while there was service provider responsible for the function costing the municipality an additional R2 million per annum. Surprisingly, the bogus security company which employed not more than 50 personnel obtained a deal which worth R4 million rand per annum. The General Manager: Corporate Services signed all invoices approving the payment of R4 million to the bogus company while on forced leave because of suspicious corruption and maladministration practices (www.m.polity.org.za/samwu-limpopo). At Musina Local Municipality, the ANC task team led by Falaza Mdaka expressed shock concerning an alleged tender irregularity. According to the information, the Municipal Manager reportedly rejected the lower quotation of R148 250 in favour of a much higher one amounting to R360 000. The higher quotation was apparently submitted by the manager's alleged business partner (www.capricornreview.co.za/17152anc-to-investiga...). At Thulamela Local Municipality there were allegations that apparently the regional ANC was hand picking service providers for the municipality resulting in the disruption of services. Allegations were that Municipal Manager

who failed to toe the ANC line lost their jobs hence many municipalities in Limpopo are being managed by acting Municipal Managers. At Thulamela Local Municipality, the Municipal Manager was a recent casualty after being involved in a tussle with the Vhembe ANC regional secretary regarding the awarding of tenders worth more than R1 billion rand. The ANC regional secretary was allegedly influencing the awarding of lucrative tenders for municipal projects (www.citizen.co.za/404301/bitter-fight-over-).

It is disappointing to note that most rural-based municipalities are experiencing financial distress partly due to tender and procurement irregularities. It might be fair to argue that public officials who fail to perform their duties with appropriate diligence when awarding tenders should be personally liable for their actions. That might have a sobering effect on truant public officials and hopefully create a more accountable government tenders moving forward.

Tenders and procurement irregularities taint the image of the municipalities and become a source of concern to members of the public. These deprive the people of services due to them and as a financial mismanagement frustrates the achievement of municipal goals (Mle, 2012:29).

The World Bank report, 2000 rates public procurement as an area of government activity where the risk of unethical conduct is high. In order to provide viable solution to the challenge which would continue to deliver advantages and to be responsible to the future needs of local residents as customers, the skills and professionalism of the staff is of importance. This can only be achieved through close understanding of the customer's perspective through training and capacity building (World Bank report, 2000).

2.5.1.3 Diverting public resources

Public resources and the services of public officials are sometimes used for private purposes (Mle, 2012:29) and is harmful to public administration (Speck & Fontana, 2011:1). The private use of government resources can include using a government office for non-governmental purposes such as using government computers for a private business (Kernaghan & Langford, 1990:145). To this end Larmour (1990:64) argues that people are self-interested and opportunistic maximises. However, public officials are expected at all times to comply with *ultra vires rule*, which entails acting in accordance with the formal prescriptions of the law (Aye, 2011:145).

1998:6). The code of conduct for public servants also instructs public employees to be honest and accountable in dealing with public funds and the use of public service's property and other resources effectively, efficiently, and only for authorised official purposes (Public Service Commission, 2001).

The diversion of public resources increases financial costs for the municipality involved and may reduce the quality and quantity of services provided to the public. Unauthorised use of official vehicles and public equipment's by public officials for private gain is often highlighted by the media and is easy to detect by the population.

Mobilising the infrastructure and diverting public assets may be used in political campaigns (Mle, 2012:29) and this abuse of state resources for political power comes at a cost to democracy and public administration (Speck & Fontana, 2011:3). The government that controls public administration has means of strengthening its own chances of winning election. At the municipal level, the mayor may mobilise resources for its allies in return for which he will be expecting support in future. This form of abuse of state office is rife and is only possible when the incumbent violates the principles of public administration which include among others transparency, public accountability and high professional standards of civil service (Speck et al, 2011:3). In some cases public servants are summoned to participate in election rallies and also be required to make payments to the ruling party and this compulsory contributions to political parties inflict costs on public servants who are deprived of part of their wages. This contributes to financial distress on households and a clear violation of the basic rights of members of the civil society (Speck & Fontana, 2011:3).

The abuse of state resources may also involve buying political support from voters in exchange for public services. This may occur when members of the community depend on state services which are in short supply, and therefore politicians use their influence in public administration to enable voters to access public goods such as houses in exchange for votes. Accusations of bias in accessing subsidised housing is topical in rural-based municipalities. It is alleged that there was a serious corruption in Thulamela Local Municipality in terms of the provision of RDP houses making the project meaningless. Houses were given to relatives and friends of the councillors while deserving people like pensioners were left homeless. The Municipal Manager confirmed

that he was aware of the allegation and pledged to comment only after investigations into the matter have been concluded (www.linmedi.co.za).

2.5.1.4 Supply of low quality material

It is unethical to deliver low quality materials which are lower than specified in the relevant contract. When this happens higher contract prices for quality materials are paid for lower quality materials which are worth less (Mle, 2012:29). Corruption is one of the factors which affect quality of materials procured in the public sector (Muchiri, 2011). Quality of a product is related to the principle of value for money, and can be defined as a totality of the features and characteristics of a product that has the ability to satisfy a particular need (Mle, 2012:29).

It could be argued that supply of low quality material could be attributed to negligence in discussing quality materials thereby allowing both the service provider and the municipality to have different and sometimes divergent expectations with regard to what was produced and the standards to be achieved. Delivering low quality goods can be initiated by both the buyer who controls the purse strings and the supplier who makes an unsolicited offer and can also take the form of tailoring specification to favour a particular supplier restricting information about contracting opportunities and creating situations of emergency and urgency in order to use a single source bidding (Muchiri, 2011). Suppliers can also corrupt the procurement process by colluding to fix bid prices by offering bribes and interfering in the evaluation process and thus affecting quality of goods (Pope, 2000:26).

2.6 Conclusion

Literature review discussed the insights of other researchers with regard to the prevalence of unethical behaviour in municipalities. The conceptual framework paid attention on something real with the intention of making it easy to understand and implement. Theoretical framework provided a scientific base and supported the entire thesis. Various legislative frameworks were reviewed to determine how they are related on curbing unethical behaviour. Empirical perspective indicated examples of unethical behaviour prevalent in municipalities.

CHAPTER 3

RESEARCH METHODOLOGY

3.1 Introduction

While the previous chapter paid attention to the understanding of other researchers regarding the prevalent unethical behaviour in municipalities, this chapter focuses on research design and research methodologies. Research is a systematic process which is used to collect, analyse and interpret data in order to make sense of it with an aim of increasing an understanding in the phenomenon under study (Leedy & Ormrod, 2005:2). It is a process through which we intentionally use to enhance our understanding about the phenomenon. The main purpose of research is to provide a reliable source of knowledge and decision making instead of a subjective personal experience, belief, tradition, logic or intuition (Schumaker & McMillan, 1993:26) and through research a reliable educational knowledge is developed which involves identification of research problems, empirical studies, replications research synthesis and practitioner adoption and evaluation.

Wysocki (2008:228) argues that research is basically a way of answering hypothetical question. A hypothesis is an idea or a guess about a particular state of affairs put forward as a source of empirical testing and which is tested with data specifically collected for it. Research methodology, which is the focus of this chapter entails a system of explicit rules and procedures on which a research is based and against which claims of knowledge are evaluated (Frankfort-Nachmias, 1993:14). This system is not static, rather it is continuously improved in order to address emerging challenges. Methodology therefore refers to the procedures or methods which are used in research to establish a new knowledge and differs from study to study since researchers tend to employ different methodologies. Research methodology also dictates the particular tools the researcher uses in order to carry out a particular project (Leedy et al, 2005:12).

This chapter will attempt to outline the research methodologies selected for the study and the rationale for selecting particular methodologies.

3.2 Research design

Research design is a strategic framework or plan that helps guide research activities to ensure that desirable results are achieved and include techniques that will be used in the implementation of research (Terre Blanche et al, 1999:29). Research design therefore provides a detailed information about sampling, data collection and data analysis.

As a blueprint for conducting the study research design also ensures that factors that could interfere with the validity of the findings are controlled. For the purpose of this study research design had both quantitative and qualitative elements. The premise is that the use of both quantitative and qualitative approaches in combination provides a better understanding of a research problem than either approach alone. Teddlie & Tashakkori (2009: 240) argue that both closed-ended questionnaires and qualitative interviews are commonly occurring in recent literature and their combination allows for the strengths of each strategy to be combined in a complementary manner. In real practice both qualitative and quantitative approaches interact (Kvale, 1996:68). Research design for quantitative studies is highly structured, while the design in qualitative studies is more fluid. This research project will be conducted into two stages, namely stage 1 which will be more fluid and less structured and a more structured approach in stage 2.

A qualitative approach was used in phase 1 and collected data by means of open-ended interviews. It was on this stage where data were obtained through interviewing municipal managers in Vhembe District Municipality and other local municipalities within Vhembe District Municipality. In stage 2, a quantitative approach was used and data were collected through the use of questionnaires from the rest of sampled respondents.

The advantage of using both quantitative and qualitative methods rests in the potential for enhancing the validity of research findings (Arthur, Waring, Coe, Hedges, 2012:147). The researcher can therefore be more confident about the validity of the findings when they are supported by multiple types of data. Through the use of both interviews and questionnaire, a more detailed, comprehensive picture will be achieved with regard to the effects of unethical

behaviour in service delivery in Vhembe District Municipality. In this way the researcher was able to get a better understanding of a phenomenon by approaching it from several different angles and using different methods (Thomas, 2013:145). It is a pragmatic approach based on the philosophy of doing what works best.

Because of the different approaches and the uniqueness of the steps in different approaches, methodology for the sake of clarity, will be discussed under separate stages.

3.3 STAGE 1. QUALITATIVE APPROACH

A qualitative approach is about people as the central unit of analysis and is mainly concerned with individual's perceptions, attitudes, beliefs, views and feelings (Hakim, 1992:260). A qualitative approach relies on non-statistical methods and a small purposefully selected samples. The focus of qualitative method is on phenomenon that occurs in a natural settings and studies this phenomenon in all their complexity (Leedy et al, 2005:133; Christensen, 2001) emphasising on aspects meaning, process and context (Cohen, Marion, 1994; Litosellite, 2003). A qualitative research method is useful for exploring the full extent of the phenomenon which is not well understood and it is therefore relevant for the purpose of this study as little was known about the effects of unethical behaviour in service delivery in Vhembe District Municipality. A qualitative research design was opted for to obtain a narrative description from the municipal managers in Vhembe District Municipality with regard to the effects of unethical behaviour in service delivery and enabling the researcher to gain new insights and new theoretical perspectives about a phenomenon (Leedy et al, 2005:134).

Merriam (1998:11-18) identifies five types of qualitative research: generic, ethnographic, phenomenology, grounded theory and case studies. This study is phenomenological since the focus would be on the structure of an experience (phenomenon) (Merriam, 1998:15) and where experiences of different research respondents are analysed and compared to identify the essence of the phenomenon. The study also involves grounded theory as the researcher assumed an inductive approach to derive meaning from the data in order to develop theory. The final product of this research study is therefore to develop a theory that is grounded in the data (Merriam,

1998:17). Data collected from different respondents was compared to determine the similarities and differences. Data with similar patterns are arranged together as categories.

The rationale for using a qualitative approach at this stage was to obtain the individuals' own accounts of the attitudes and behaviour with regard to the effects of unethical behaviour in service delivery in Vhembe District Municipality.

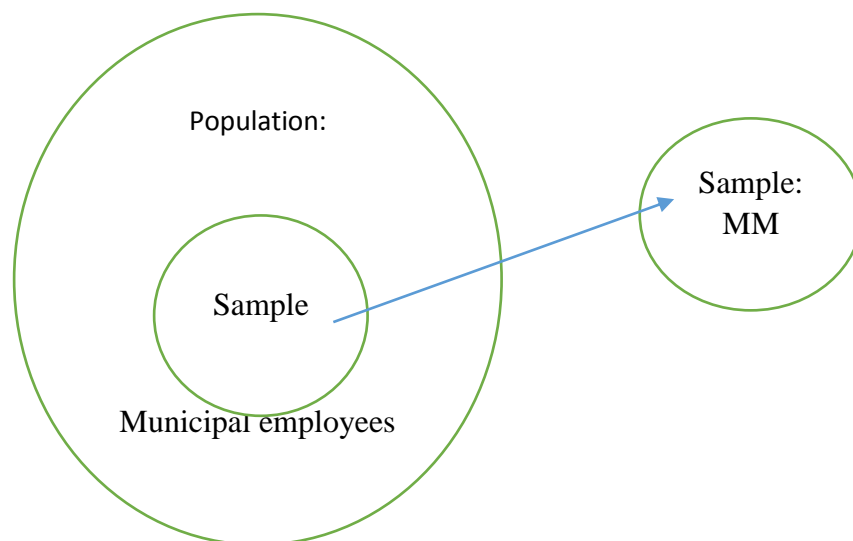
3.3.1 Population

A population is the total group or a larger pool from which our sampling elements are drawn, and to which the researcher would want to generalise the findings (Terre Blanche et al 2006:133; Babbie 2010:199; Rosnow and Rosenthal, 1996:411). A population for the purpose of this research study comprised of all municipal officials employed at Vhembe District Municipality.

3.3.2 Sample

Sampling refers to the selection of a specific research participants from the entire population and is performed in different ways according to the type of study (Terre Blanche et al, 2006:49). A sample cannot be separated from the population. A population refers to the larger pool while the sample is a selection from the population (Rosnow et al, 1996:188; Robson, 1995:135-136). The diagram below gives a clear indication of the population and a sample.

Figure 3.1 Sample derived from the population



Source – Adapted from Rosnow et al (1996:188)

Respondents were sampled to participate in the research based on their first-hand experience of the phenomenon. The non-probability sampling method based on the conscious selection of respondents was chosen. In non-probability sampling the researcher cannot guarantee that each element of the population will be represented in the sample (Leedy et al, 2005:206) whereas in probability sampling the researcher can specify in advance the segments of the population that will be represented in the sample. Three types of non-probability samplings can be identified, namely, convenience sampling, quota sampling and purposive sampling. The purposive or judgemental sampling was chosen for the purpose of this study. In purposive sampling, research participants are selected on the basis of the researcher's judgment about which ones will be the most appropriate for the purpose of the study (Babbie, 2010:193). Municipal managers (MM) of Vhembe District Municipality and other four local municipalities were selected for the purpose of this study because they were considered knowledgeable in terms of understanding the effects of unethical behaviour in service delivery in Vhembe District Municipality. Municipal managers were selected precisely on the basis of their closeness to the research topic and their levels of experience in management, leadership and organisational issues were also taken into account. Their relevance to the conceptual questions rather than their representativeness was considered.

3.3.3 Data collection

Data were collected from the respondents by means of unstructured interviews. Conducting interviews is a natural way of interacting with respondents and allows the researcher to understand how they think and feel (Terre Blanche et al, 2006:297). Interviews are a far more personal form of research as they deal directly with the respondent. Interviews will be conducted with five municipal managers using open-ended questions. Open-ended interviews allow the research participants to respond to questions in terms of their own frame of reference (Bogdan & Knopp Biklen, 1992:2). The questions will revolve on the effects of unethical behaviour in service delivery in Vhembe District Municipality.

Unstructured interview began with an opening question “Can you tell me about your experience with regard to the effects of unethical behaviour in service delivery in Vhembe District Municipality?” The interview then progressed based primarily upon the initial response. Open-ended or unstructured face-to-face interviews were tape-recorded in full for later analysis. Although the interviewer may take notes, it should however be performed with caution as it may distract the natural flow of the conversation (Sapsford and Jupp, 2006:94). Unstructured interview is more flexible and may also provide valuable information that the researcher had not planned for (Leedy et al, 2005:146). Unstructured interview is also less artificial, more natural and resembles a discussion between equal participants (Sansford & Jupp, 2006:95).

The following hints must be taken into account by the researcher in order to facilitate the success of the interviews.

- Choosing a suitable location with little or no interruptions will be important (Leedy et al, 2005:147). Interviews were conducted at the municipality building, that is, in the offices of the respondents were minimal or no disruptions would be experienced.
- The purpose of the interview had to be explained in advance to the respondents. This was also facilitated by giving a summary of what the interview was all about. In this case respondents had to be informed that the aim of the interview was to facilitate the completion of the doctoral degree. Open-ended non-threatening question can also assist to put the respondents at ease (Terre Blanche et al, 2006:299).
- Respondents were requested to put aside the required amount of time so that undivided attention would be given to the interview session. This can be achieved by indicating to the interviewee how long the interview will last (Terre Blanche et al, 2006:298).
- Responses were recorded verbatim. The tape-recorder captured everything the respondent said since the interview was an unstructured one (Leedy et al, 2005:149). However the consent of the respondent was obtained first. The advantage of tape-recording is that it allows the researcher to have a full record of the interview which can be played back from time to time for clearer understanding (Terre Blanche et al 2006:298; Leedy et al, 2005:149).

Unstructured interviews are usually very time-consuming and often take a substantial amount of time, hence the researcher chose five respondents, namely, municipal managers at Vhembe

District Municipality and other local municipalities. Unstructured interviews were chosen because of the belief that they will provide a deeper understanding of the social phenomenon where little is already known and where detailed insights are required from individual respondents. Since the effects of unethical behaviour in service delivery is a sensitive topic, unstructured interview will be particularly appropriate because research respondents would not prefer to talk about such issues in a group environment. Very few questions will be asked since this exercise is aimed at obtaining the depth of information from respondents.

3.3.4 Data analysis

Once data have been collected, then the process of analysis commences. Data analysis is the process of reducing large amounts of collected data to make sense of them. Qualitative data analysis involves the breaking up of data into relevant categories and the naming of these categories with codes while at the same time generating the categories from the data (Boeijie, 2010:76). Complex collected data is made more manageable by organising it into categories and interpreting it, searching for recurring patterns to ensure the importance of relevant information (Marshall & Rossman, 1995:15; Bogdan & Knopp, 1992:153). During the reassembling phase the researcher looks for patterns, searching for relationships between parts. The aim of reassembling is to make sense of the data.

Data analysis as a process involves making sense and meaning from the data that will constitute the findings of the study. Data analysis starts by coding each response into as many categories and as the researcher continues, the data is then put into existing categories or existing categories are modified or else new categories emerge (Marshall & Rossman, 1999:151; Seale et al, 2004:475).

In qualitative research the collection of data and analysis cannot be clearly separated and therefore takes place simultaneously to build a coherent interpretation of the data (McMillan & Schumacher, 2001). In order to analyse data, they had to be organised in order to make sense of it. Data analysis in qualitative research is aimed at uncovering and understanding the bigger picture to describe the phenomenon under study.

Thematic analysis will be used for the purpose of analysing data collected through unstructured interviews and will focus on examining themes within data. Coding is the primary process for

developing themes within the raw data by recognising important moments in the data and encoding it before interpretation. Coding as part of constructing a grounded theory involves breaking up the data in analytically relevant ways (Terre Blanche et al, 2006:324). The interpretation of those codes can include comparing theme frequencies, identifying theme co-occurrence and graphically displaying relationships between different themes.

Thematic analysis borrows the concept of supporting assertions with data from grounded theory and is designed to construct a theory that is grounded in the data themselves (Charmaz, 2006:43). Thematic analysis is also related to phenomenology as it focuses on human experience subjectively (Terre Blanche et al, 2006:562). The perceptions, feelings and experiences of the respondents with regard to the effects of unethical behaviour in service delivery will be the focus of the study. Respondents are therefore allowed to discuss the topic in their own words.

Thematic theory, as in grounded theory requires more involvement and interpretation from the researcher. Grounded theory is a set of inductive technique designed to identify categories within the text which are then linked into formal theoretical model (Corbin & Strauss, 2008). In the same vein, Charmaz (2006:43) describes grounded theory as a set of models that consist of systematic, yet flexible guidelines for collecting and analysing qualitative data to construct theories grounded in the data themselves.

The researcher will read the interviews several times to gain a thorough sense of everything in order to facilitate the interpretation of smaller units of data. The researcher will again compare and contrast the text segments to identify context-bearing data segments, and naming classifying categories (McMillan & Schumacher, 2001:464). Categories allow for the classification of similar ideas, concepts and themes (Ary, Jacobs, Razavieh, 2002:466). Each category is recognised by a word or phrase that describes the essence of the category, these are then codes for the categories. The goal is to generate a set of categories that represent a realistic reconstruction of the collected data.

Data were analysed inductively to allow categories and patterns to emerge from the data culminating to sets of smaller and similar data that are more workable. The researcher used comparative method to compare one unit of information with another in search for recurring regularities and patterns in the data to assign the information into categories. The use of inductive process assisted the researcher to determine links between categories in order to form

tentative hypothesis leading to the development of the theory (Merriam, 1998:180-192). The ultimate goal of qualitative research is to make general statements about relationships among categories by discovering patterns in the data (McMillan & Schumacher, 2001:476). The process of searching for patterns leads to an in-depth analysis to understand the effects of unethical behaviour in service delivery in Vhembe District Municipality.

3.4 STAGE 2. QUANTITATIVE APPROACH

In phase 2 of the research study, a quantitative approach was used to obtain information with regard to the effects of unethical behaviour in service delivery in Vhembe District Municipality. Quantitative research is an approach in research which involves collecting data in the form of numbers where statistical analysis may be applied to determine the importance of the findings (Terre Blanche et al, 2006:47 ; Babbie, 2008:443). When using quantitative method, the emphasis is on numerical analysis of data collected through questionnaires or surveys and then generalising it across groups of people. This involves explaining phenomena by collecting numerical data which are analysed statistically (Babbie, 2008:520-521). The phenomenon is the key element of research which the researcher is looking to explain. In this research study the phenomena is the effects of unethical behaviour in service delivery in Vhembe District Municipality. In order to make an informed understanding of quantitative research, Leedy and Ormrod (2005:95-97) and Terre Blanche et al (2006:47-48) describe the features of quantitative research as follows:

- Quantitative research is characterised by the use of facts and statistics to answer questions pertaining to how, who, and when. Statistical analysis allows for generalisation to others. Therefore a goal of quantitative research is to choose a sample that is closely identified with the population.
- Quantitative approach implies that something can be counted. It is for this reason that the focus of quantitative research is on numbers or quantities.
- Quantitative researches have their results that are based on numeric analysis and statistics.

- Data collection is relatively quick when using a more structured research instrument. The researcher usually uses tools such as questionnaire to collect numerical data.
- The results of the research are relatively independent of the researcher.

3.4.1 Target population

The target population is the total of all individuals who have certain features that are of interest to a researcher with relation to a particular topic (Thomas, 2013:135). It is the group which is usually people about whom the researcher wants to draw conclusions (Babbie, 2008:121; Terre Blanche et al, 2006:133).

Individuals within a particular population usually have a common, binding characteristic. Municipal councillors and employees have the duty of ensuring that there was quality service delivery to the people and were therefore considered the population for the purpose of this study.

3.4.2 Sampling

It is not possible to study the entire population and therefore sampling technique has to be employed. However, probability sampling has the power to produce a representative sample which is generally acceptable as it assures generalisations. But, a representative sample which could obtain a large random sample which was relatively representative was not opted for due to time limit and financial constraints. Purposive sampling, another example of non-probability sampling, was chosen as research participants were not selected randomly. Only research participants which were of interest to the researcher to achieve the objective of the study were selected. Research participants included municipal mayors, office-bound councillors, senior managers, supervisors at personnel section and finance section. The sample size for the purpose of this study consisted of 136 research participants. This decision should not be viewed as a limitation as this approach was consistent with the sampling procedures common in studies using unstructured interview methodology. The table below indicated how the sample was drawn from the population at Vhembe District Municipality.

Figure 3.2

| Population (examples) | Sample (examples) |
|---|--|
| <ul style="list-style-type: none"> • All councillors at Vhembe District Municipality. • All Municipal employees • All sections represented | <ul style="list-style-type: none"> • Office- bound councillors at Vhembe District Municipality. • Municipal officials at leadership and management positions. • Only personnel and finance sections represented |

3.4.3 Research instrument

The questionnaire was used as the main instrument for gathering data for the purpose of this study. The questionnaire was divided into two main parts. The first part of the questionnaire was a demographic section which required of respondents to provide information with regard to age, gender, race, qualification, work experience and position at work. The second part of the questionnaire was the main body which consisted of the actual questions designed to measure the effects of unethical behaviour in service delivery at Vhembe District Municipality.

Questionnaire provided a standardised response since all respondents were asked questions in exactly the same manner. Although communication cannot be direct in the questionnaire, the researcher asks questions to which he/she wants answers, and it is through the questionnaire the respondent's answers are conveyed back to the researcher (Brace, 2004:17).

Likert scale was used as it is the most popular and reliable way to measure someone's attitude and behaviours. The Likert format also enabled the respondents to respond to the statements with ease. In each question, a statement was presented where respondents were required to show the degree of agreement or disagreement in a multiple choice type format (Bowling, 1997; Burns & Grove, 1997; Teddlie & Tashakkori, 2009:234). Unlike a simple "yes/no" response, a Likert scale allowed the researcher to uncover degrees of opinions and this can be helpful in addressing sensitive topic such as the effects of unethical behaviour in service delivery. Likert scale was also considered balanced because there are equal numbers of positive and negative positions. However, Likert format had its drawbacks as it only allowed respondents to choose from a

limited number of options. But that should not be viewed as a serious limitation as the significant strength of its use complement that weakness in that large amounts of data are collected within a short space of time than it would have been possible with rigorous interviews.

In the questionnaire five choices were provided for every statement. The choice represented the degree of agreement each respondent has on a given statement.

The format of the five-level Likert scale was as follows:

1. Strongly disagree
2. Disagree
3. Neither agree nor disagree
4. Agree
5. Strongly agree.

An advantage of using a questionnaire to collect data is that participants respond to questions with assurance that their responses will remain anonymous, and therefore they will be more truthful than they would be in a person interview.

In order to encourage the cooperation of respondents to provide responses that could be truthful and reliable the following guidelines were used:

- The questionnaire was as short as possible to solicit only information essential to the research project.
- Questions were simple and clear and only communicated what the researcher wanted to know.
- The questionnaire was simple to read and respond to.
- Instructions were clear. The researcher should not assume that respondents are familiar with Likert scales.
- The questionnaire was attractive and professional looking.

Above all, the researcher ensured that every question was important to address the research question (Leedy & Ormrod, 2005:192; Thomas, 2013:207). In order to ensure that the researcher got things right, a draft questionnaire was piloted on a small group of people who were

encouraged to provide feedback (Thomas, 2013:215). Their inputs were acknowledged and taken into account.

3.4.4 Data collection

Each questionnaire was accompanied by a covering letter where issues such as the aim of the research, why information was collected, its importance to the respondents and the municipality and the assurance of confidentiality were clearly communicated. Instructions for completing the questionnaire were also clearly stated (Gary, 2009:364; Terre Blanche et al, 2006:489). The researcher purposefully selected the respondents because of the belief that they were competent to respond to the questions. The basic aim of quantitative data was to describe the phenomenon and to generalise findings from a sample to the rest of the population. People were more truthful while responding to the questionnaires regarding sensitive issues due to the fact that their responses were anonymous (Leedy & Ormrod, 2005:185; Judd, Smith, Kidder, 1991:216). Data collection through the use of questionnaire provided less pressure for immediate response on the respondent. This becomes important as respondents are required to take their time on responding to attitude questions rather than giving immediate responses (Judd et al, 1991:216).

Questionnaires also have their drawbacks as majority of respondents who receive questionnaires do not return them and those who do might not be representative of the original selected sample (Leedy and Ormrod, 2005:185).

In order to address that drawback the researcher arranged appointment with respective respondents with the permission from the leadership. All respondents were called to the meeting at the organisation's time where the purpose of the questionnaire was explained. Questionnaires were hand-delivered by the researcher to the respondents and they were informed exactly when questionnaires were to be collected (Gray, 2009:365).

3.4.5 Data analysis in phase 2

After data was collected from closed-ended questionnaire, it was organised and analysed. Analysis of closed-ended questions, was performed by a computer programme called Statistical

Package for Social Sciences (SPSS). Data was analysed by using descriptive statistics. Frequency tables were drawn and from these the data was presented in bar graphs. Analysis, presentation and discussion of the findings of stage 2 are presented in chapter 6 which follows.

3.5 Analysis of the findings from stage 1 and stage 2

Data collected by closed-ended questionnaires were compared to those collected through the use of unstructured interviews in order to support analysis and findings. The process called triangulation between qualitative and quantitative data was employed to confirm and validate the findings. The findings provided insights for making informed conclusions and recommendations.

3.6 Ethical consideration

The main purpose of research ethics is to ensure that the welfare of research participants is taken into account (Terre Blanche et al, 2006:61). In a research of this nature where human beings are the focus of investigation, special attention must be paid to issues which concern ethics. Although a research of this nature cannot be expected to cause undue psychological and emotional harm to research participants, due attention must still be given to ethical issues. Most ethical issues fall into one of the following categories: protection from harm to the research participants, informed consent, social value, right to privacy, permission to conduct a research, and honesty with professional colleagues. The next section explains important ethical issues which will be attended to in the research.

3.6.1 Protection from harm

Harm may include emotional or psychological distress and also physical harm. Research participants should never be harmed even if they have volunteered for the study. A researcher should not expose research participants to undue physical and emotional harm in the form of unusual stress, embarrassment and or loss of self-esteem (Leedy et al, 2005:101). In order to realise this ideal, participation in this research was voluntary.

3.6.2 Social value

According to Terre Blanche et al, (2006:69) a research study should be conducted to address issues that are of value to the society and who the beneficiaries of the research will be. Beneficiaries of this research will include the society and research participants.

3.6.3 Right to privacy

According to Leedy et al, (2005:102) a research study should respect the right to privacy of the research participants hence the data from research participants should always be kept confidential. Privacy is assured when the public cannot identify a given response with a given respondent (Babbie, 1983:475). In order to guarantee anonymity of the respondents, their names would not be disclosed. This assurance motivates research respondents to be more truthful when responding to questionnaires.

3.6.4 Permission to conduct a research

Permission to conduct a research was requested from the executive mayor of Vhembe District Municipality as he is the political head of the district municipality which controls the municipalities which will be involved in the research- Makhado local municipality, Mutale local municipality, Musina local municipality and Thulamela local municipality. The purpose for obtaining permission to conduct a research was to ensure that research participants were aware of the importance of participating in the research project.

3.7 Conclusion

This chapter discussed research design in details. The rationale of using both qualitative and quantitative approaches during research was clearly articulated. Research techniques applied during this study were also explained. Data presentation, interpretation and analysis are discussed in details in the next chapter.

CHAPTER 4

DATA PRESENTATION, INTERPRETATION AND ANALYSIS

4.1 Introduction

Chapter 3 discussed the research design and methodology in order to justify how data collection was conducted. Chapter 3 paved a way with regard to how collected data would be analysed using various steps as outlined in this section. As was elaborated in the previous chapter, data was collected in two ways, namely, a structured questionnaire and unstructured interviews. The two techniques of collecting data were employed because in reality they supported each other. After analysis of data had been completed, the data were then evaluated against the basic question in the study which is “The investigation into the prevalence of unethical behaviour in a South African municipality”.

In case of questionnaires, it was important to note that research participants who were purposefully selected were required to respond to the same type of questions. With regard to unstructured interviews, although questions were basically the same, the interviewer would at time intervene in case the respondent was deviating from the main question. During the process of collecting data some challenges were encountered as expounded in the next section.

4.2 Challenges encountered during data-collection process

In order to have a thorough understanding of the basis of the analysis, challenges that were encountered during data collection are briefly discussed. Two main challenges were experienced during data collection. The first challenge was in relation to the permission to conduct research from Vhembe District Municipality and other local municipalities such as Thulamela Local Municipality, Makhado Local Municipality, Mutale Local Municipality, and Musina Local Municipality.

The researcher wrote a request letter to the Municipal Manager (MM) of Vhembe District Municipality and other local municipalities. Permission letters were specifically directed to the Municipality Manager because they were the administrative authority responsible for the day to day activities of the municipalities. Despite the fact that permission letters were received and acknowledged, there was a delay in response to the permission requested. This was indeed a challenge because it was virtually impossible to conduct a research without permission, delaying the research project. Permission was finally granted after numerous reminders.

Another challenge was with regard to the willingness of respondents to participate. I could argue that respondents were unwilling to participate because of the sensitivity of the topic at first sight. However, respondents were willing to participate after their anonymity was guaranteed. Research participants were also required to sign informed consent form to indicate their voluntary participation in the research project. This confirmed that the process was voluntary and no participant was forced to participate.

Despite challenges, the researcher was of the opinion that data collected represented the real situation.

4.3 Analysis and interpretation of results

Since data collection was conducted quantitatively by structured questionnaire and qualitatively through the use of unstructured interviews, it follows that analysis of data were also conducted into two phases, namely, the first phase and the second phase.

4.3.1 Data analysis collected through interviews during the first phase

The first phase

The focus of the first phase was on analysing data collected qualitatively through in-depth interviews. Issues of concern were taken into account at this phase before the results could be discussed regarding the interpretation of data analysed collected from respondents. Firstly, all respondents were municipal managers. Although they were all accounting officers at the municipality, they differed in their attitudes, expectations and cultural backgrounds. Secondly, the majority of the five respondents were males, a clear indication that something unprecedented needed to be done to redress gender equity. Despite concerns, the researcher was confident that data provided were relevant to the research project.

There have been similarities in the results from individual respondents and to avoid repetition results were presented together. Responses from individual respondents were also combined for ethical reasons since this was a sensitive topic which required confidentiality as most of the interviewees could be easily identified. Responses from the interviewees were described below:

4.3.1.1 Question 1: What are the existing challenges posed by unethical behaviour in Vhembe District Municipality?

According to the 1st and the 5th interviewees, the prevalence of unethical behaviour had a significant negative impact on service delivery. The respondents explained that municipal officials who were ethically challenged used their official authority for the improper advancement of their own personal interest and the expense of quality service delivery. The interviewees further stated that such corrupt activities by municipal officials seriously resulted in the deterioration of trust by citizens. The respondents explained that corruption undermined the faith that people had towards the municipality.

The second respondent stated that the practices associated with nepotism at the municipality was rife. This practice, according to the respondent, of appointing relations and friends to public positions and usually at the expense of the merit principle undermined quality service delivery. The interviewee further explained that appointing municipal officials who did not have relevant qualifications and experience led to inefficient utilisation of scarce resources which negatively impacted quality service delivery.

The third interviewee explained that unethical behaviour creates secret conduct in municipal activities. The respondent stated that secrecy creates a situation where members of the local community are restricted to know how the municipality is performing its activities. The interviewee further explained that secrecy allowed municipal officials not to be accountable to the people they serve. The interviewee said where municipal officials are not open in their activities, quality service delivery suffers.

The 4th respondent stated that where unethical behaviour was prevalent, it became difficult for members of the community to trust municipal officials and political representatives.

The interviewee explained that trust develops when people expect public servants to be responsive to their needs. The respondent further stated that trust can be enhanced when community members believe public officials and public representatives to be ethical, honest and fair.

4.3.1.2 Question 2: What are the dominant effects of unethical behaviour in service delivery?

The first and the third respondents stated that customers simply withdrew their payments if their concerns were not addressed, putting the municipality in a difficult financial position. The respondents explained that the decision to suspend payments by service users was punitive since the municipality depended partly on the money received from local residents.

The 2nd respondent and the 5th respondent stated that when customers perceive that there was unethical behaviour, trust on municipal officials declined. They explained that when customers lose trust on municipal officials who are known to be dishonest and unethical, their policies and initiatives are also rejected.

The 4th respondent explained that customers may also react violently when they perceive that the prevalence of unethical conduct by municipal officials was affecting services that was due to them. The interviewee explained that at Tshiozwi village, under Makhado Local Municipality, dissatisfied customers destroyed water infrastructure intended for their use.

4.3.1.3 Question 3: What are the mechanisms that could be employed to minimise unethical behaviour in order to enhance service delivery?

The 1st interviewee explained that hiring and promoting competent municipal officials can assist alleviate the challenge of unethical behaviour. The respondent explained that municipal employees employed in terms of the merit principle are loyal to their work. Such municipal employees, according to the 1st respondent, defined professionalism in terms of being loyal to their work instead of being loyal to the person next in the hierarchy. The interviewee further explained that municipal officials who were employed and promoted with total disregard of the merit principle corrupted the institution especially if such officials were in higher positions.

The respondent gave a notable example of Mr Hlaudi Motsoaneng who without a matric certificate was employed as a Chief Operating Officer at SABC. The report of the Public Protector, Advocate Thuli Madontsela confirmed that Mr Motsoaneng purged senior executives at SABC in order to remain in control and in power despite his questionable qualifications.

The 2nd interviewee said that compliance to the principles of Batho-Pele by municipal officials and political representatives could address unethical behaviour in the municipalities. The respondent stated that public officials and political office-bearers should not ignore service users while performing their official duties. The interviewee stated that municipal officials should be accountable to the people as customers. The respondent further stated that it was important to get the support of service users in order to improve service delivery. The interviewee said that people should be treated with respect, courtesy and dignity in order to garner their support. The interviewee further stated that people should also be consulted with regard to the services they receive.

The 3rd interviewee gave a relatively different perspective by emphasising that compliance to the Constitution of the Republic of South Africa, 1996 can address unethical behaviour in the municipalities. The respondent stated that the Constitution as the supreme law of the country was the foundation of ethics in South Africa and also served as a guide in which services could be delivered to the people in an efficient, effective, economic and sustainable way. The respondent gave an example of Section 195 of the Constitution, 1996 which was important in providing basic values and principles to enhance service delivery.

The 4th respondent explained that recognising good governance through incentives and a fair human resource policies on remuneration should be implemented. Inadequate salaries of municipal officials in comparison to their counterparts in the private sector contributed to the prevalence of unethical behaviour at municipalities. The respondent further stated that municipal officials and political representatives should be paid a relatively living wage to promote public sector effectiveness and efficiency.

The 5th interviewee said training in basic skills to perform official functions should be implemented and monitored to evaluate progress. The respondent explained that the focus of training should encompass financial and human resource management because they are sections which are susceptible to unethical behaviour. Training, according to the 5th respondent, should be aimed at applying the skills acquired during training in workplace situations.

4.3.1.4 Question 4: What are possible strategies that can be used to curb unethical behaviour in the public service?

The first respondent explained that the municipality must have a sound human resource policy in order to employ the right people in terms of qualifications and experience who would be in the position to deliver quality services. The respondent stated that unqualified and incompetent municipal officials became easy targets of unethical intentions. The interviewee further stated that it was also important to keep employees motivated so that the municipality would be able to retain the best talented employees. The interviewee explained that municipal employees who are motivated would be more willing and be in the position to deliver quality services in a more customer-oriented and service-minded ways.

The 2nd interviewee stated that life-style audit should be conducted at regular intervals among municipal employees. The respondents stated that some municipal officials have extravagant lifestyle which is beyond the means of their office. The interviewee explained that such municipal officials with questionable reputations should be in the position to explain their financial position. The interviewee explained that the services of the constitutional institutions such as the Office of the Public Protector can assist in investigating municipal officials who have accumulated unexplained financial wealth.

The 3rd respondent said in order to promote observance of ethical behaviour, a single municipal official or a limited group of municipal officials should never be in the position to dominate tendering and financial decisions. The respondent explained that a close relationship between a municipal official or a limited group of municipal officials and the private sector institutions is the main source of corruption in municipalities. This occurs when the municipality has too much trust in a single municipal official or a small group of municipal officials and allowing them to enter into important transactions on behalf of the municipality. The respondent further stated that municipal officials should always be encouraged to comply with the tendering processes. The respondent explained that municipal officials should not have absolute authority in tendering processes to an extent of refusing to delegate to the obvious officials within the municipality.

The fourth interviewee explained that ethical behaviour can be enhanced if government officials acknowledged the opinions raised by the opposition parties and other stakeholders representing the interests of the local community. The respondent stated that municipal officials whose attitude is of supreme authority should not be allowed to perform and facilitate procurement processes.

The interviewee stated that such municipal officials should be monitored and not to enter into frequent transactions with the same private sector institutions on behalf of the municipality.

The 5th interviewee explained that ethical behaviour can be observed through the establishment of a public sector ethical code. The ethical codes will remind municipal officials and political representatives of their responsibilities to the people. The interviewee stated that the success of ethical codes depends on the support of senior managers and politicians. An environment within the municipality should also be created to support the establishment and implementation of the sound ethical codes.

4.3.2 Data analysis collected using a questionnaire during the second phase

The second phase

The second phase involved analysis of data collected through structured questionnaire. Cross tabulations was employed as the researcher was mainly concerned with the display of

relationship between two variables in a tabular form, where information about one variable, crosstabs, generated information about bivariate relationships.

The questionnaire was designed in such a way that the first section (SECTION A) focused on biographical information of the respondents. The second section (SECTION B) dealt with the challenges posed by unethical behaviour in service delivery. Section C focused on assessing the effects of unethical behaviour. Section D dealt with mechanisms of minimising unethical behaviour while the last section of the questionnaire (SECTION E) focused on strategies of curbing unethical behaviour. All sections were closely analysed focusing on the average scores that came to the fore for each section and per each item. In order to enhance readability of the information provided, tables and bar graphs were used. In each section, information was first provided in a tabular form and thereafter detailed information was given through the bar graph.

4.3.2.1 SECTION A

Biographical information

Biographical information of the respondents obtained from the survey were presented in this section. Biographical information covered the age of respondents, race, gender, highest qualification of respondents, number of years in the municipality of respondents and current position of respondents in the municipality.

TABLE 4.1 **Distribution in sample according to age**

| Age | Frequency | Percent |
|-------|-----------|---------|
| 18-25 | 2 | 1.5 |
| 26-35 | 39 | 28.7 |
| 36-45 | 68 | 50.0 |
| 46-55 | 21 | 15.4 |
| 56+ | 6 | 4.4 |
| Total | 136 | 100.0 |

FIGURE 4.1

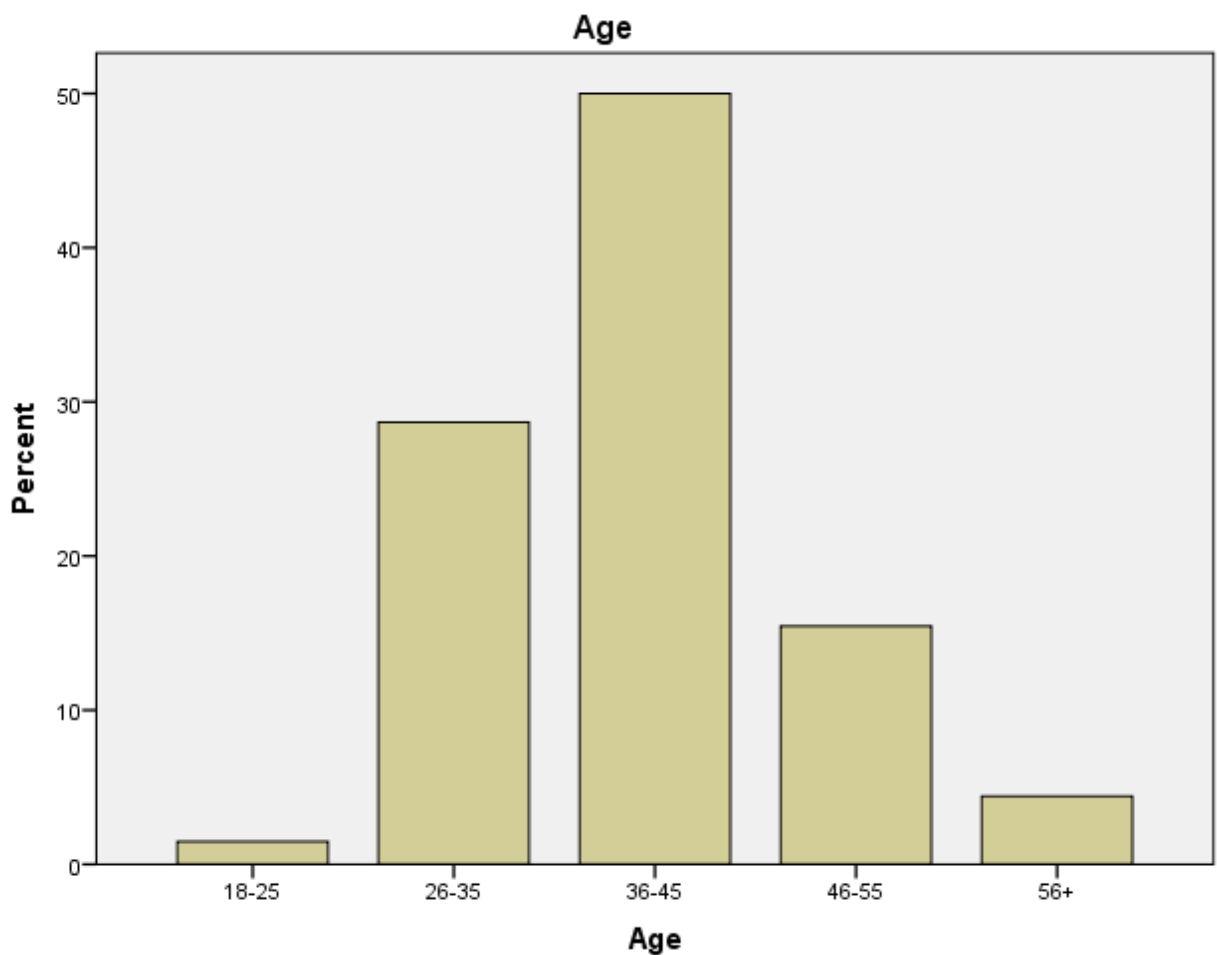


Table 4.1 above indicated that 107 respondents which constituted 78.7 of the total sample were between the age group of 26-45, while only 2 respondents which constituted 1,5% of the total sample were between 18-25 years.

27 respondents which constituted 19.8% were in an age group of between 46-56 years (Figure 4.1).

This suggested that the majority of respondents were relatively young. It can therefore be suggested that municipalities are in the right direction in addressing the challenge of youth unemployment.

TABLE 4.2 **Distribution in sample according to race**

| Race | Frequency | Percentage |
|-------|-----------|------------|
| Black | 133 | 97.8 |
| White | 3 | 2.2 |
| Total | 136 | 100.0 |

FIGURE 4.2

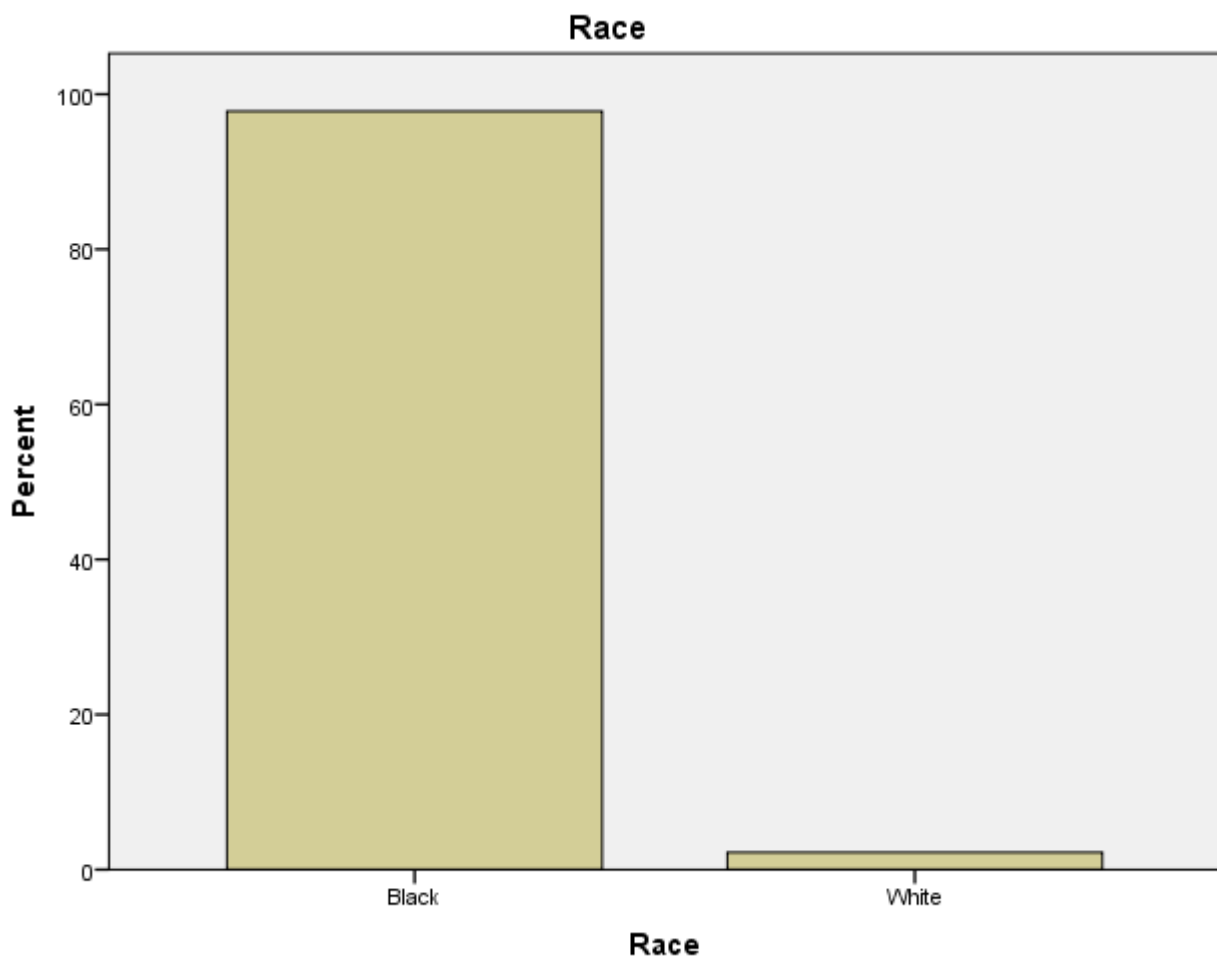


Table 4.2 above revealed that out of 136 respondents who participated in the study, 133 which constituted 97.8% of the total sample were blacks, while only 3 respondents which constituted 2, 2% of the total sample were Whites (Figure 4.2). This is no surprise since Vhembe District Municipality is predominately Blacks and is also rural-based. The majority of municipal officials are Blacks which is also in line with the demography of the municipalities.

TABLE 4.3 **Distribution in sample according to gender**

| Gender | Frequency | Percentage |
|--------|-----------|------------|
| Male | 77 | 56.6 |
| Female | 59 | 43.4 |
| Total | 136 | 100.0 |

FIGURE 4.3

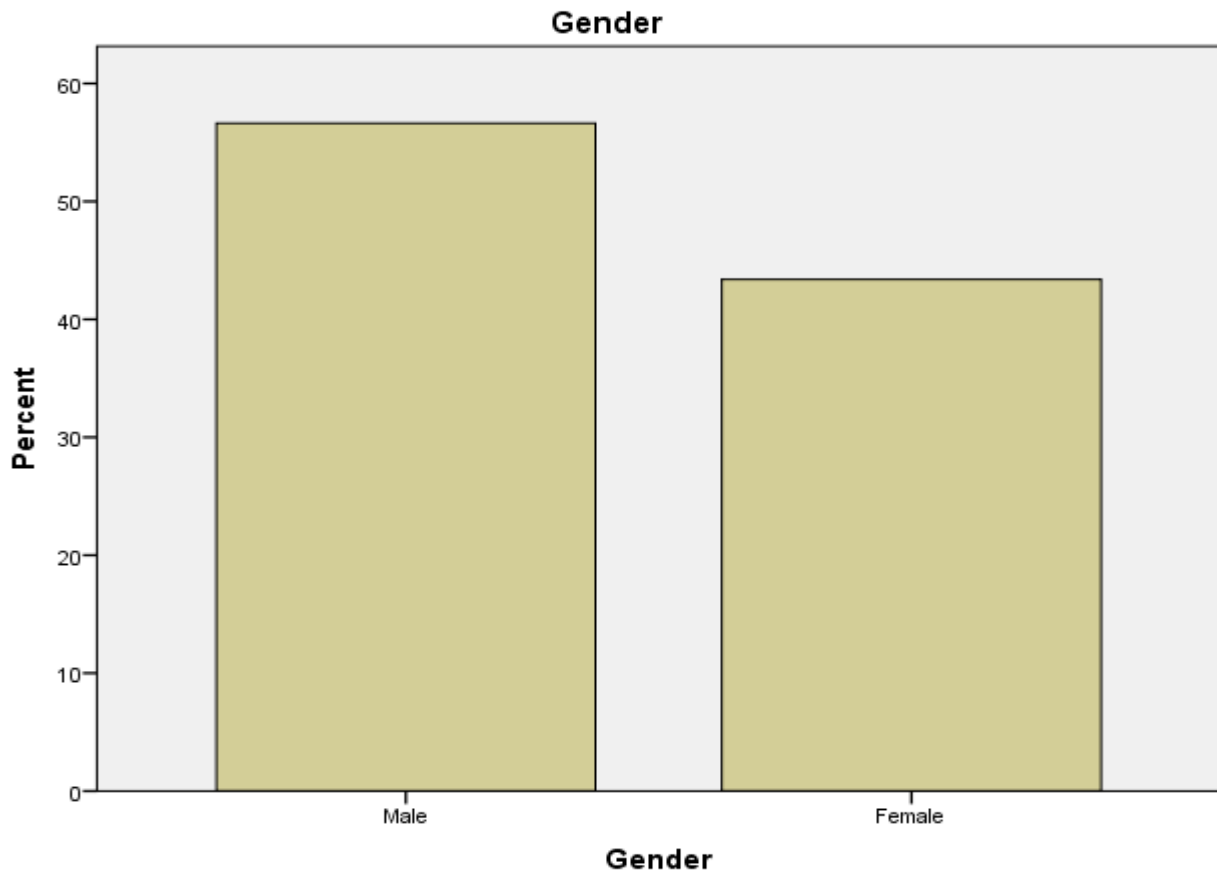


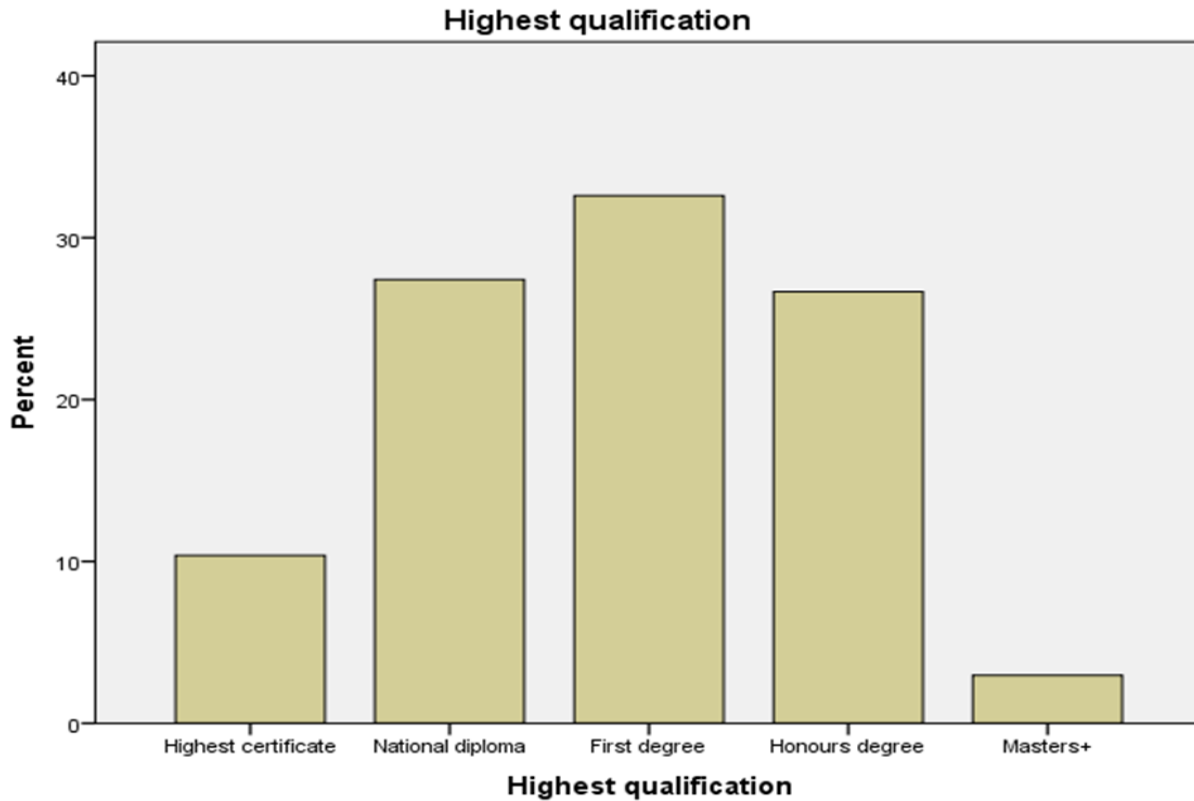
Figure 4.3 above indicated that there was a slight majority (13.2%) of males over female respondents. Males constituted 56.6% while 59 respondents were females which constituted 43, 4% of the total sample. This suggested that rural-based municipalities were in a right direction of implementing affirmative action policy whereby more females were employed in large numbers, especially in management positions.

TABLE 4.4 Distribution in sample according to highest qualification

| Highest qualification | Frequency | Percentage |
|-----------------------|-----------|------------|
| Higher certificate | 14 | 10.3 |
| National Diploma | 37 | 27.2 |
| First degree | 44 | 32.4 |

| | | |
|----------------|-----|-------|
| Honours degree | 36 | 26.5 |
| Masters+ | 4 | 2.9 |
| Total | 135 | 99.3 |
| Missing system | 1 | 0.7 |
| Total | 136 | 100.0 |

FIGURE 4.4

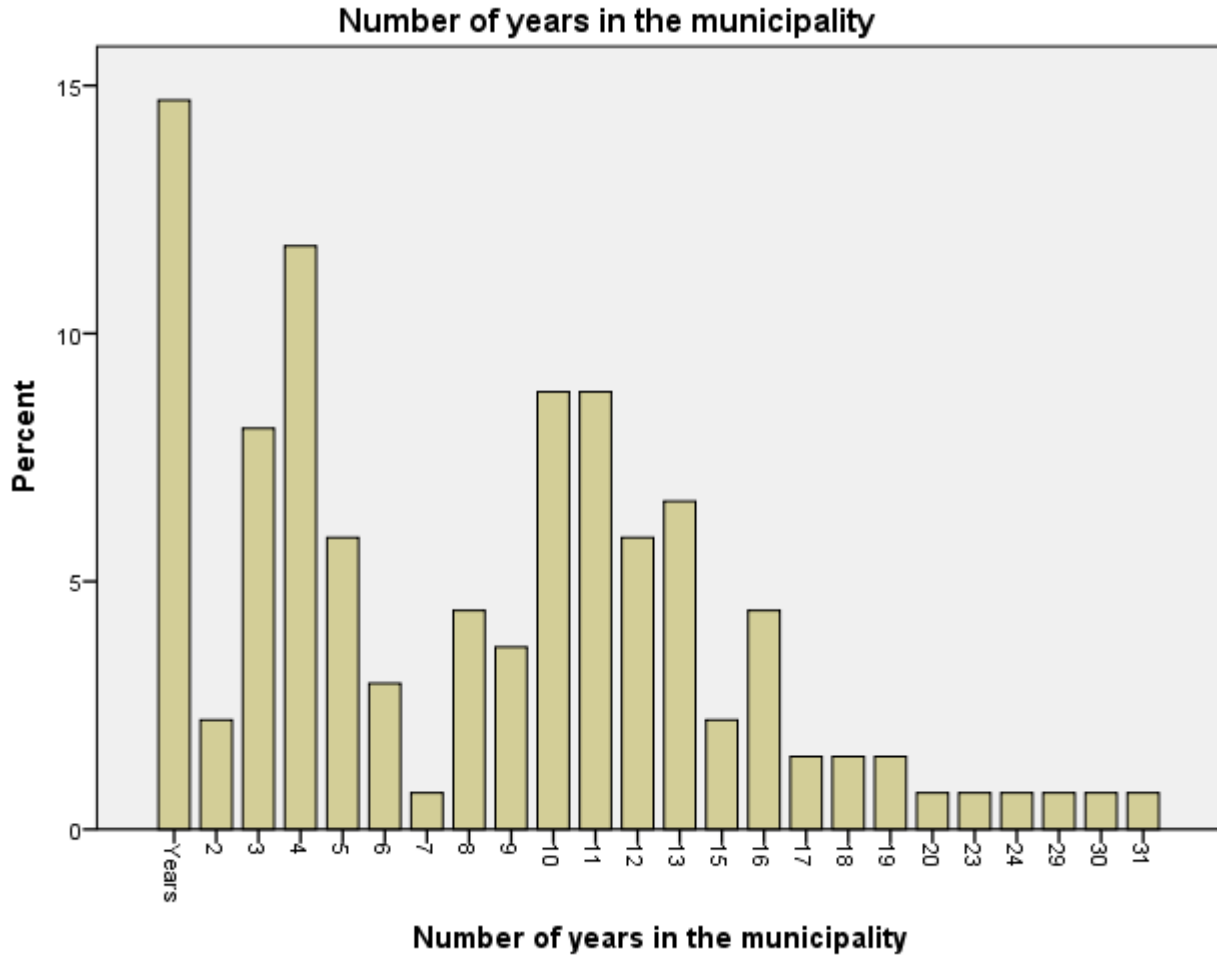


The levels of education of respondents are well indicated by Figure 4.4. The vast majority of respondents were university graduates. This is revealed by 84 respondents who constituted 61.8% of the total sample. Only 14 respondents who constituted 10.3% of the total sample had higher certificates (Table 4.4). 37 respondents who participated in the study constituting 27.2% had national diplomas (Figure 4.4). A conclusion can be drawn that municipal employees were relatively qualified for their jobs which is encouraging.

TABLE 4.5 **Distribution in sample according to number of years in the municipality**

| Years | Frequency | Percentage |
|-------|-----------|------------|
| 1 | 20 | 14.7 |
| 2 | 3 | 2.2 |
| 3 | 11 | 8.1 |
| 4 | 16 | 11.8 |
| 5 | 8 | 5.9 |
| 6 | 4 | 2.9 |
| 7 | 1 | 0.7 |
| 8 | 6 | 4.4 |
| 9 | 5 | 3.7 |
| 10 | 12 | 8.8 |
| 11 | 12 | 8.8 |
| 12 | 8 | 5.9 |
| 13 | 9 | 6.6 |
| 15 | 3 | 2.2 |
| 16 | 6 | 4.4 |
| 17 | 2 | 1.5 |
| 18 | 2 | 1.5 |
| 19 | 2 | 1.5 |
| 20 | 1 | 0.7 |
| 23 | 1 | 0.7 |
| 24 | 1 | 0.7 |
| 29 | 1 | 0.7 |
| 30 | 1 | 0.7 |
| 31 | 1 | 0.7 |
| Total | 136 | 100.0 |

FIGURE 4.5



50 respondents who constituted 36.8% of the total sample had an experience of between 1 to 4 years in the municipality (Table 4.5). Out of 50 respondents of the total sample, 20 respondents who constituted 14.7% had only one year experience which indicated lack of experience. 19 respondents who constituted 13.9% had an experience ranging between 5 and 8 years in the municipality.

69 respondents who constituted 49.1% of the total sample had an experience ranging between 9 and 31 years in the municipality (Figure 4.5).

Statistics therefore revealed that a small majority of respondents were experienced in terms of the numbers of years serving the municipality.

TABLE 4.6 Distribution in sample according to current position in the municipality

| Supervisor | Frequency | Percentage |
|----------------|-----------|------------|
| Manager | 36 | 26.5 |
| Manager | 38 | 27.9 |
| Senior Manager | 27 | 19.9 |
| Director | 9 | 6.6 |
| Councillor | 26 | 19.1 |
| Total | 136 | 100.0 |

FIGURE 4.6

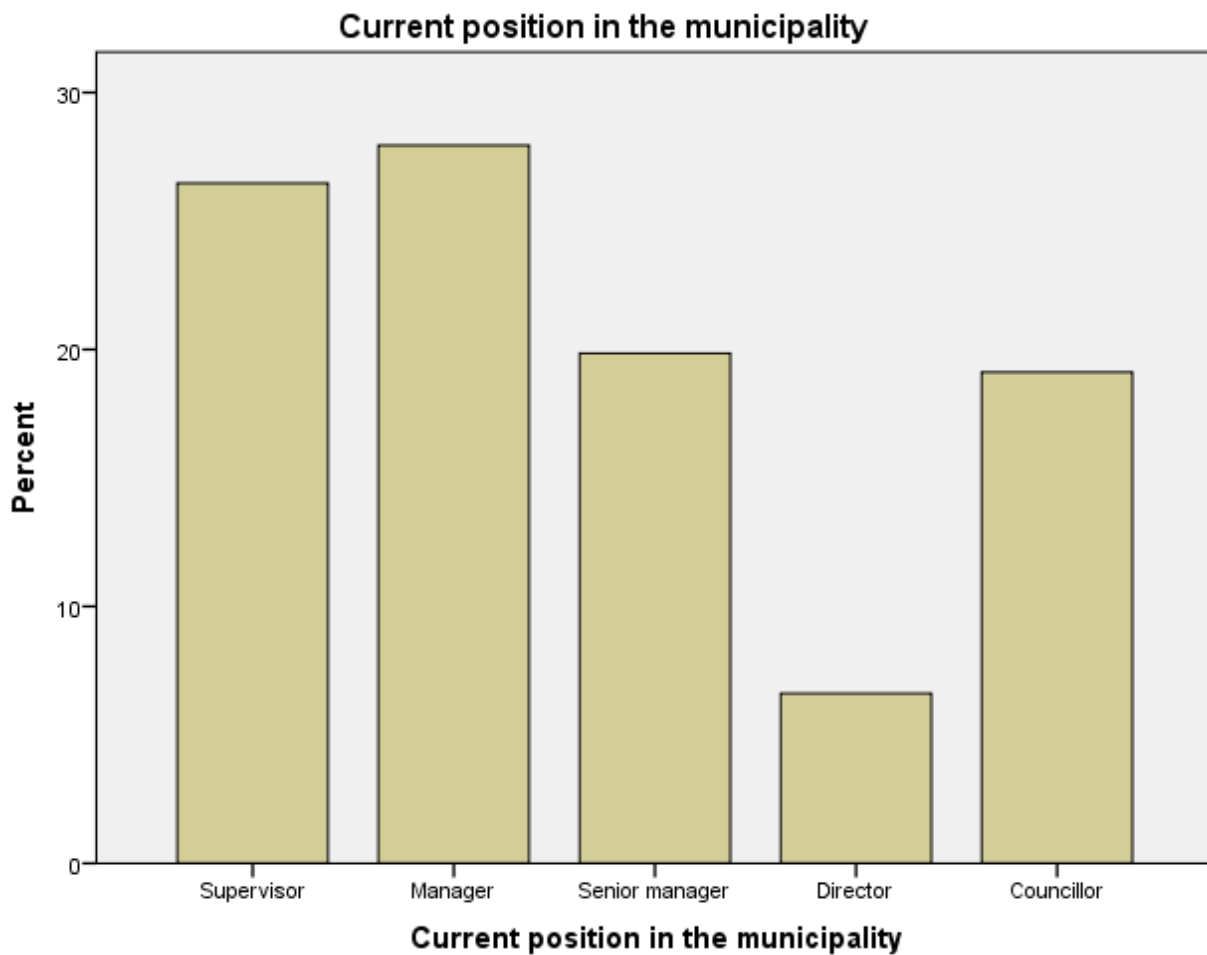


Figure 4.6 revealed how sampled respondents were grouped according to their ranks in the municipality. Statistics indicated that managers were 38 which constituted 27.9% of the total sample. This group was followed by supervisors who were 36 constituting 26.5% of the total sample (Table 4.6).

Senior managers and Directors were also 36 which again constituted 26.5% of the total sample. Councillors constituted only 19.1% of the respondents (Figure 4.6).

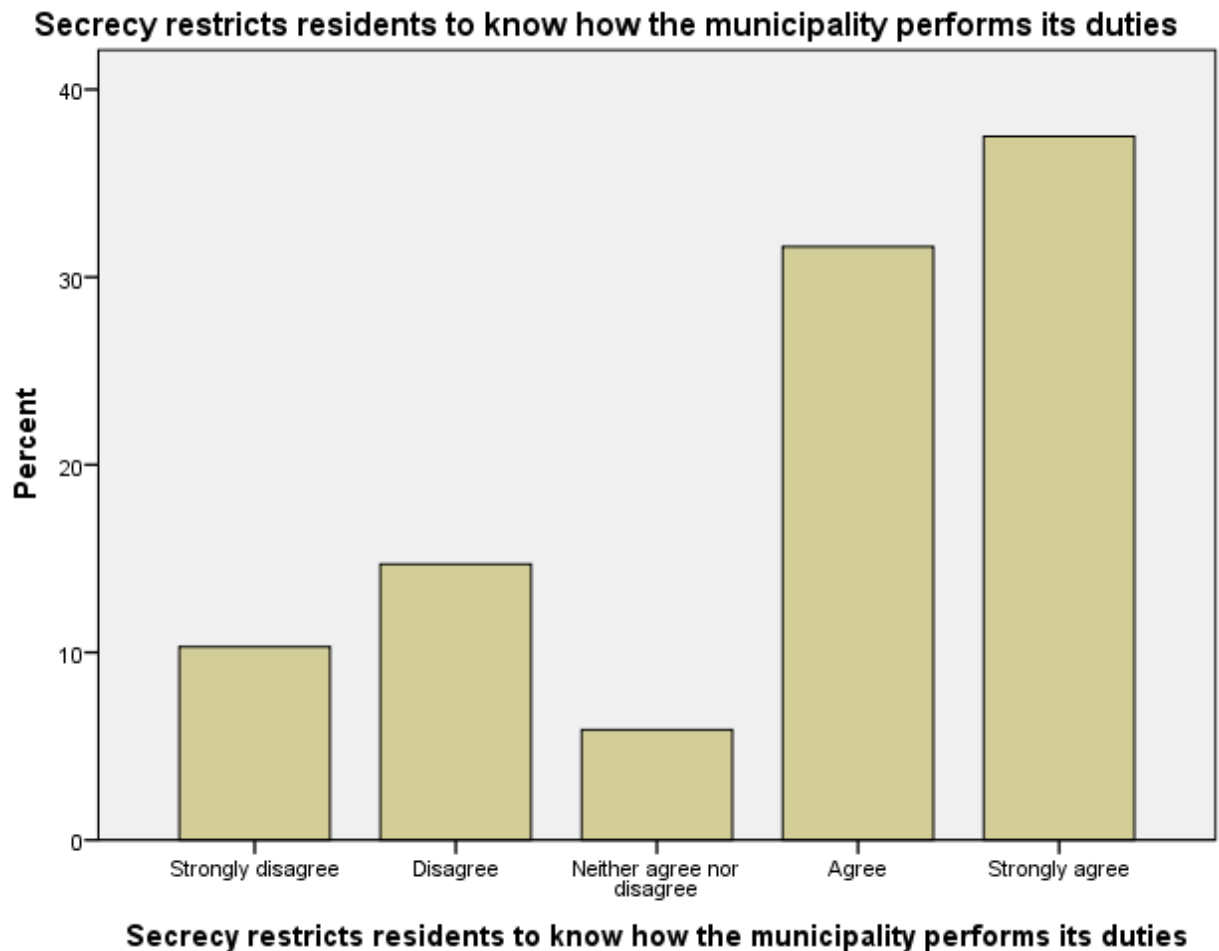
SECTION B

Challenges posed by unethical behaviour in service delivery

TABLE 4.7 Secrecy restricts residents to know how the municipality perform its duties

| | Frequency | Percentage |
|----------------------------|-----------|------------|
| Strongly disagree | 14 | 10.3 |
| Disagree | 20 | 14.7 |
| Neither agree nor disagree | 8 | 5.9 |
| Agree | 43 | 31.6 |
| Strongly agree | 51 | 37.5 |
| Total | 136 | 100.0 |

FIGURE 4.7



69.1% of the respondents agreed that secrecy restricts residents to know how the municipality performed its duties (see Table 4.7). However, it was in the interest of members of the local municipality to know how the municipality was conducting its affairs. Where secrecy is prevalent, the principles of openness and transparency which are pillars of accountable governance are compromised.

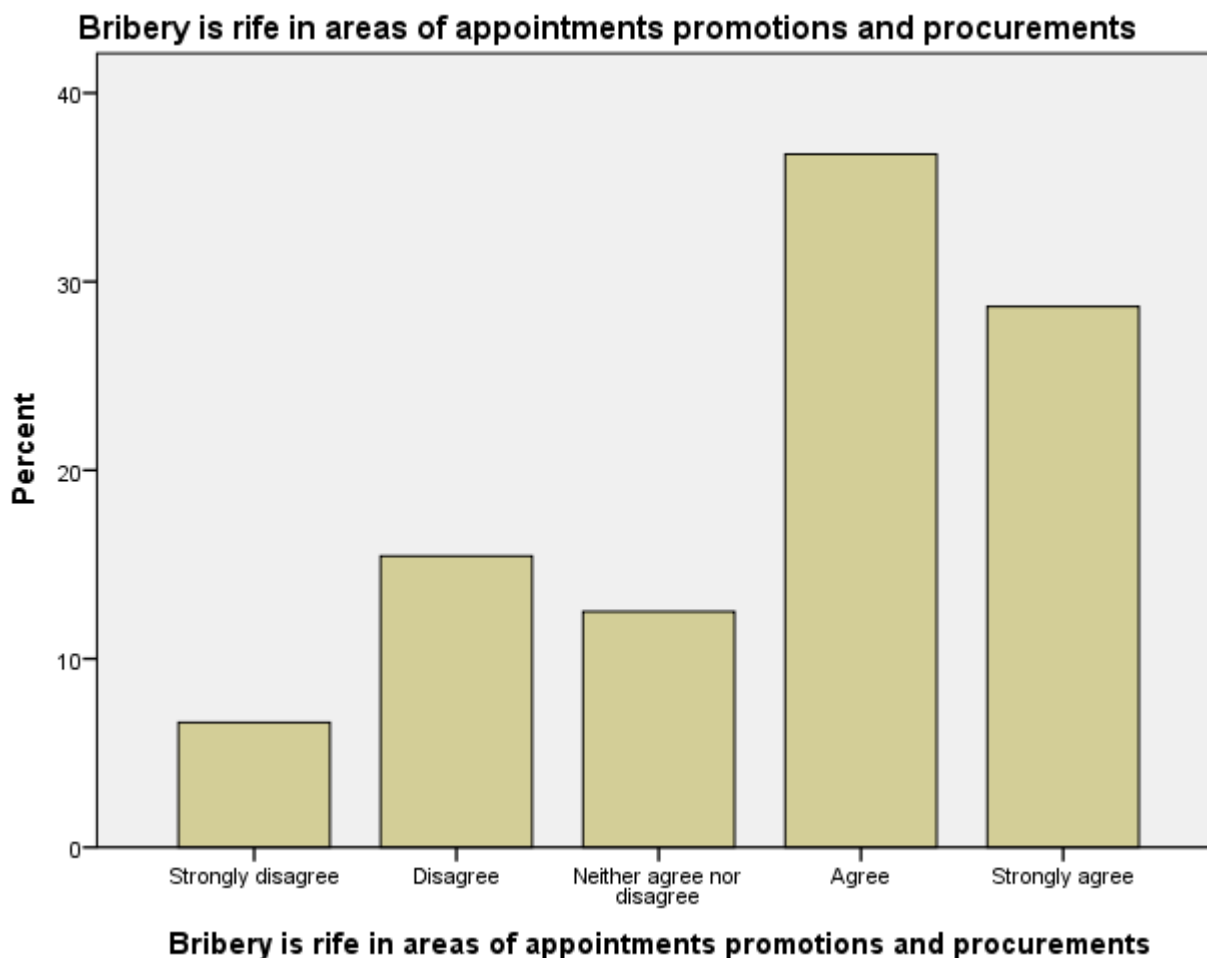
25% of the total sample did not agree with the statement meaning that they did not believe that secrecy indeed restricts residents to know how the municipality performed its activities.

It should also be noted that 5.9% of the total sample neither agreed nor disagreed. It is evident that secrecy was a challenge at rural-based municipalities which was impacting the delivery of quality service negatively.

TABLE 4.8 **Bribery is rife in areas of appointments, promotions and procurements**

| | Frequency | Percentage |
|----------------------------|-----------|------------|
| Strongly disagree | 9 | 6.6 |
| Disagree | 21 | 15.4 |
| Neither agree nor disagree | 17 | 12.5 |
| Agree | 50 | 36.8 |
| Strongly agree | 39 | 28.7 |
| Total | 136 | 100.0 |

FIGURE 4.8



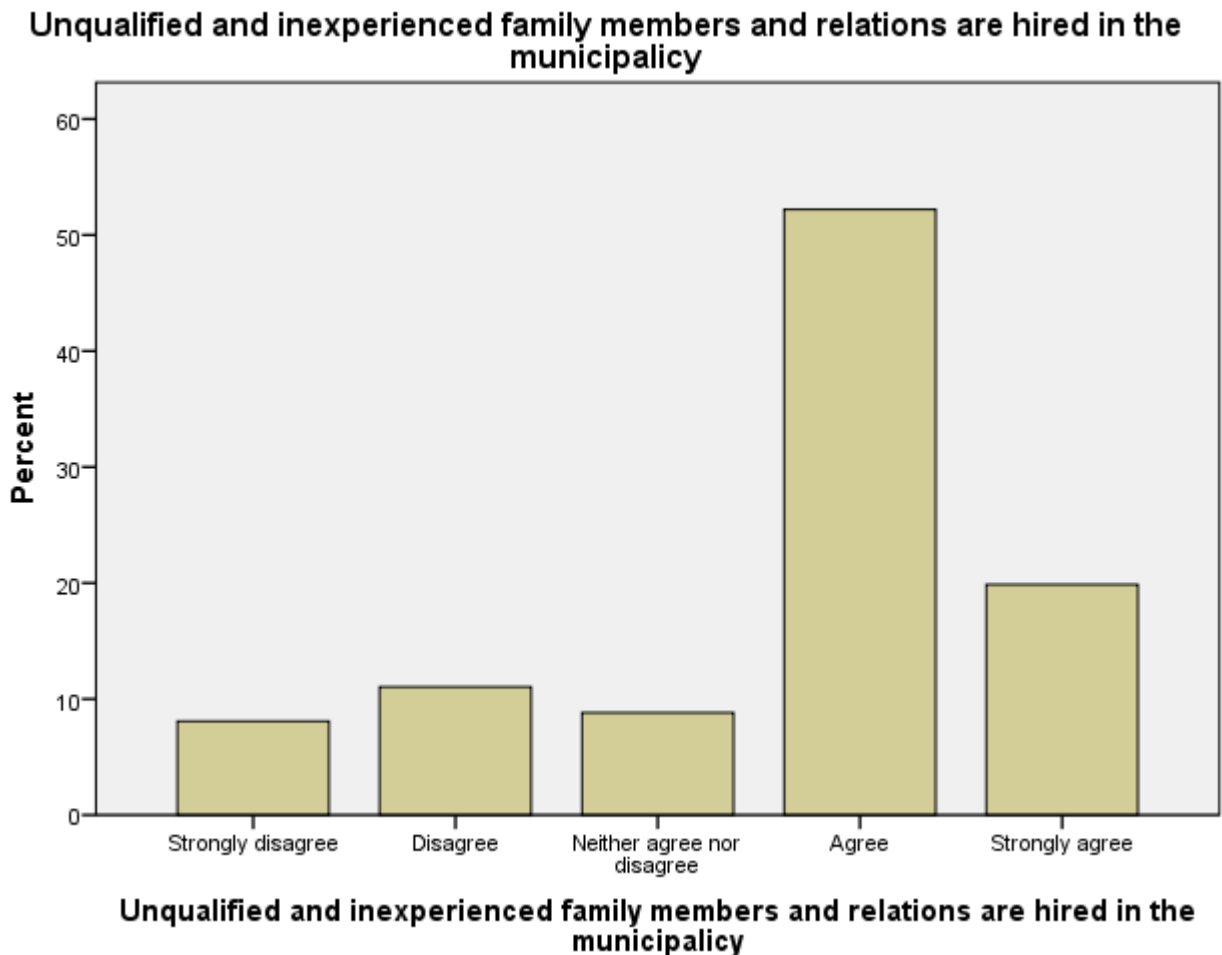
According to Mle (2012:29) bribery is rife in municipalities and members of the public are shocked when public officials who occupy positions of trust are implicated in a scandal. Statistics confirmed that indeed bribery was an issue which needed urgent attention. The majority of respondents 89 who constituted 65.5% of the total sample agreed that bribery was rife in areas of appointments, promotions and procurements.

Cooper (2006:137) stated that public officials accepted money and other valuables in exchange for special favours while performing their normal official duties. Only 30 respondents who constituted 22% disagreed, whereas 12% neither agreed nor disagreed to the statement (see Figure 4.8). It was revealed through these results that bribery was indeed a challenge which required immediate solution.

TABLE 4.9 Unqualified and inexperienced family members and relations are hired in the municipality

| | Frequency | Percentage |
|----------------------------|-----------|------------|
| Strongly disagree | 11 | 8.1 |
| Disagree | 15 | 11.0 |
| Neither agree nor disagree | 12 | 8.8 |
| Agree | 71 | 52.2 |
| Strongly agree | 27 | 19.9 |
| Total | 136 | 100.0 |

FIGURE 4.9



Milakovich & Gordon (2007:308) argue that hiring family members and relatives interferes with the principle of fairness because undue advantage is given to someone who does not deserve the treatment. The response rate of 72.1% (see Figure 4.9) of people who agreed to the statement believed that unqualified and inexperienced family members and relatives were hired in the municipality. This tendency of hiring people who did not have relevant experience led to inefficient and ineffective utilisation of scarce resources of the municipality.

It should be noted that 26 of the respondents who constituted 19.1% of the total sample did not agree that unqualified and inexperienced family members and relatives are hired in the municipality.

A minority of 12 respondents who constituted 8.8% of the total sample neither agreed nor disagreed to the statement. However, it can be argued that unqualified and inexperienced family

members and relatives were hired in lower management since Table 4.4 indicated that the majority in top management were well qualified for their positions (61.8%). But nevertheless, the above results showed that unqualified and inexperienced family members and relatives were hired at municipalities.

TABLE 4.10 **Lack of productivity wastes huge amounts of money**

| | Frequency | Percentage |
|----------------------------|-----------|------------|
| Strongly disagree | 6 | 4.4 |
| Disagree | 11 | 8.1 |
| Neither agree nor disagree | 8 | 5.9 |
| Agree | 61 | 44.9 |
| Strongly agree | 50 | 36.8 |
| Total | 136 | 100.0 |

FIGURE 4.10



Malan (2001:65) argues that lack of productivity is an inevitable consequence where municipal officials lack commitment, initiative and creativity. Etekpe (2012:109) is of the opinion that low productivity in the public sector, including municipalities is the result in part from political and institutional factors.

Table 4.10 and Figure 4.10 indicated that the response rate of 111 respondents who constituted 81.7% of the total sample agreed that lack of productivity wastes huge amounts of money. This confirmed that where the work environment was characterised by incompetency, municipal officials directed their attention and energy and focus on their personal interests and wasting huge amounts of money as a result.

It was evident through these results that, lack of productivity wasted a substantial amount of money and at the expense of quality service delivery.

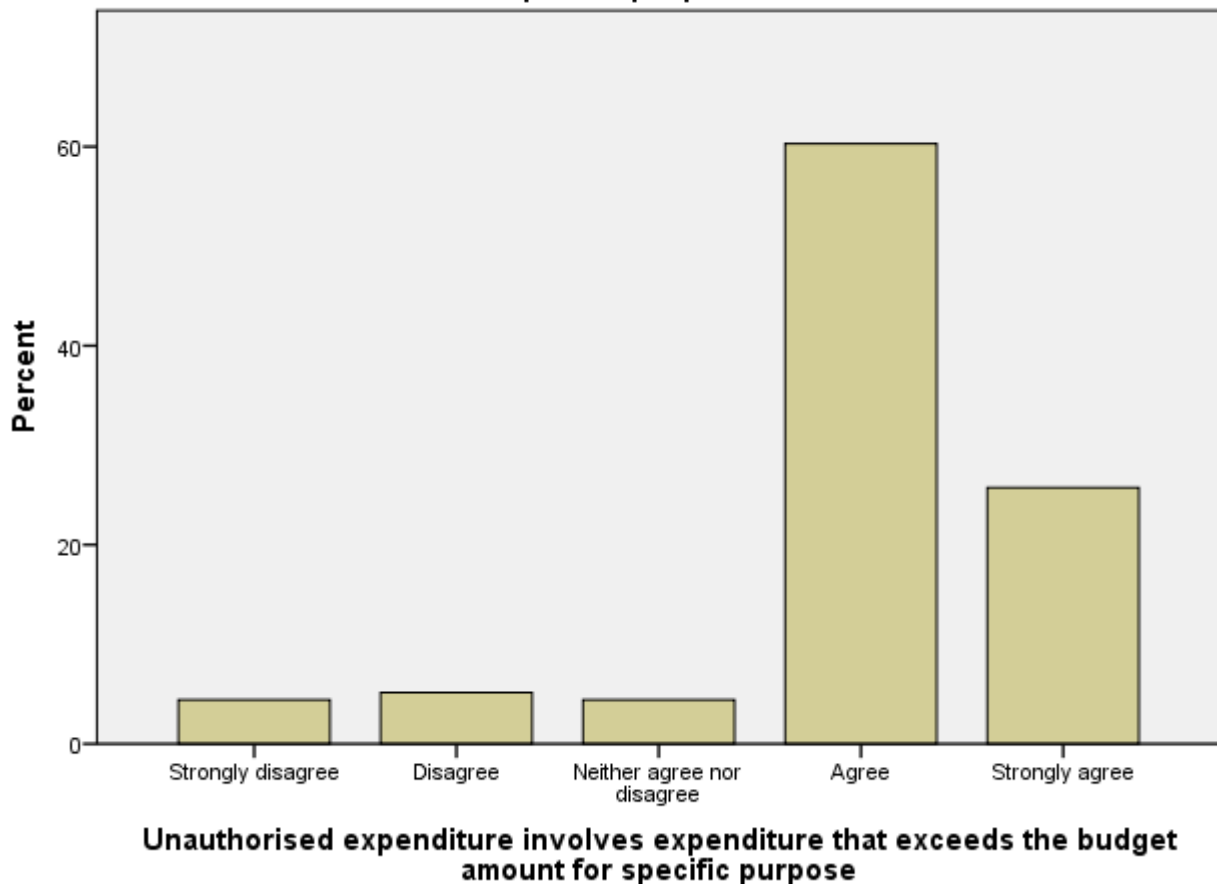
It should also be noted that 17 respondents who constituted 12.5% of the total sample did not agree that lack of productivity wasted huge amount of money. 5.9% of the respondents neither agreed nor disagreed about the statement, a notion that could be attributed to ignorance (see Figure 4.10).

TABLE 4.11 Unauthorised expenditure involves expenditure that exceeds the budget amount for specific purpose

| | Frequency | Percentage |
|----------------------------|-----------|------------|
| Strongly disagree | 6 | 4.4 |
| Disagree | 7 | 5.1 |
| Neither agree nor disagree | 6 | 4.4 |
| Agree | 82 | 60.3 |
| Strongly agree | 35 | 25.7 |
| Total | 136 | 100.0 |

FIGURE 4.11

Unauthorised expenditure involves expenditure that exceeds the budget amount for specific purpose



117 respondents who constituted 86% of the total sample confirmed that unauthorised expenditure involved expenditure that exceeded the budgeted amount for specific purpose (see Table 4.11). This was consistent with Moeti (2014:9) who stated that unauthorised expenditure was overspending or spending which was inconsistent with the mandated requirement of appropriate funds. The Public Finance Management Act (No 1 of 1999 as amended by Act 29 of 1999) explained unauthorised expenditure as either involving expenditure for the purpose that was not allocated for or expenditure which exceeded the budget amount for a specific purpose which is inconsistent with the economic, efficient and effective utilisation of scarce resources.

Furthermore, 13 respondents who constituted 9.5% disagreed with the statement. The minority of 4.4% neither agreed nor disagreed, a notion that could be attributed to lack of information. This

indicated that the majority of the respondents agreed that indeed unauthorised expenditure which involved exceeding the budgeted amount was an issue of concern which needed immediate attention.

SECTION C

Assessing the effects of unethical behaviour

TABLE 4.12 Residents vandalise service facilities intended for their use

| | Frequency | Percentage |
|----------------------------|-----------|------------|
| Strongly disagree | 4 | 2.9 |
| Disagree | 10 | 7.4 |
| Neither agree nor disagree | 8 | 5.9 |
| Agree | 78 | 57.4 |
| Strongly agree | 36 | 26.5 |
| Total | 136 | 100.0 |

FIGURE 4.12

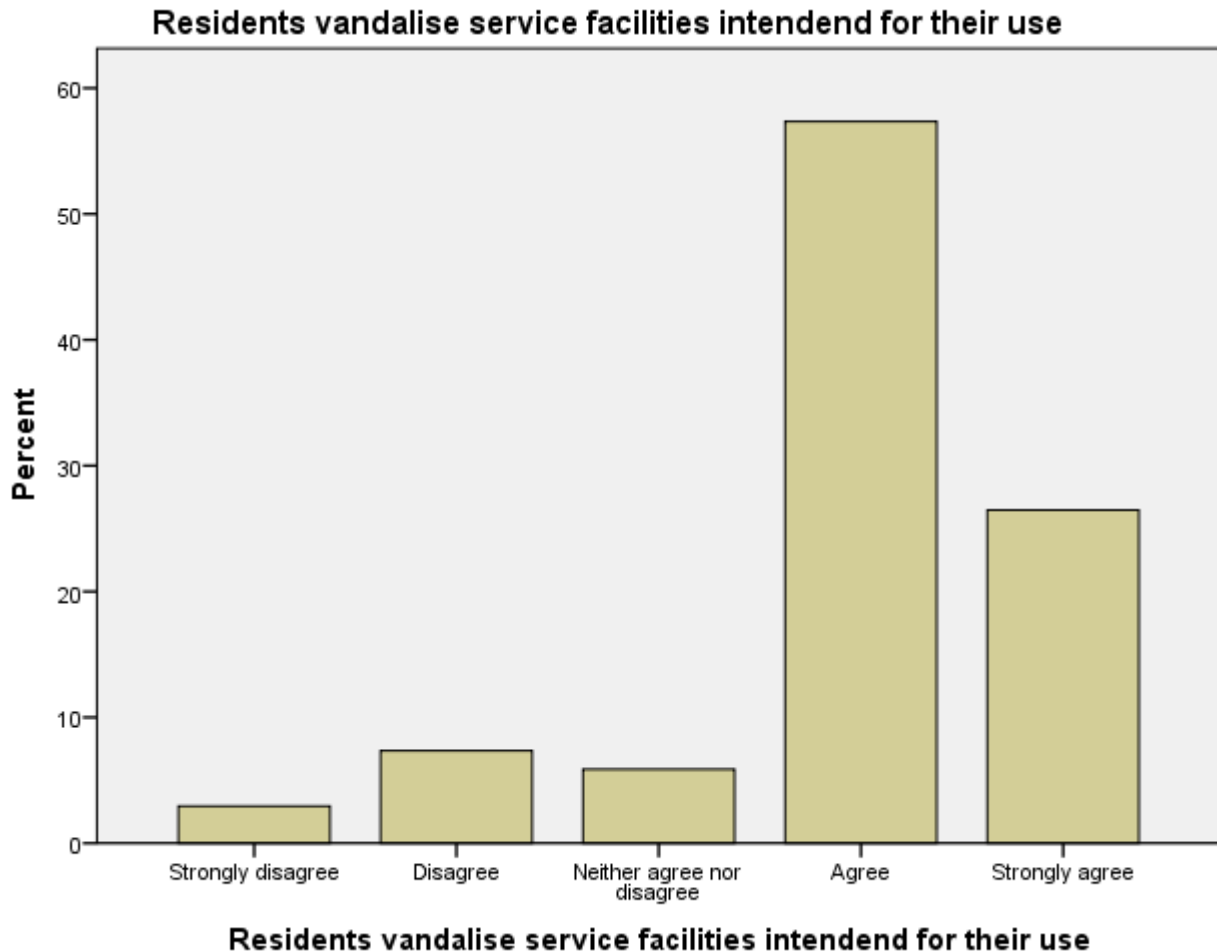


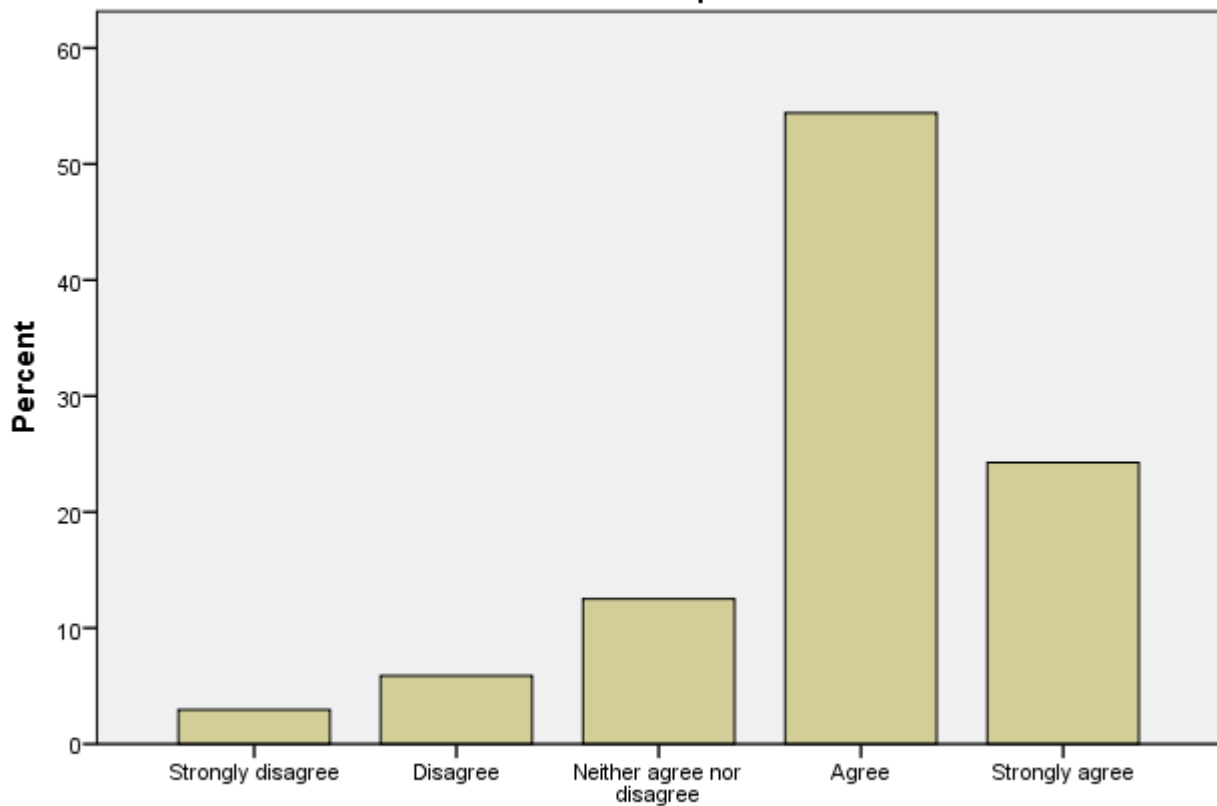
Figure 4.12 indicated that 114 of the respondents who constituted 83.9% of the total sample confirmed that residents out of frustration vandalised service facilities intended for their use. To give an example, at Tshiozwi which is under Makhado Local Municipality, local residents destroyed running water facilities intended for their use. At Vuwani local residents damaged tarred road out of their frustrated effort of refusing to be incorporated into a new municipal entity LIM345. In Bronkhorstspuit protesters torched several buildings including a clinic out of frustrations from municipal decisions. However, 14 respondents who constituted 10.3% of the total sample disagreed with the statement while the remaining 5.9% neither agreed nor disagreed. The above results showed that a large number of respondents agreed that residents vandalised services intended for their use out of frustration.

TABLE 4.13 The municipality loses competent public officials who find it difficult to associate themselves with corrupt officials

| | Frequency | Percentage |
|----------------------------|-----------|------------|
| Strongly disagree | 4 | 2.9 |
| Disagree | 8 | 5.9 |
| Neither agree nor disagree | 17 | 12.5 |
| Agree | 74 | 54.4 |
| Strongly agree | 33 | 24.3 |
| Total | 136 | 100.0 |

FIGURE 4.13

The municipality loses competent public officials who find it difficult to associate themselves with corrupt officials



The municipality loses competent public officials who find it difficult to associate themselves with corrupt officials

The public sector of which rural-based municipalities is part of is experiencing a great loss of highly competent personnel to the private sector (Malan et al, 2001:65). This was confirmed by 107 respondents who constituted 78.7% of the total sample (see Table 4.13). Rural-based municipalities were hard hit because it was the wrong people who actually left the entity and whose skills and competencies were highly valued and in extreme demand. Competent municipal officials who found it difficult to associate themselves with unethical and incompetent municipal officials were usually frustrated by the work environment.

Only 12 respondents who constituted 8.8% of the total sample disagreed while the remaining 17 respondents who constituted 12.5% neither agreed nor disagreed, a notion that could be attributed to lack of information and knowledge. From the statistics above, a conclusion can be drawn that municipalities were experiencing a massive exodus of experienced and highly competent personnel to the private sector.

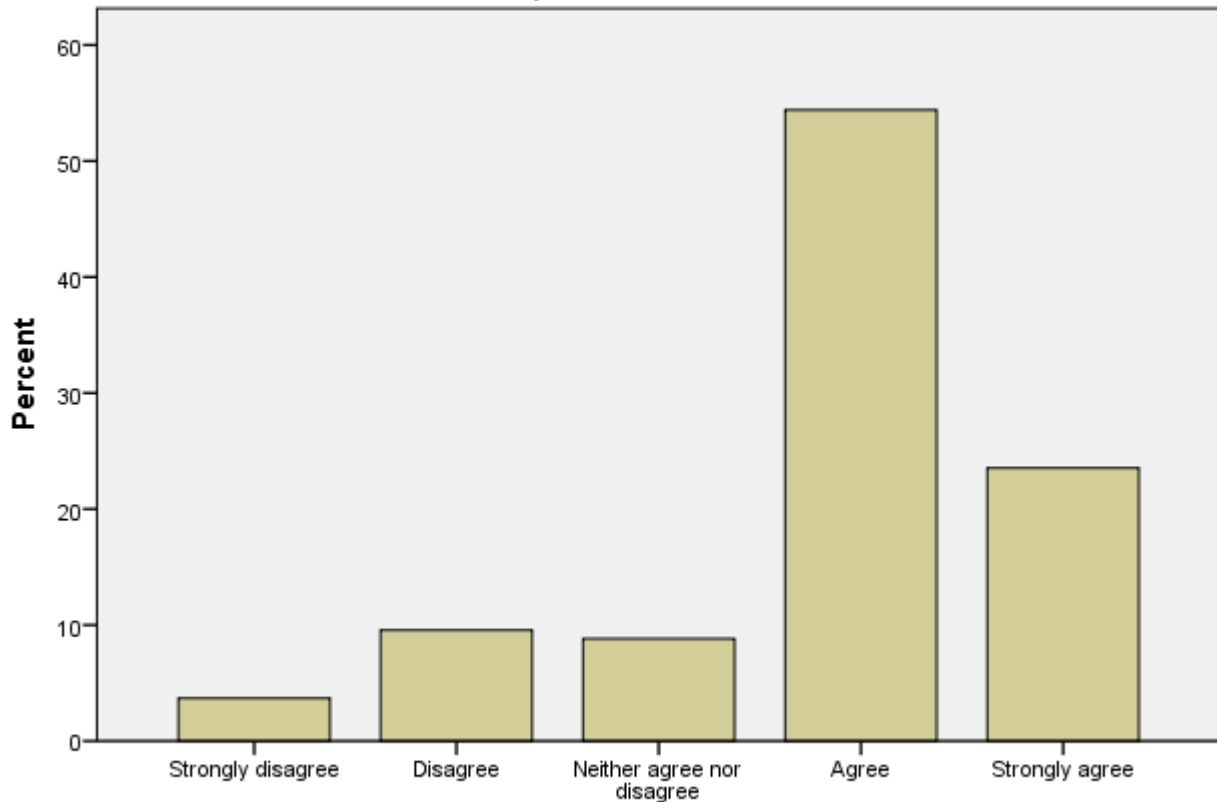
TABLE 4.14

Unqualified, incompetent officials who are politically connected are employed and promoted

| | Frequency | Percentage |
|----------------------------|-----------|------------|
| Strongly disagree | 5 | 3.7 |
| Disagree | 13 | 9.6 |
| Neither agree nor disagree | 12 | 8.8 |
| Agree | 74 | 54.4 |
| Strongly agree | 32 | 23.5 |
| Total | 136 | 100.0 |

FIGURE 4.14

Unqualified, incompetent officials who are politically connected are employed and promoted



Unqualified, incompetent officials who are politically connected are employed and promoted

According to Hanekom et al (1995:155) appointing unqualified, incompetent officials to public positions with total disregard to the merit principle leads to poor service delivery. Statistics in figure 4.14 revealed that 106 respondents who constituted 77.9% of the total sample agreed that unqualified, incompetent officials who were politically connected were employed and promoted. Cloete (1998:185) argues that when an official is offered a position because of connections rather than credentials and experience, the service that person renders to the local community becomes of poor quality. However, the 18 respondents who constituted 13.13% of the total sample who disagreed that unqualified and incompetent officials who were politically connected were employed and promoted could be based on lack of information. Only 12 respondents constituting 8.8% of the total sample neither agreed nor disagreed (see Figure 4.14). It was evident through the above results that unqualified and incompetent municipal officials who were politically connected were employed and promoted.

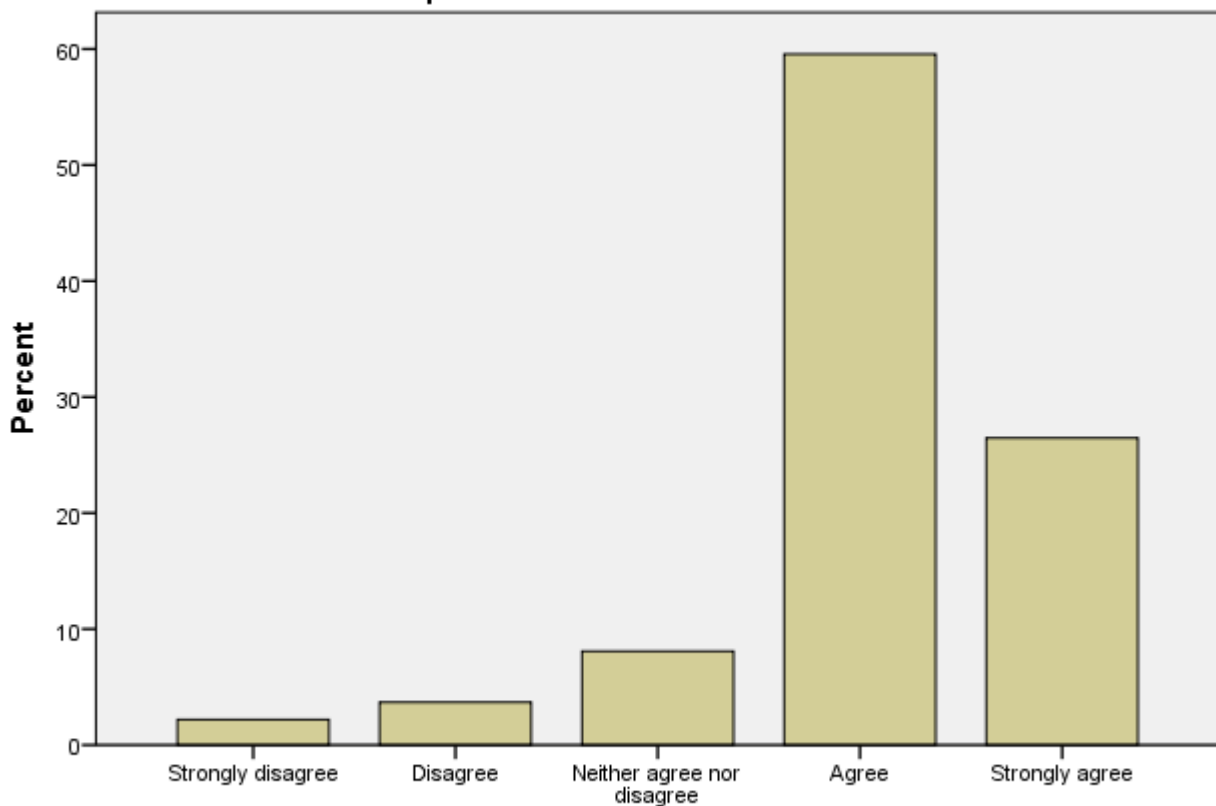
TABLE 4.15

The loss of experienced, competent employees result in a serious decline of the required standard of services

| | Frequency | Percentage |
|----------------------------|-----------|------------|
| Strongly disagree | 3 | 2.2 |
| Disagree | 5 | 3.7 |
| Neither agree nor disagree | 11 | 8.1 |
| Agree | 81 | 59.6 |
| Strongly agree | 36 | 26.5 |
| Total | 136 | 100.0 |

FIGURE 4.15

The loss of experienced, competent employees results in a serious decline of the required standard of services



The loss of experienced, competent employees results in a serious decline of the required standard of services

Malan et al (2001:65) agree that the public sector is in a stage of experiencing movement of competent employees to the private sector. Once incompetent municipal officials are in office, since they do not know what to do, it might result in a collapse of service delivery (Abdullah, 2013:118). Table 4.15 above indicated that the response rate of 117 respondents which constituted 86.1% agreed to the statement that loss of experienced, competent employees resulted in a serious decline of the required standard of services. But it was also noted that 8 respondents which constituted 5.9% of the total sample did not agree with the statement and the notion could be based on lack of knowledge.

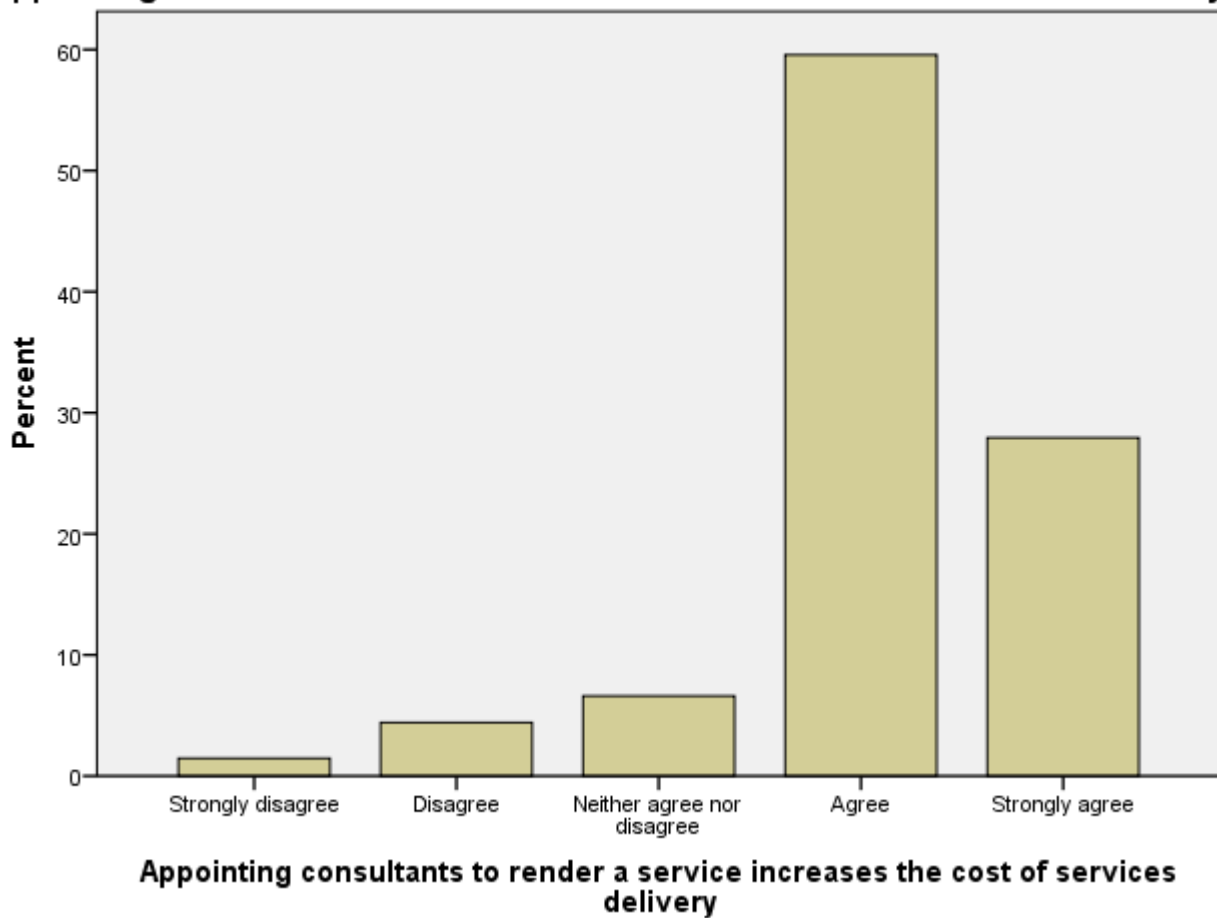
The remaining 11 respondents who constituted 8.1% of the total sample neither agreed nor disagreed (see Figure 4.15). This indicated that the majority of the respondents agreed that the serious decline of services was due to incompetent municipal officials.

TABLE 4.16 Appointing consultants to render a service increases the cost of service delivery

| | Frequency | Percentage |
|----------------------------|-----------|------------|
| Strongly disagree | 2 | 1.5 |
| Disagree | 6 | 4.4 |
| Neither agree nor disagree | 9 | 6.6 |
| Agree | 81 | 59.6 |
| Strongly agree | 38 | 27.9 |
| Total | 136 | 100.0 |

FIGURE 4.16

Appointing consultants to render a service increases the cost of services delivery



Statistics in Figure 4.16 revealed that appointing consultants to render a service increased the cost of services delivered. The majority of the respondents agreed that appointing consultants to render services increased the cost of services delivered. 119 respondents which is 87, 5% of the total sample agreed that indeed appointing consultants to render a service increased the cost of services delivered. This confirmed the view that consultants should only be engaged when the necessary skills are not readily available in the municipality and when the authority cannot be reasonably expected to train municipal employees in time available.

9 respondents who constituted 6.6% of the total sample neither agreed nor disagreed about the statement in question.

A minority of respondents (5.9%) disagreed that appointing consultants to render a service increased the cost of services delivery, a notion that could be attributed to lack of information and knowledge. It is evident through the above results that rendering services by appointing consultants increased the cost of service delivery particularly in municipalities where the majority survived through social grants.

TABLE 4.17 Corrupt public functionaries promote the culture of corruption in the municipality

| | Frequency | Percentage |
|----------------------------|-----------|------------|
| Strongly disagree | 3 | 2.2 |
| Disagree | 8 | 5.9 |
| Neither agree nor disagree | 13 | 9.6 |
| Agree | 79 | 58.1 |
| Strongly agree | 33 | 24.3 |
| Total | 136 | 100.0 |

FIGURE 4.17

Corrupt public functionaries promote the culture of corruption in the municipality

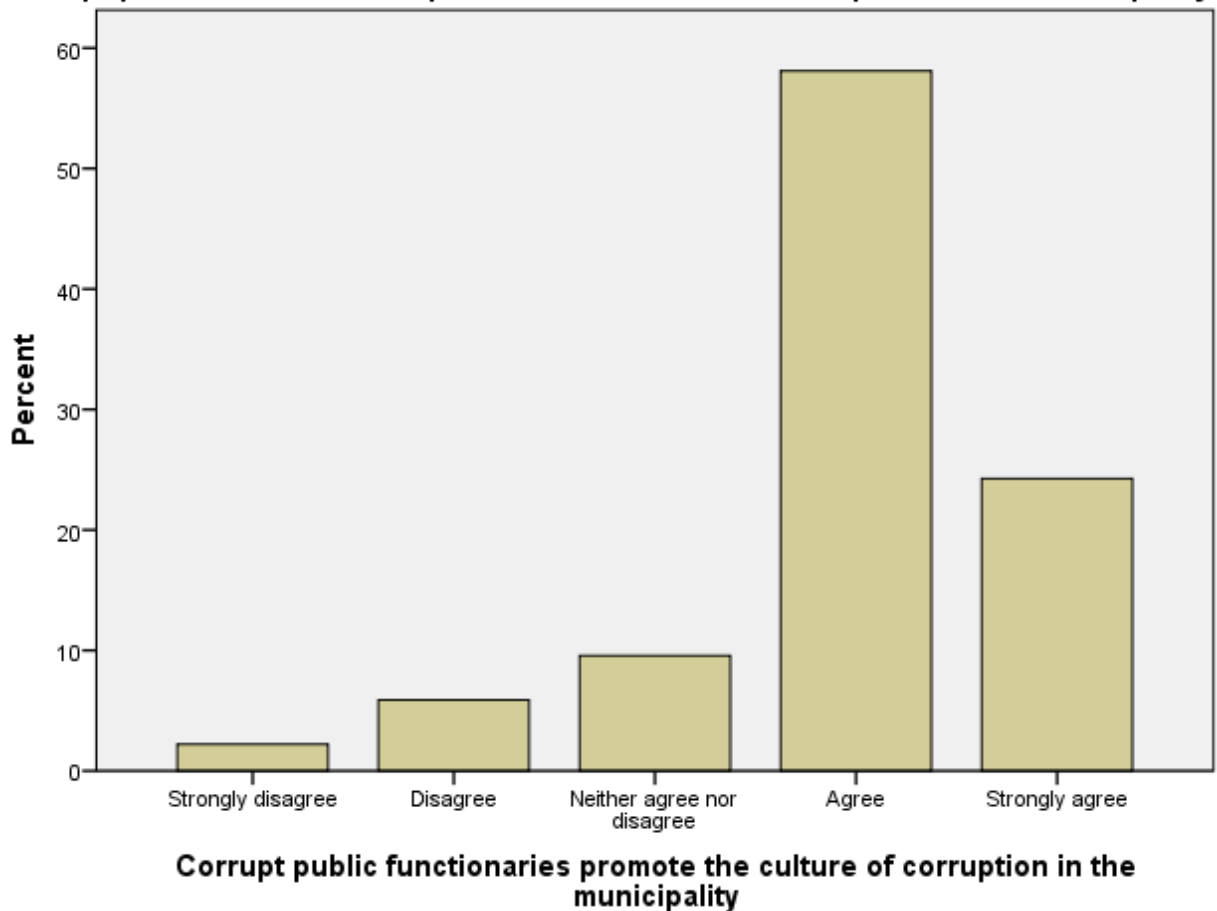
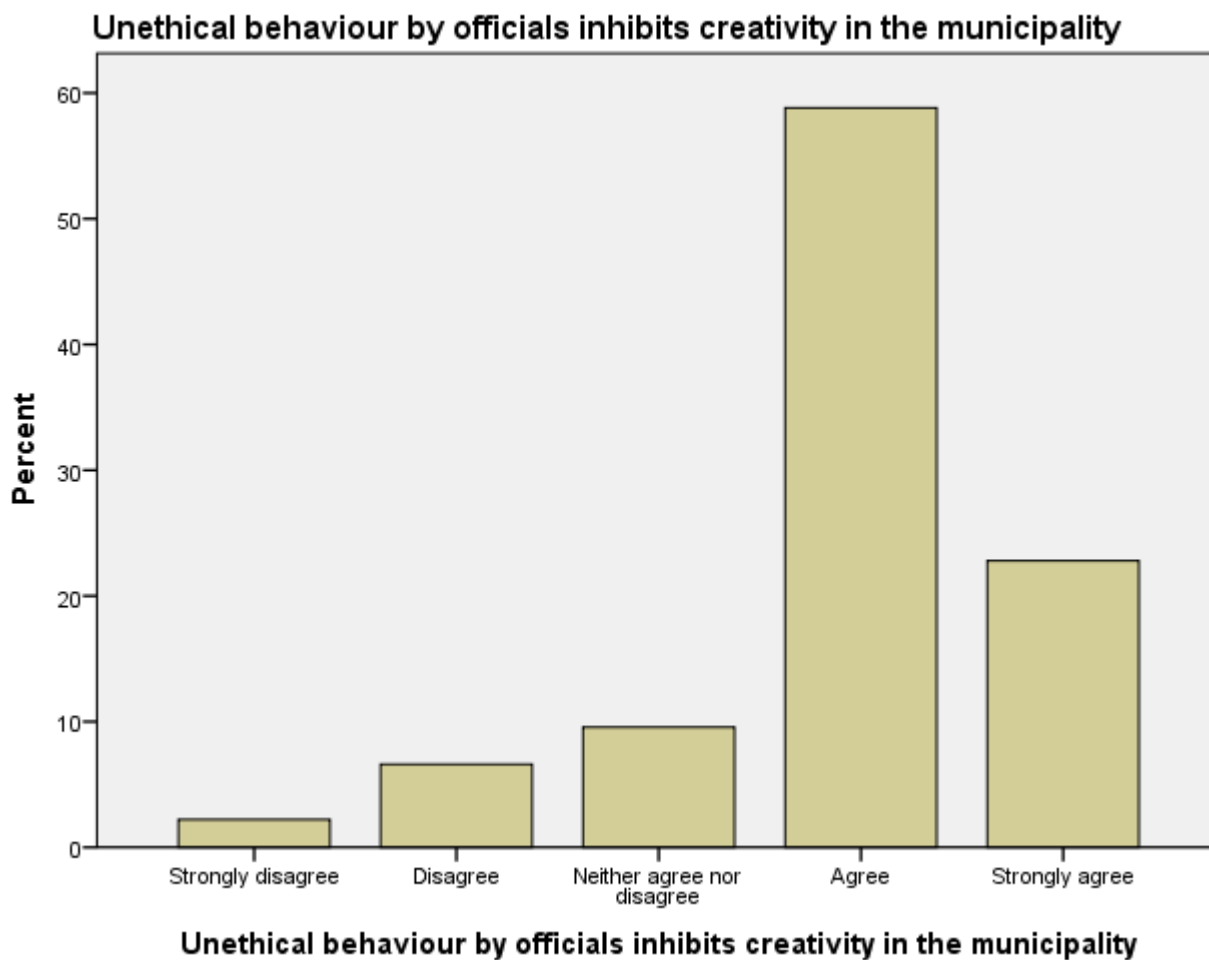


Table 4.17 indicated that 112 of the respondents which constituted 82.4% of the total sample agreed that corrupt public functionaries promote the culture of corruption in the municipality. It can be argued that respondents believed that municipal officials who are dishonest and corrupt use the public office for private purposes undermining the basic principles of public administration as stated in section 195(1) of the Constitution of the Republic of South Africa, 1996.13 respondents who constituted 9.6% of the total sample who neither agreed nor disagreed to the statement can be based on ignorance. Only 8.8% of the respondents disagreed, a notion that could be linked to lack of information (see Figure 4.17). This indicated that the majority of respondents were in agreement that corrupt public officials were responsible for promoting the culture of corruption in municipalities.

TABLE 4.18 Unethical behaviour by officials inhibits creativity in the municipality

| | Frequency | Percentage |
|----------------------------|-----------|------------|
| Strongly disagree | 3 | 2.2 |
| Disagree | 9 | 6.6 |
| Neither agree nor disagree | 13 | 9.6 |
| Agree | 80 | 58.8 |
| Strongly agree | 31 | 22.8 |
| Total | 136 | 100.0 |

FIGURE 4.18



A total of 111 respondents who constituted 81.6% agreed that unethical behaviour by municipal officials inhibits creativity in the municipality (see Figure 4.17). Malan et al (2001:64) confirm that where unethical behaviour is prevalent, innovation and creativity get stalled and people end up losing faith in the integrity of municipal officials. Kanyane (2004:82) stated that unethical behaviour contributes to non-delivery of essential public services, denying local communities their right to a better life (see section 1.2). It could be argued that where creativity is ignored, municipal officials are restricted to look outside the box and service delivery is comprised.

12 of the respondents who constituted 8.8% of the total sample (minority of respondents) disagreed that unethical behaviour by municipal officials inhibited creativity. The 13 of respondents who constituted 9.6% of the total sample neither agreed nor disagreed to the statement in question. It was evident through the above results that creativity in municipalities was inhibited by unethical officials.

TABLE 4.19 Local residents distrust unethical municipal officials

| | Frequency | Percentage |
|----------------------------|-----------|------------|
| Strongly disagree | 1 | 0.7 |
| Disagree | 9 | 6.6 |
| Neither agree nor disagree | 11 | 8.1 |
| Agree | 82 | 60.3 |
| Strongly agree | 33 | 24.3 |
| Total | 136 | 100.0 |

FIGURE 4.19



A response rate of 115 respondents which constituted 84.6% indicated that majority agreed that local residents distrust unethical municipal officials (see Figure 4.19). Malan et al (2001:16) also concur that if municipal officials are involved in unethical conduct, it becomes difficult for the general public to trust them. When local residents distrust unethical municipal officials, they can go to an extent of rejecting their policies and initiatives.

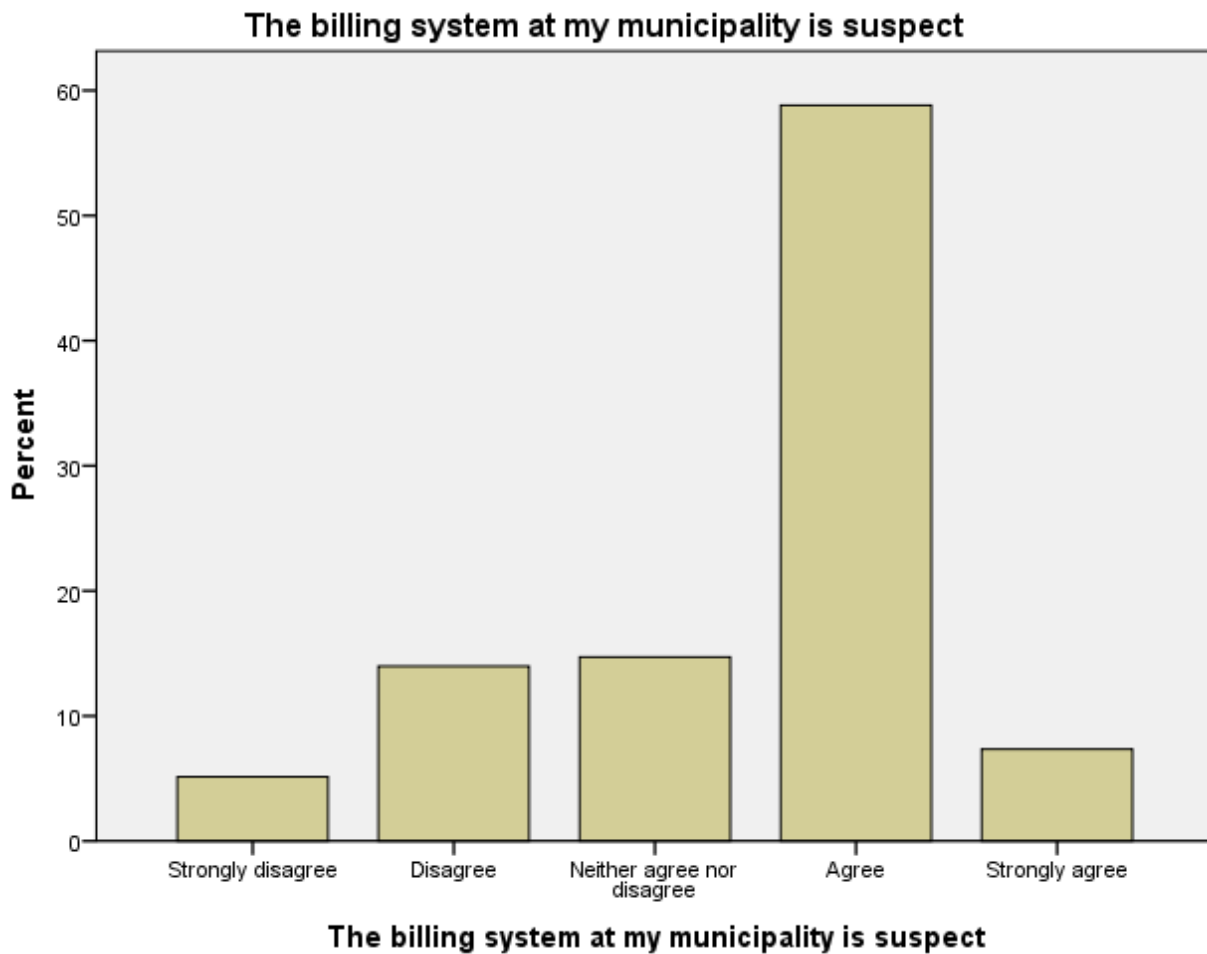
The 11 respondents who constituted 8.1% of the total sample neither agreed nor disagreed to the statement in question, suggesting that they did not know what to really say.

A notable minority of 10 respondents who constituted 7.3% of the total sample disagreed that local residents distrusted unethical municipal officials, a decision that could be based on ignorance. From the statistics above, a conclusion could be drawn that local residents distrusted unethical municipal officials.

TABLE 4.20 The billing system at my municipality is suspect

| | Frequency | Percentage |
|----------------------------|-----------|------------|
| Strongly disagree | 7 | 5.1 |
| Disagree | 19 | 14.0 |
| Neither agree nor disagree | 20 | 14.7 |
| Agree | 80 | 58.8 |
| Strongly agree | 10 | 7.4 |
| Total | 136 | 100.0 |

FIGURE 4.20



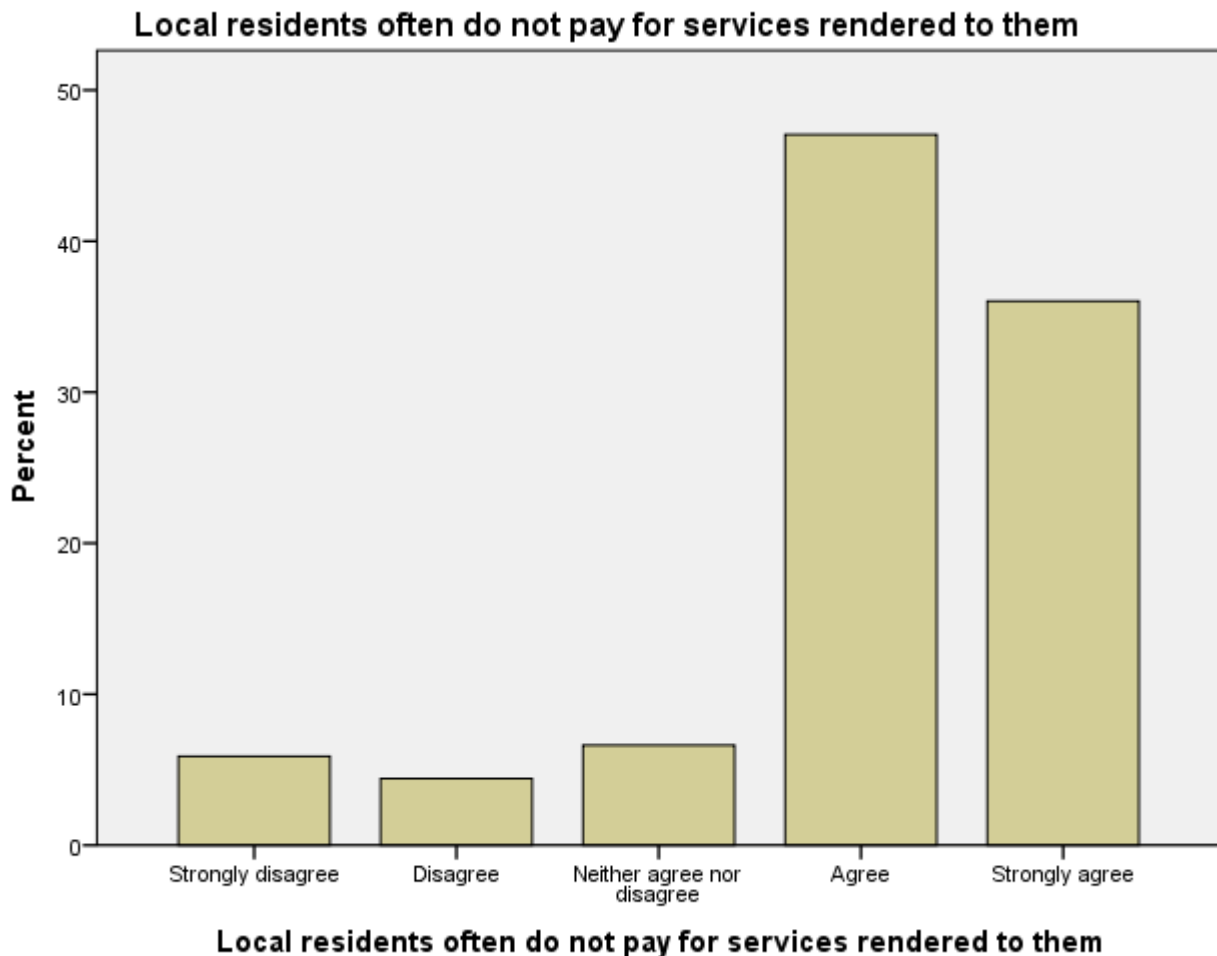
Statistics in Figure 4.20 indicated that 90 respondents who constituted 66.2% believed that the billing system at the municipality was suspect. The billing system of the municipality is an important instrument for revenue collection and if performed effectively and efficiently improves the confidence of local residence towards the local municipality. Allan (1993:25) argues that billing of residents is a critical task that the municipality must perform during its daily operations. If the municipality is unable to perform this task effectively and efficiently, the revenue of the municipality will be adversely affected and quality service delivery is compromised. According to the White Paper on Transforming Public Service Delivery, 1997 there is a need for residents to pay for services rendered to them and this can only happen if the billing system is sound.

However, statistics revealed that 26 respondents who constituted 19.1% disagreed that the billing system was suspect. 20 respondents who constituted 14.7% neither agreed nor disagreed, the decision that could be based on ignorance. The above results showed that a large number of respondents believed that the billing system needed much to be desired.

TABLE 4.21 Local residents often do not pay for service rendered to them

| | Frequency | Percentage |
|----------------------------|-----------|------------|
| Strongly disagree | 8 | 5.9 |
| Disagree | 6 | 4.4 |
| Neither agree nor disagree | 9 | 6.6 |
| Agree | 64 | 47.1 |
| Strongly agree | 49 | 36.0 |
| Total | 136 | 100.0 |

FIGURE 4.21



The statement in Figure 4.21 is aimed at investigating the belief that local residents often do not pay for the services rendered to them. It raises eyebrows to notice that 113 respondents who constituted 83.1% of the total sample agreed that indeed local residents often do not pay for services rendered to them. It should be understood that municipalities depend partly on funds collected from local residents in order to fulfil its constitutional obligation of rendering quality services to the masses. It can be argued that when local residents perceive the prevalence of unethical conduct, it becomes difficult for them to pay for services rendered to them.

It should also be indicated that 14 respondents who constituted 10.3% of the total sample disagreed with the statement. A minority of respondents (6.6%) of the total sample neither agreed nor disagreed (see Figure 4.21). It is evident through these results that local residents were unwilling to pay for the services rendered.

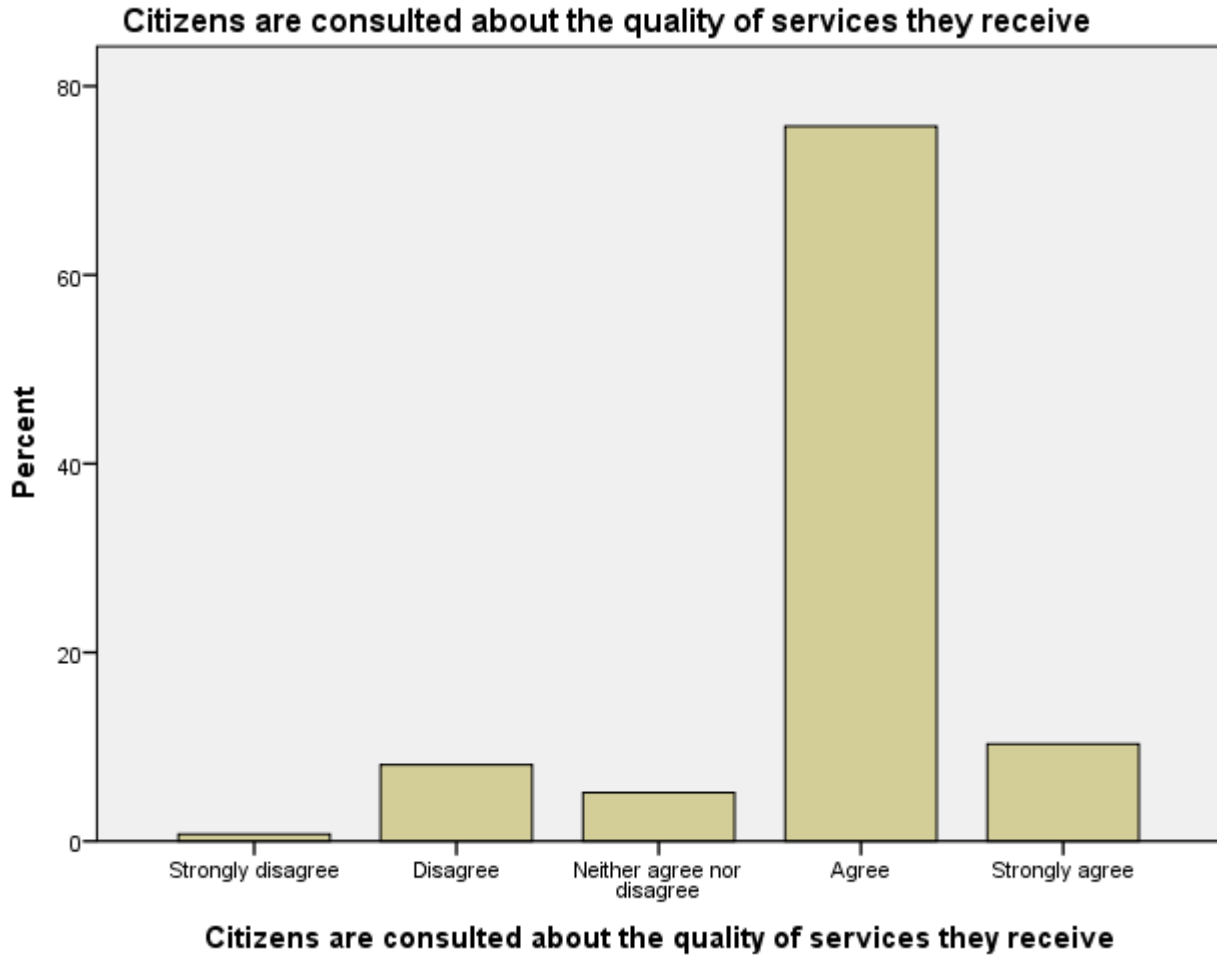
SECTION D

Mechanisms to minimise unethical behaviour

TABLE 4.22 Citizens are consulted about the quality of services they receive

| | Frequency | Percentage |
|----------------------------|-----------|------------|
| Strongly disagree | 1 | 0.7 |
| Disagree | 11 | 8.1 |
| Neither agree nor disagree | 7 | 5.1 |
| Agree | 103 | 75.7 |
| Strongly agree | 14 | 10.3 |
| Total | 136 | 100,0 |

FIGURE 4.22



A response rate of 86% indicated that respondents agreed that citizens are consulted about the quality of services they receive (Figure 4.22). Consultation is one of the pillars of democracy and good governance and requires municipalities to reconnect with the local community they serve by allowing them to voice their concerns (Newman, 2006:86). Craythorne (1993:74) is of the view that consultation requires interacting with, listening to and learning from the people who are service users.

12 respondents who constituted 8.8% disagreed that citizens are consulted about the quality of service they receive. A minority of 7 respondents constituting 5.1% neither agreed nor disagreed and that could be based on lack of knowledge (see Figure 4.22). This indicated that a convincing majority of respondents agreed that local residents were consulted about the quality of services they received.

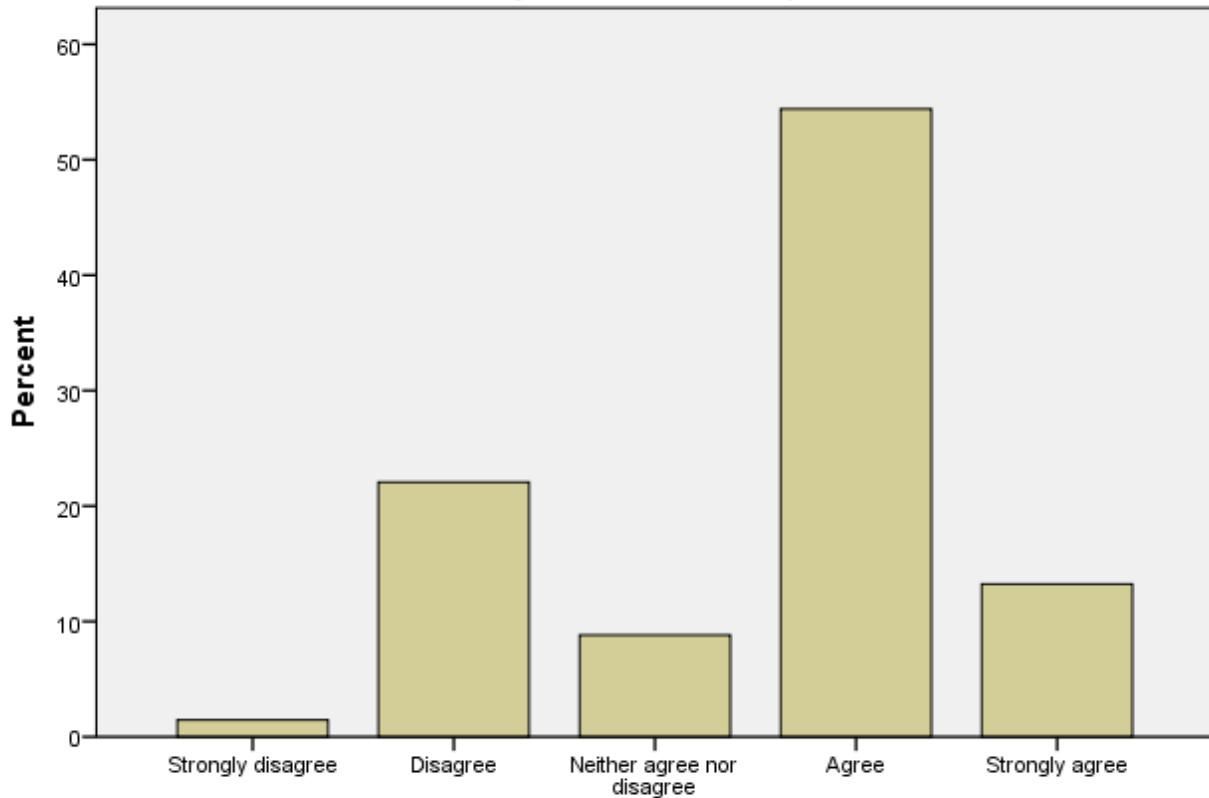
TABLE 4.23

Communities are informed about what level and quality of services they receive so that they know what to expect

| | Frequency | Percentage |
|----------------------------|-----------|------------|
| Strongly disagree | 2 | 1.5 |
| Disagree | 30 | 22.1 |
| Neither agree nor disagree | 12 | 8.8 |
| Agree | 74 | 54.4 |
| Strongly agree | 18 | 13.2 |
| Total | 136 | 100.0 |

FIGURE 4.23

Communities are informed about what level and quality of services they receive so that they know what to expect



Communities are informed about what level and quality of services they receive so that they know what to expect

People have the right to accurate information about the levels of services they are entitled to (Du Toit et al, 2002:108). Providing people with accurate information should form part of the service delivery program. Municipal officials should be encouraged to spend more time with people who are in need of better information. When local residents are well informed it becomes easier for them to access services.

In view of the above, it is encouraging to notice that majority of respondents, 92 respondents constituting 67.6% of the total sample agreed that communities are well informed about the level and quality of services they receive so that they know what to expect.

32 respondents constituting 23.6% who disagreed cannot be ignored. A minority of respondents (8.8%) neither agreed nor disagreed. Strategies should therefore be put in place whereby communities are informed at regular basis about the level and quality of services they receive so that they know what to expect.

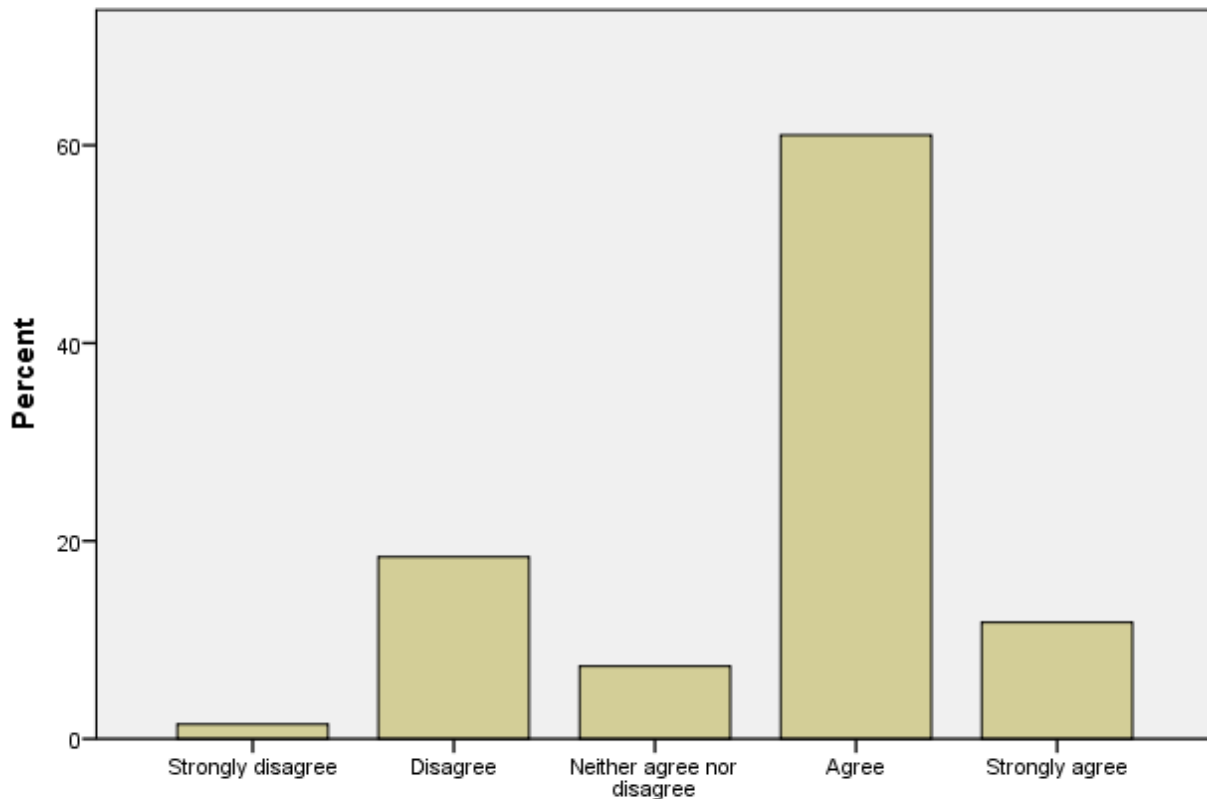
TABLE 4.24

All people are treated with courtesy and consideration irrespective of their external social status

| | Frequency | Percentage |
|----------------------------|-----------|------------|
| Strongly disagree | 2 | 1.5 |
| Disagree | 25 | 18.4 |
| Neither agree nor disagree | 10 | 7.4 |
| Agree | 83 | 61.0 |
| Strongly agree | 16 | 11.8 |
| Total | 136 | 100.0 |

FIGURE 4.24

All people are treated with courtesy and consideration irrespective of their external social status



All people are treated with courtesy and consideration irrespective of their external social status

Courtesy should form part of the strategic plan of the municipality. A successful municipality in terms of service delivery practises courtesy where members of the local community are treated fairly and with dignity by municipal officials. Courtesy principle must be implemented throughout the municipal consultative processes and requires municipal officials to empathise with service users by treating them with consideration. Thakhathi in Mafunisa (2008:69) argues that public officials should be well skilled with regard to how people should be treated.

Responses from this statement indicated that 99 respondents which constituted 72.8% of the total sample agreed that people are treated with courtesy and consideration irrespective of their external social status. 19.9% disagreed with the statement while the remaining 7.4% neither agreed nor disagreed to the statement in question (see Figure 4.24). From the statistics above, it can be concluded that local residents were treated courteously and with respect by municipal officials.

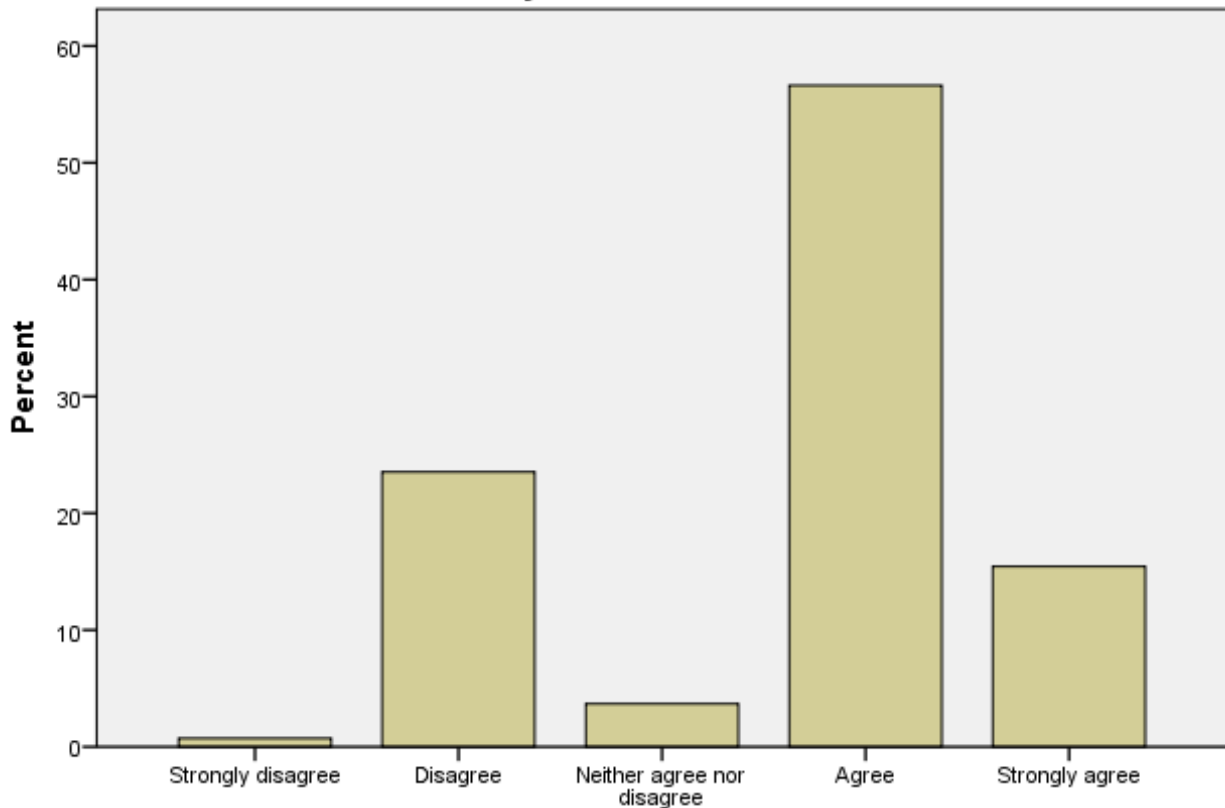
TABLE 4.25

Communities are given full and accurate information about the public services they are entitled to

| | Frequency | Percentage |
|----------------------------|-----------|------------|
| Strongly disagree | 1 | 0.7 |
| Disagree | 32 | 23.5 |
| Neither agree nor disagree | 4 | 3.7 |
| Agree | 77 | 56.6 |
| Strongly agree | 21 | 15.4 |
| Total | 136 | 100.0 |

Figure 4.25

Communities are given full and accurate information about the public services they are entitled to



Communities are given full and accurate information about the public services they are entitled to

Information is a powerful tool any customer can use in order to exercise his/her rights with regard to good service. Providing information should be an active process to ensure that it is easily accessed by those who needed it particularly those who were previously excluded. 98 respondents who constituted 72% of the total sample agreed that communities were given full and accurate information about the public services they are entitled to. Public officials must always have accurate information in order to keep the public informed (Cohen & Eimicke, 2002:237). Only 33 respondents who constituted 24.2% of the total sample disagreed that communities were full and accurate information about the public services they are entitled to. A further 3.7% of the respondents neither agreed nor disagreed (see Figure 4.25). It was evident

from the above results that communities were provided with accurate information with regard to the services they receive.

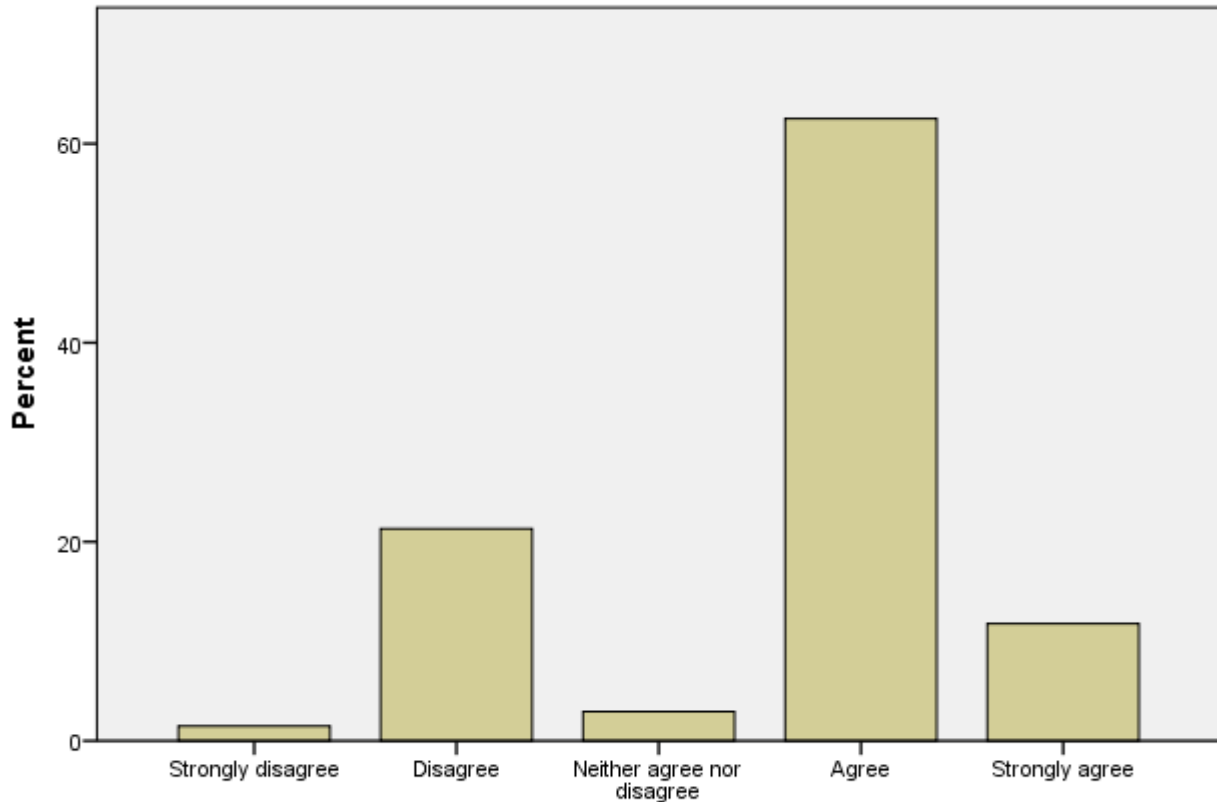
TABLE 4.26

Citizens are informed on how local authorities function and the information they are entitled to

| | Frequency | Percentage |
|----------------------------|-----------|------------|
| Strongly disagree | 2 | 1.5 |
| Disagree | 29 | 21.3 |
| Neither agree nor disagree | 4 | 2.9 |
| Agree | 85 | 62.5 |
| Strongly agree | 16 | 11.8 |
| Total | 136 | 100.0 |

FIGURE 4.26

Citizens are informed on how local authorities function and the information they are entitled to



Citizens are informed on how local authorities function and the information they are entitled to

Statistics in Figure 4.26 revealed that citizens are informed on how local authorities function and the information they are entitled to. There were 101 respondents which constituted 74.3% of the total sample which confirmed that citizens were informed on how local authorities function and the information they are entitled to. Local authorities should play an important role in creating an informed residents by involving them in local governance. When the relationship between citizens and local authorities strengthens, there is more understanding and sharing of responsibilities between them.

However, statistics revealed that 31 respondents which constituted 22.8% of the total sample disagreed that citizens were informed on how local authorities function and the information they were entitled to. The 22.8% of the respondents who disagreed cannot be ignored. Strategies should be put in place to ensure that citizens were informed on how local authorities function and the information they are entitled to. A minority of respondents (2.9%) of the total sample neither

agreed nor disagreed to the statement in question. The results indicated that citizens were always informed on how municipalities function and the information they were entitled to.

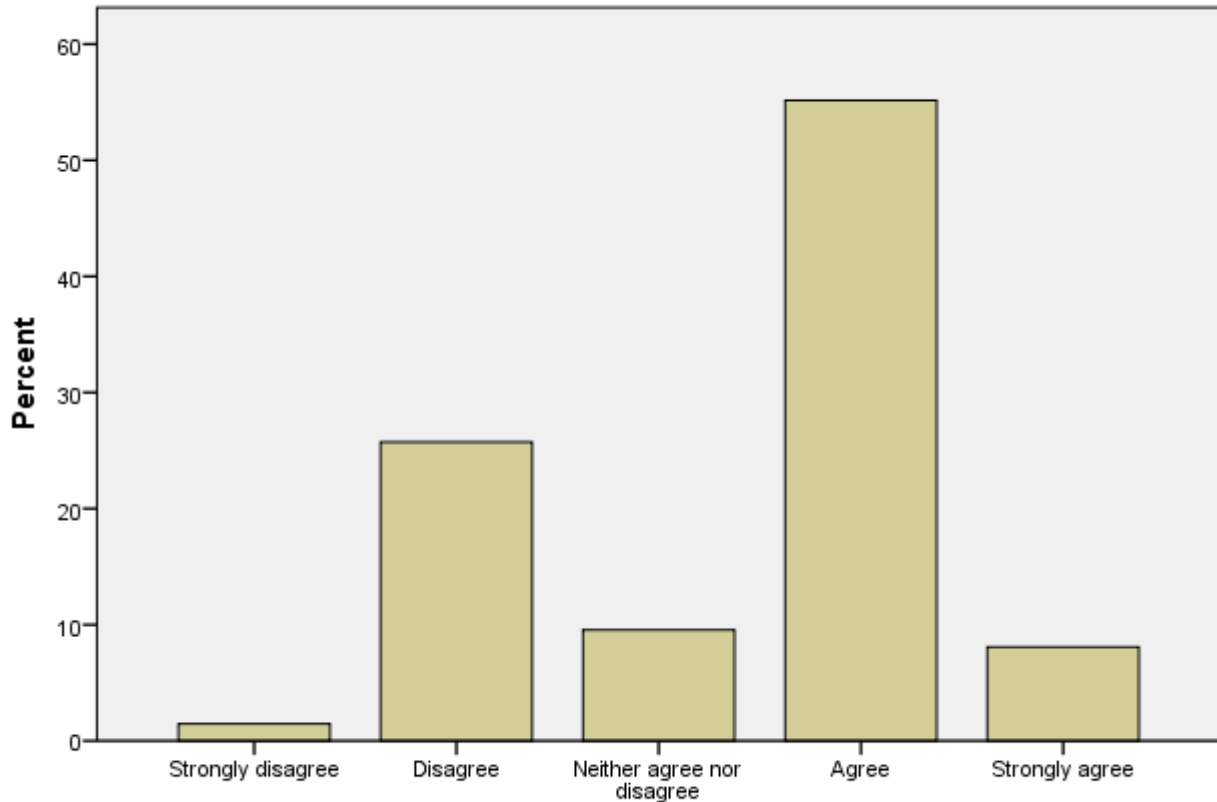
TABLE 4.27

If the promised standard of services are not delivered, citizens are offered an apology, a full explanation and a speedy and effective remedy

| | Frequency | Percentage |
|----------------------------|-----------|------------|
| Strongly disagree | 2 | 1.5 |
| Disagree | 35 | 25.7 |
| Neither agree nor disagree | 13 | 9.6 |
| Agree | 75 | 55.1 |
| Strongly agree | 11 | 8.1 |
| Total | 136 | 100.0 |

FIGURE 4.27

If the promised standard of services is not delivered, citizens are offered an apology, a full explanation and a speedy and effective remedy



If the promised standard of services is not delivered, citizens are offered an apology, a full explanation and a speedy and effective remedy

When local residents did not receive what they were entitled to from the municipality, they have the legitimate right to redress (Du Toit et al, 2002:108). Municipal officials must therefore offer citizens an apology and also make a commitment to address the challenge.

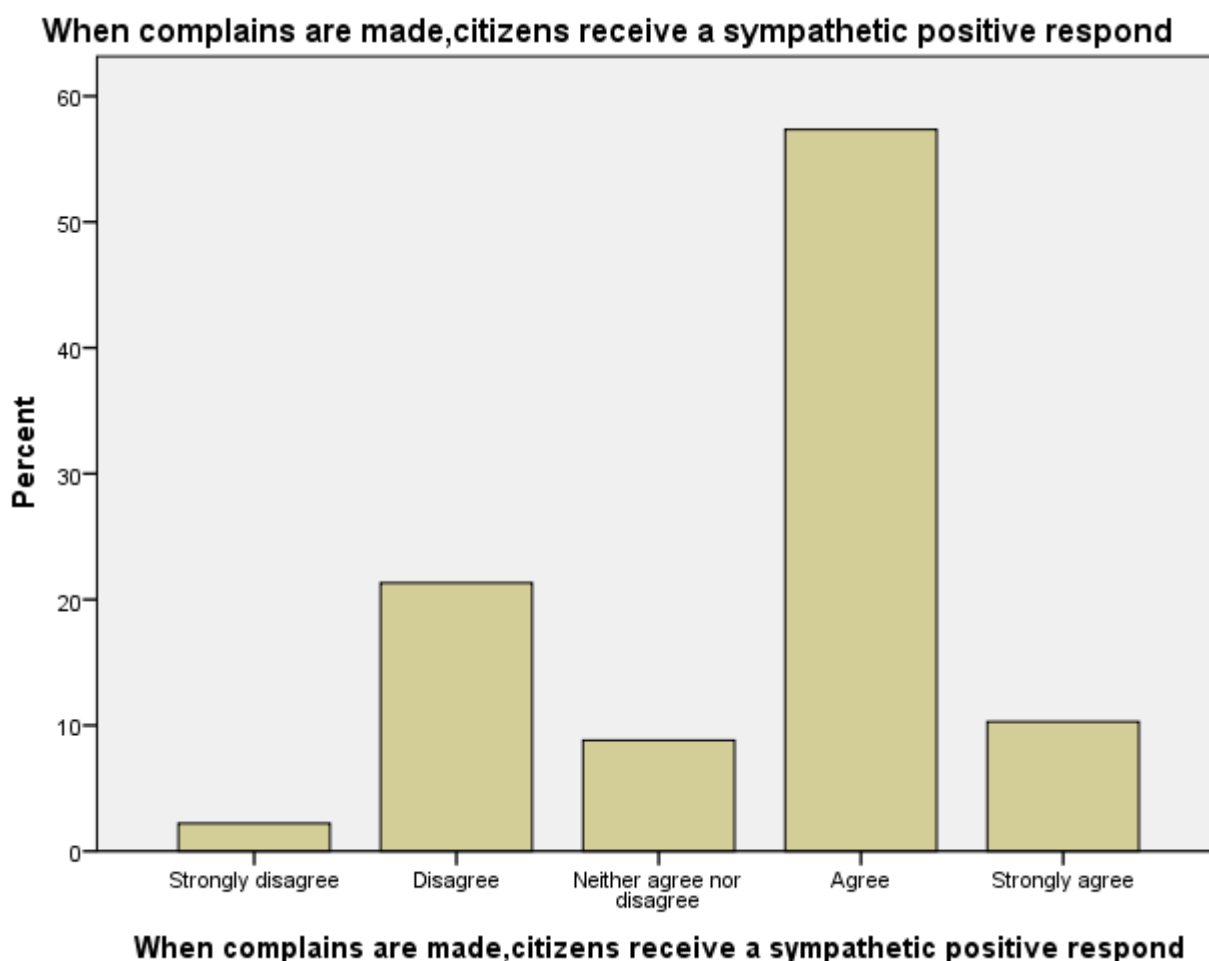
In view of the above it is encouraging to notice that 86 respondents which constituted 63.2% of the total sample have agreed that if the promised standard of services was not delivered, citizens were offered an apology, a full explanation and a speedy and effective remedy (Table 4.27).

27.2% of the respondents disagreed whereas 9.6% neither agreed nor disagreed (see Figure 4.27). A conclusion can be drawn that local residents were offered an apology if the promised standard of services was not delivered.

TABLE 4.28 When complaints are made, citizens receive a sympathetic positive response

| | Frequency | Percentage |
|----------------------------|-----------|------------|
| Strongly disagree | 3 | 2.2 |
| Disagree | 29 | 21.3 |
| Neither agree nor disagree | 12 | 8.8 |
| Agree | 78 | 57.4 |
| Strongly agree | 14 | 10.3 |
| Total | 136 | 100.0 |

FIGURE 4.28



Statistics indicated that 92 respondents which constituted 67.7% of the total sample agreed that when complaints were made, citizens received a sympathetic positive response (see Figure 4.28).

This practice should be encouraged to continue. Municipal officials should therefore be encouraged to welcome any complaints from local residents because it offered them an opportunity to improve service quality. In order to achieve this important objective, municipal officials must be trained to deal with complaints in a friendly and helpful manner. Responses to the statement also indicated that 32 respondents which constituted 23.5% of the total sample disagreed with the statement. The remaining 8.8% neither agreed nor disagreed to the statement. It is evident through the above results that many respondents were positive that when complaints were made, local residents received a sympathetic response.

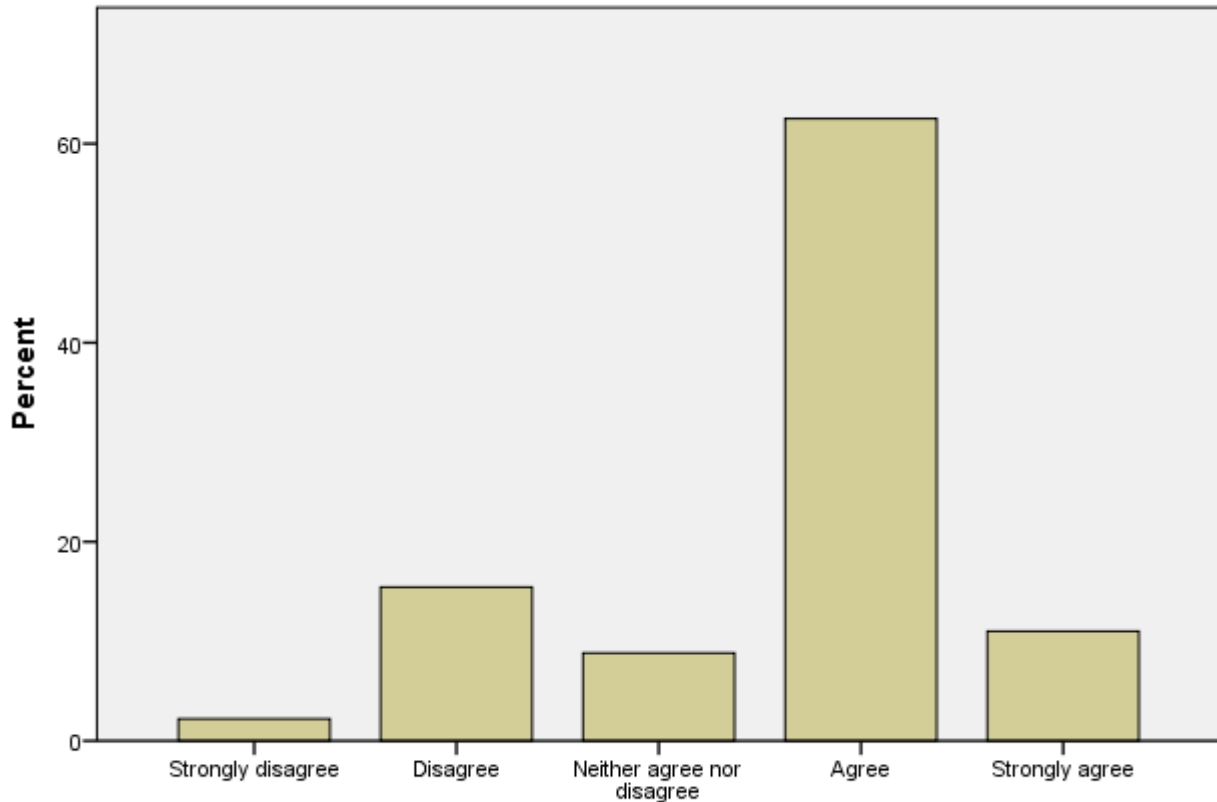
TABLE 4.29

Services are provided economically and efficiently in order to provide people with the best possible value for money

| | Frequency | Percentage |
|----------------------------|-----------|------------|
| Strongly disagree | 3 | 2.2 |
| Disagree | 21 | 15.4 |
| Neither agree nor disagree | 12 | 8.8 |
| Agree | 85 | 62.5 |
| Strongly agree | 15 | 11.0 |
| Total | 136 | 100.0 |

FIGURE 4.29

Services are provided economically and efficiently in order to provide people with the best possible value for money



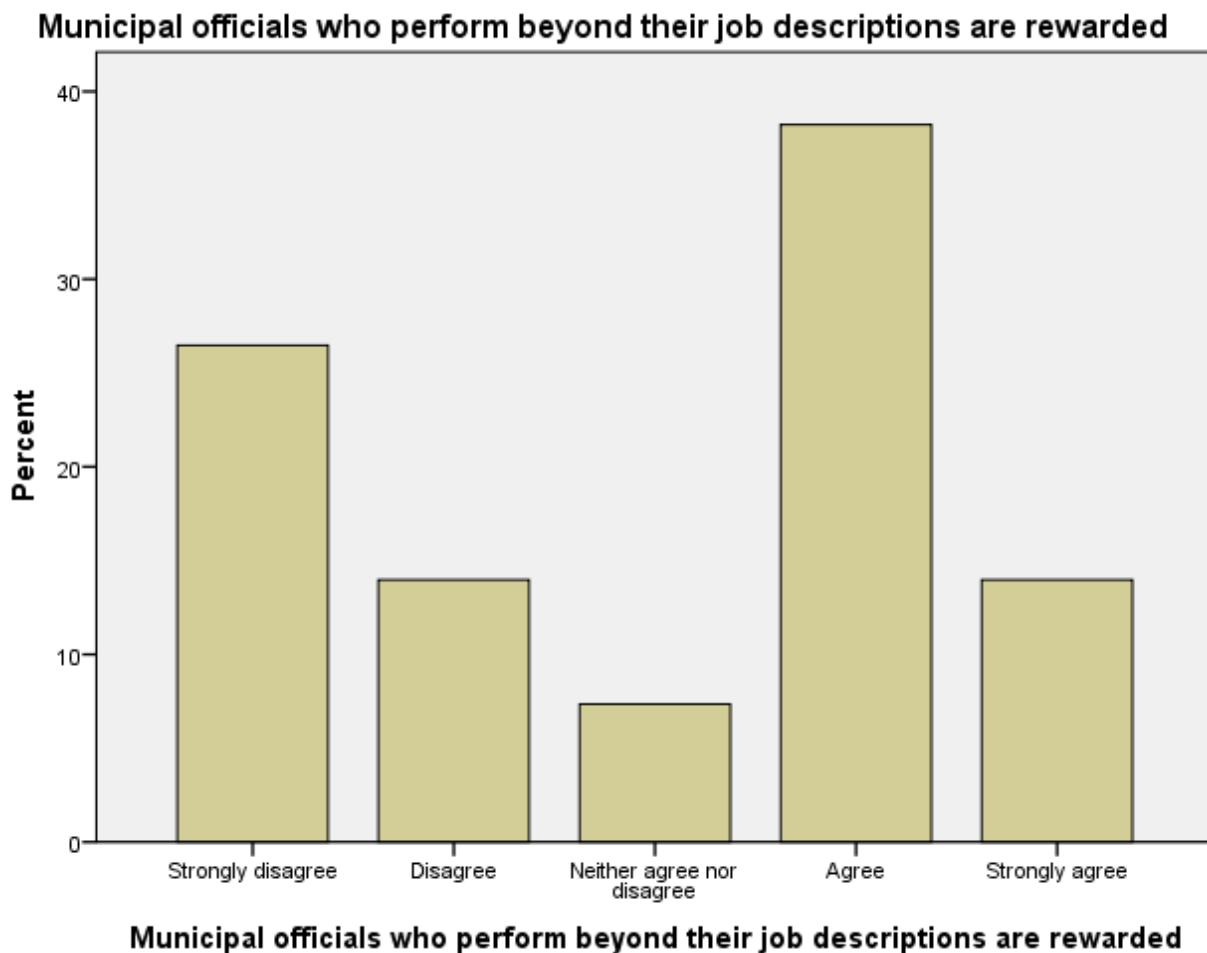
Services are provided economically and efficiently in order to provide people with the best possible value for money

Economic, effective and efficient service delivery implied that local residents received the best value for their money paid for the services. The municipality can achieve the best value for money by utilising strategies and mechanisms to eliminate wasteful expenditure (Public Service Commission, 2007:5). Careful spending by different departments within the municipality can be promoted when citizens are encouraged to prioritise the use of scarce resources. 100 respondents who constituted 73.5% of the total sample agreed that services were provided economically and efficiently in order to provide people with the best possible value for money (see Table 4.29). This objective could be achieved if officials were encouraged to be efficient by rendering services that are cost-efficient and effective. The 24 respondents who constituted 17.6% of the total sample disagreed with the statement. 12 respondents who constituted 8.8% of the total sample neither agreed nor disagreed. The above results indicated that municipal officials were economic and efficient in order to provide for the best value for money.

TABLE 4.30 Municipal officials who perform beyond their job descriptions are rewarded

| | Frequency | Percentage |
|----------------------------|-----------|------------|
| Strongly disagree | 36 | 26.5 |
| Disagree | 19 | 14.0 |
| Neither agree nor disagree | 10 | 7.4 |
| Agree | 52 | 38.2 |
| Strongly agree | 19 | 14.0 |
| Total | 136 | 100.0 |

FIGURE 4.30



Mafunisa in Kuye et al (2002:197) argue that senior municipal officials and politicians who are role models for subordinates to follow should be rewarded. Table 4.30 above indicated that 55 respondents which constituted 40.5% of the total sample did not agree that municipal officials who performed beyond their job descriptions were rewarded. The number was substantial and therefore deserved urgent attention as a matter of urgency. Statistics further revealed that 10 respondents who constituted 7.4% of the total sample neither agreed nor disagreed. This was however an indication that much needed to be done with regard to rewarding outstanding performance of municipal officials.

There were however 71 respondents who constituted 52.2% of the total sample who agreed that municipal officials who performed beyond their job descriptions were rewarded. The above results showed that a large number of the respondents agreed that municipal officials who put more effort to their work were rewarded. This was important because municipal officials who were underpaid became more vulnerable to fraudulent and corrupt temptations (Malan et al, 2001:48)

TABLE 4.31 Municipal officials have understanding of Batho Pele Principles

| | Frequency | Percentage |
|----------------------------|-----------|------------|
| Strongly disagree | 1 | 0.7 |
| Disagree | 4 | 2.9 |
| Neither agree nor disagree | 12 | 8.8 |
| Agree | 77 | 56.6 |
| Strongly agree | 42 | 30.9 |
| Total | 136 | 100.0 |

FIGURE 4.31

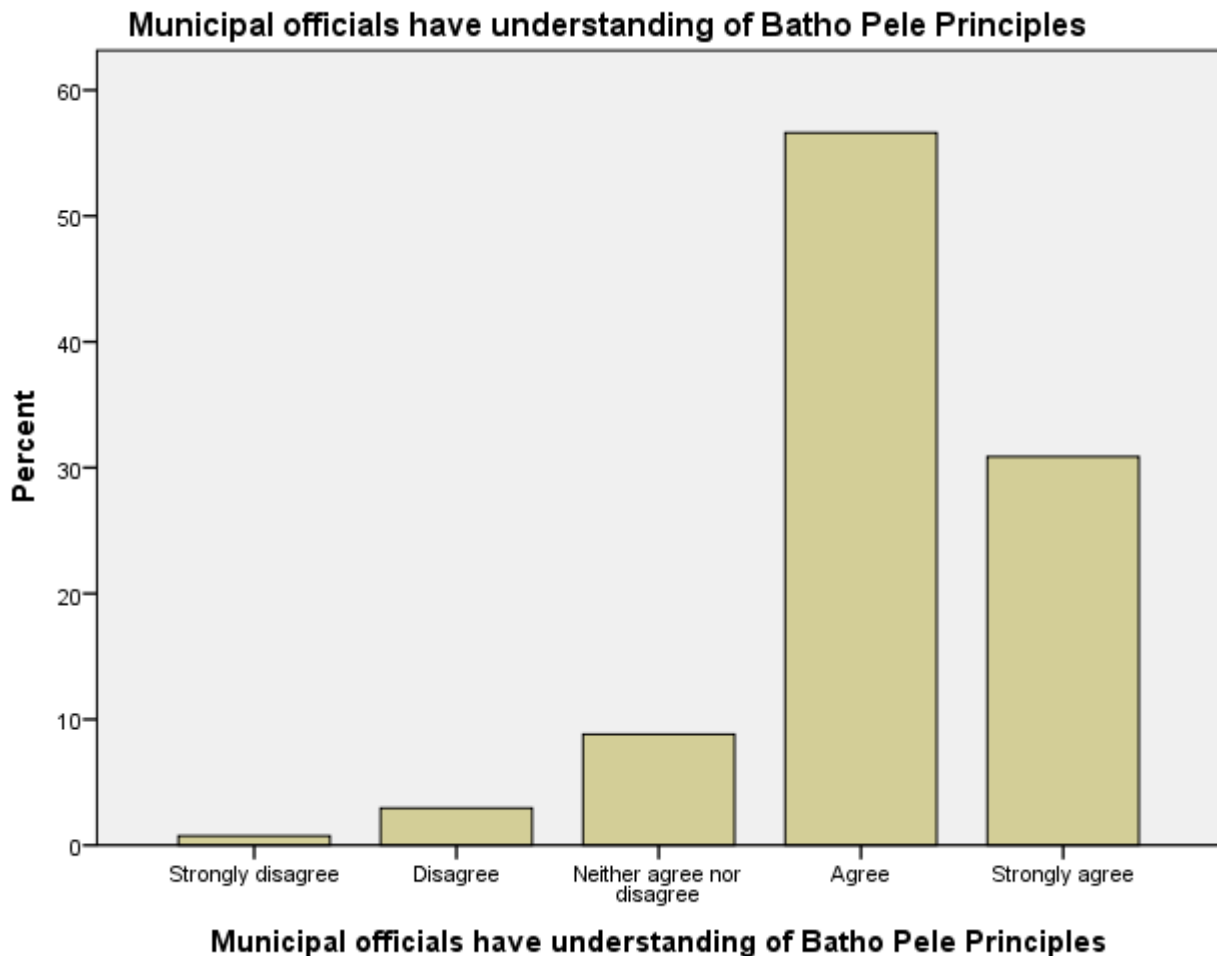


Table 4.31 above indicated that a convincing majority of respondents confirmed that municipal officials had a good understanding of Batho-Pele principles. This was confirmed by 119 respondents who constituted 87.5% of the total sample who agreed that indeed municipal officials had a good understanding of Batho-Pele principles. It was encouraging to realise that majority of municipal officials were conversant with Batho-Pele. Batho-Pele is a government initiative to get public officials to be service-orientated, to strive for excellence in service provision and to commit to continuous service delivery improvement. 12 respondents who constituted 8.8% of the total sample neither agreed nor disagreed. Only 5 respondents who constituted 3.6% of the total sample disagreed with the statement and that could be attributed to ignorance (see Figure 4.31). The above results showed that municipal officials had thorough understanding of Batho-Pele principles.

TABLE 4.32 Batho Pele Principles are well displayed at municipal offices

| | Frequency | Percentage |
|----------------------------|-----------|------------|
| Disagree | 4 | 2.9 |
| Neither agree nor disagree | 6 | 4.4 |
| Agree | 57 | 41.9 |
| Strongly agree | 69 | 50.7 |
| Total | 136 | 100.0 |

FIGURE 4.32

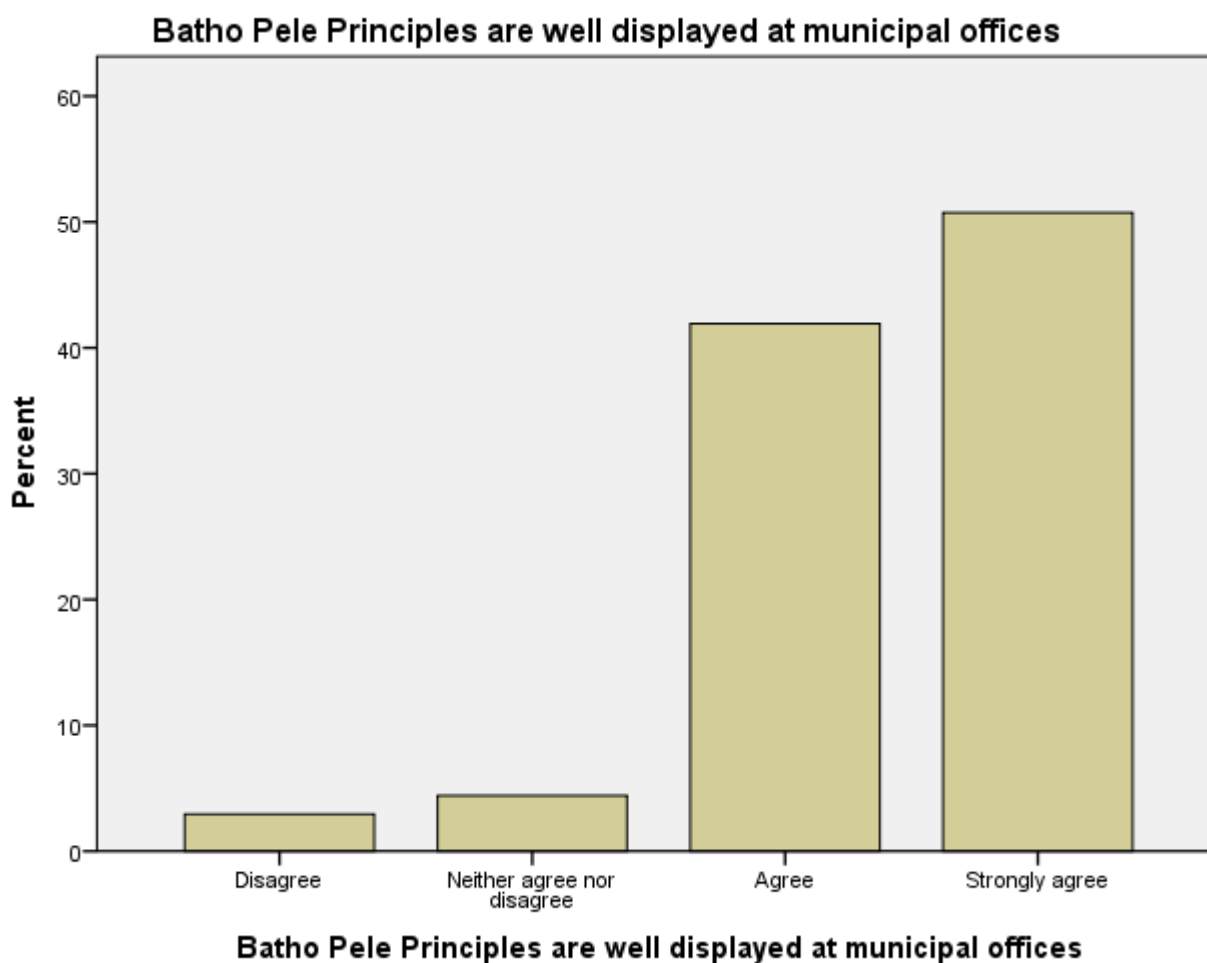


Figure 4.32 above indicated that an overwhelming majority of respondents were of the opinion that Batho-Pele principles were well displayed at municipal offices. 126 respondents who constituted 92.6% agreed that Batho-Pele principles were well displayed at municipal offices. This was a good practice emphasising the municipality's focus on values and standards in as far as services delivered to members of the community.

6 respondents who constituted 4.4% of the total sample neither agreed nor disagreed. Only 4 respondents who constituted 2.9% disagreed that Batho-Pele principles were well displayed at municipal offices, a notion that could be attributed to lack of information (see Table 4.32). By openly displaying Batho-Pele principles, service users could make inferences that public officials were committed in providing quality services to the best of their abilities.

SECTION E

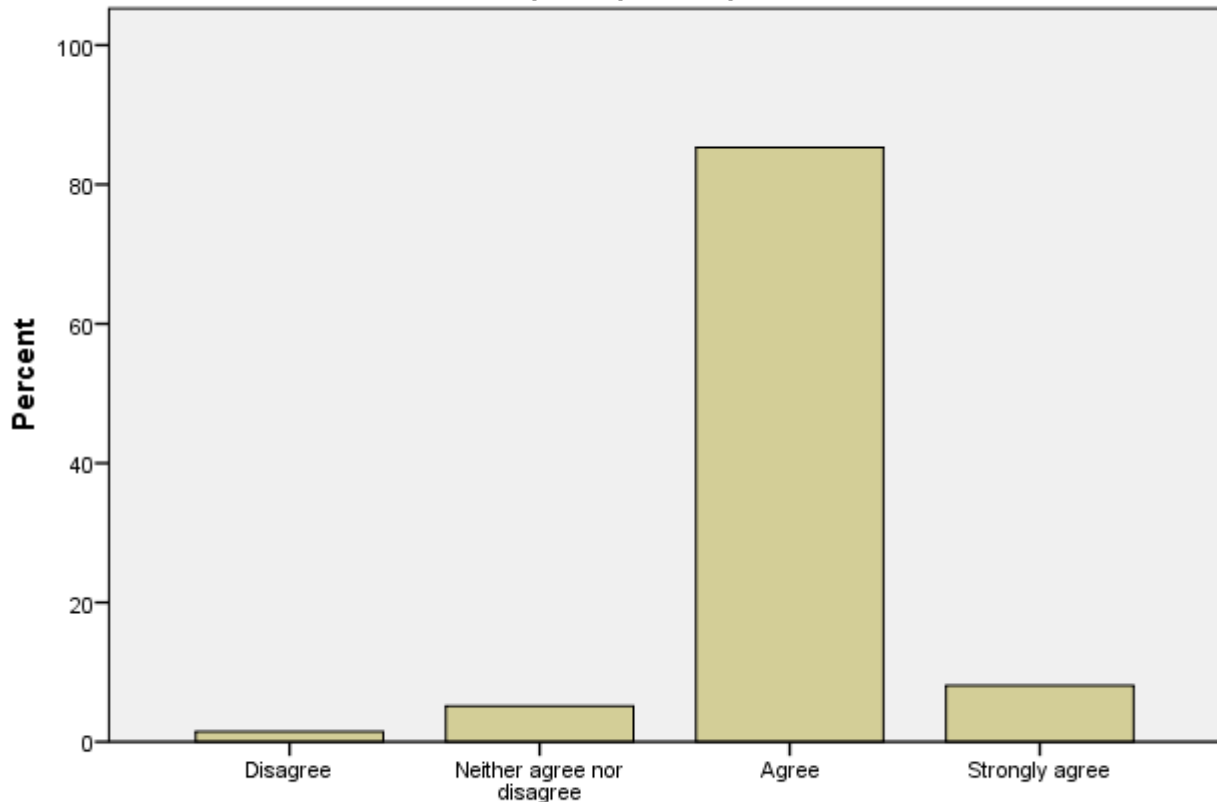
Strategies to curb unethical behaviour

TABLE 4.33 Section 195 of the constitution encourages public officials to conduct themselves in line with the values and principles of public administration

| | Frequency | Percentage |
|----------------------------|-----------|------------|
| Disagree | 2 | 1.5 |
| Neither agree nor disagree | 7 | 5.1 |
| Agree | 116 | 85.3 |
| Strongly agree | 11 | 8.1 |
| Total | 136 | 100.0 |

FIGURE 4:33

Section 195 of constitution encourages public officials to conduct themselves in line with the values and principles of public administration



Section 195 of constitution encourages public officials to conduct themselves in line with the values and principles of public administration

Section 195 (1)(a) of the Constitution of the Republic of South Africa Act,1996 requires a high standard of professional ethics with regard to public administration at all levels of the government namely, the national, provincial and local governments (municipalities).

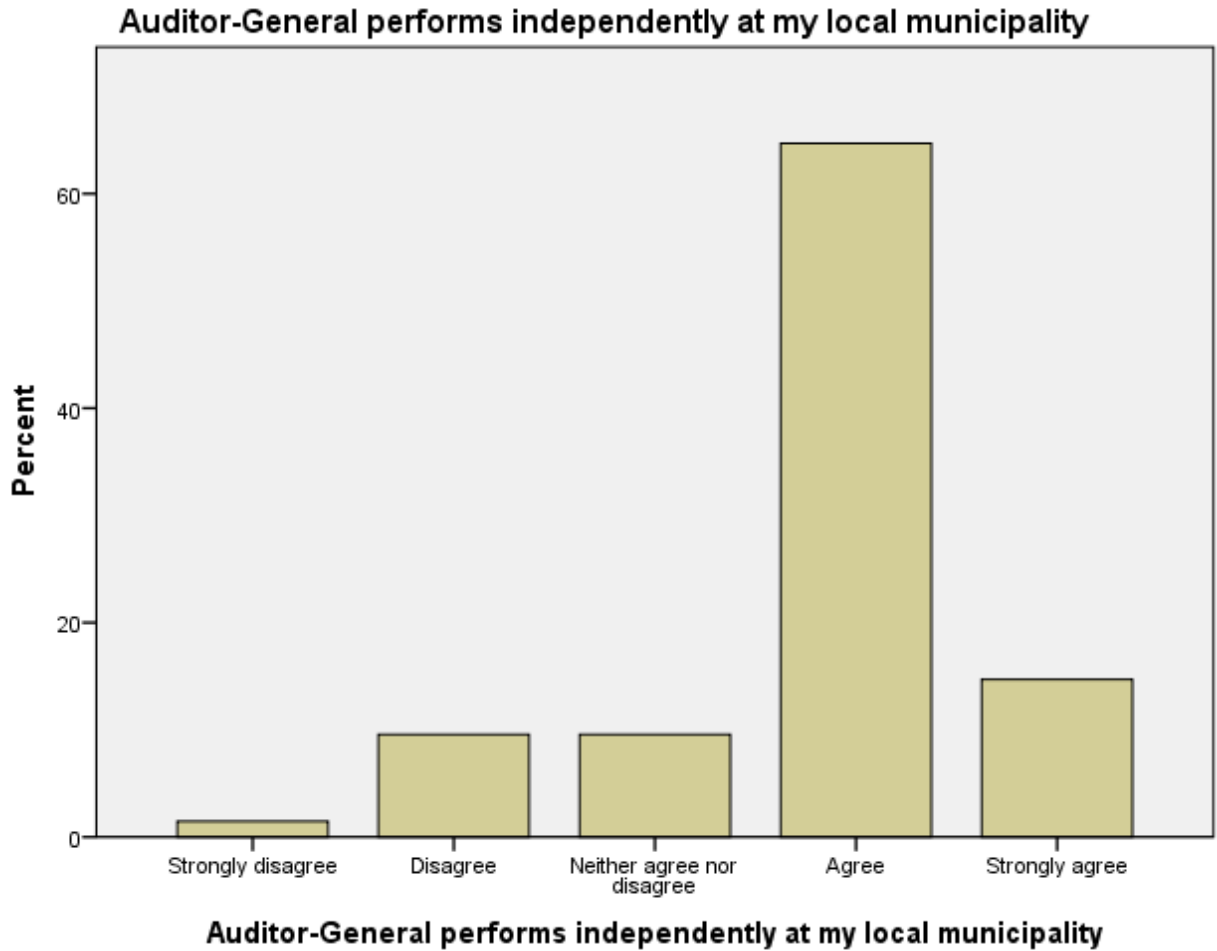
Table 4.33 indicated that 127 of the respondents who constituted 93.4% of the total sample agreed that section 195 of the Constitution was important in encouraging public officials to conduct themselves in line with the basic principles and values of public administration. This confirmed the view that compliance to section 195 of the Constitution was imperative for public officials to conduct themselves ethically. 7 respondents who constituted 5.1% neither agreed nor disagreed. A minority of respondents (1.5%) disagreed with the statement, a notion that could be

based on lack of information (see Figure 4.33). It is evident through the above results that compliance with section 195 of the Constitution promotes the values and principles of public administration.

TABLE 4.34 Auditor-General performs independently at my local municipality

| | Frequency | Percentage |
|----------------------------|-----------|------------|
| Strongly disagree | 2 | 1.5 |
| Disagree | 13 | 9.6 |
| Neither agree nor disagree | 13 | 9.6 |
| Agree | 88 | 64.7 |
| Strongly agree | 20 | 14.7 |
| Total | 136 | 100.0 |

FIGURE 4.34



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 public sector (including municipalities) through auditing. Section 3 of the Auditor-General Act empowers the Auditor-General to ensure the economic, effective and efficient utilisation of state resources. Any irregularities with regard to 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, 108 respondents who constituted 79.4% of the total sample agreed that the Auditor-General performs independently. This good practice ensured that resources were utilised with diligence. The 15 respondents who constituted 11.1% of the total sample disagreed while 13 respondents who constituted 9.6% of the total sample neither agreed nor disagreed to the statement (see Figure 4.34). It is evident through these results that municipal officials

complied with the directives of the Auditor-General in order to promote effective and efficient utilisation of resources.

TABLE 4.35 Recommendations of the Auditor-General are taken very seriously at my local municipality

| | Frequency | Percentage |
|----------------------------|-----------|------------|
| Strongly disagree | 2 | 1.5 |
| Disagree | 9 | 6.6 |
| Neither agree nor disagree | 3 | 2.2 |
| Agree | 97 | 71.3 |
| Strongly agree | 25 | 18.4 |
| Total | 136 | 100.0 |

FIGURE 4.35

Recommendations of the auditor-General are taken very seriously at my local municipality

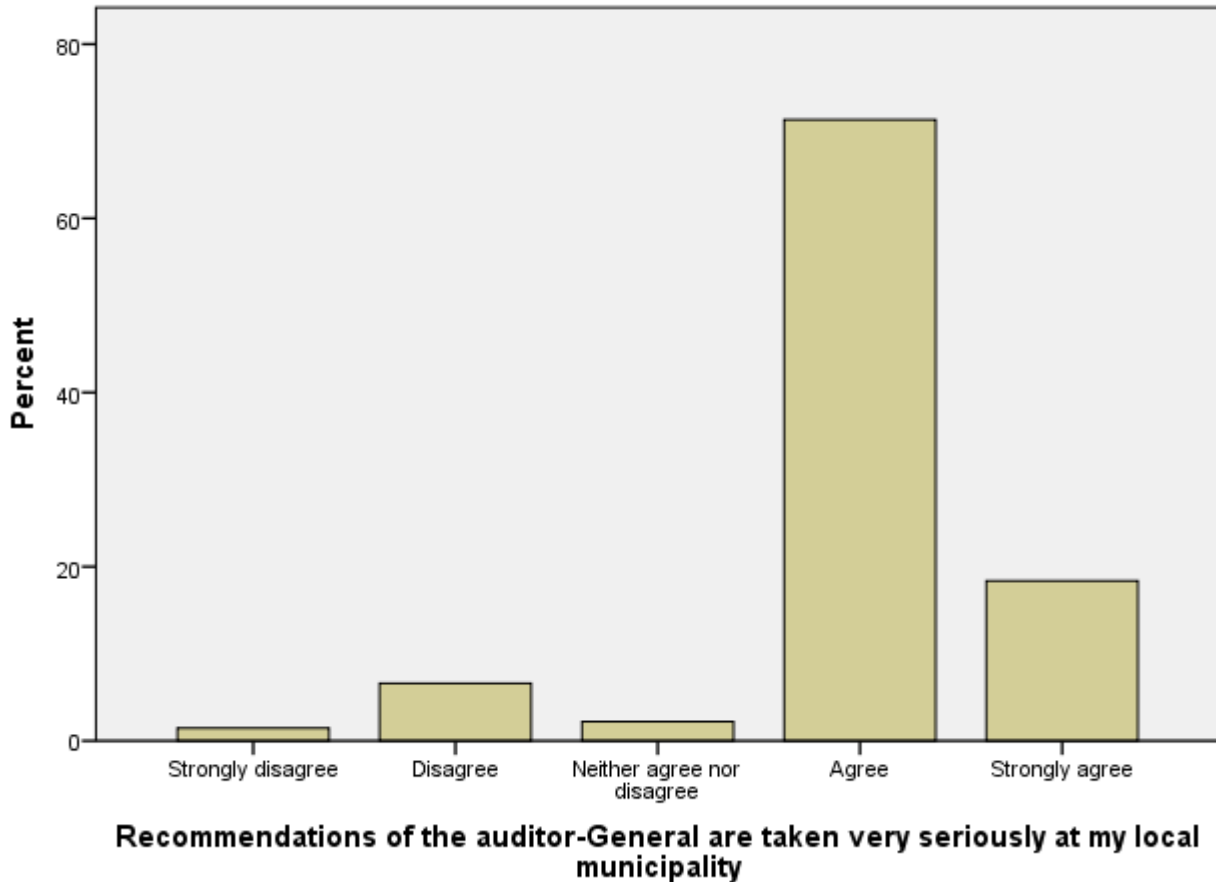


Figure 4.35 indicated that 122 of the respondents who constituted 89.7% of the total sample confirmed that recommendations of the Auditor-General were taken very seriously at local municipalities. It could be argued that compliance to the recommendations of the Auditor-General promoted economic, effective and efficient procurement of state resources which is a good practice to be encouraged.

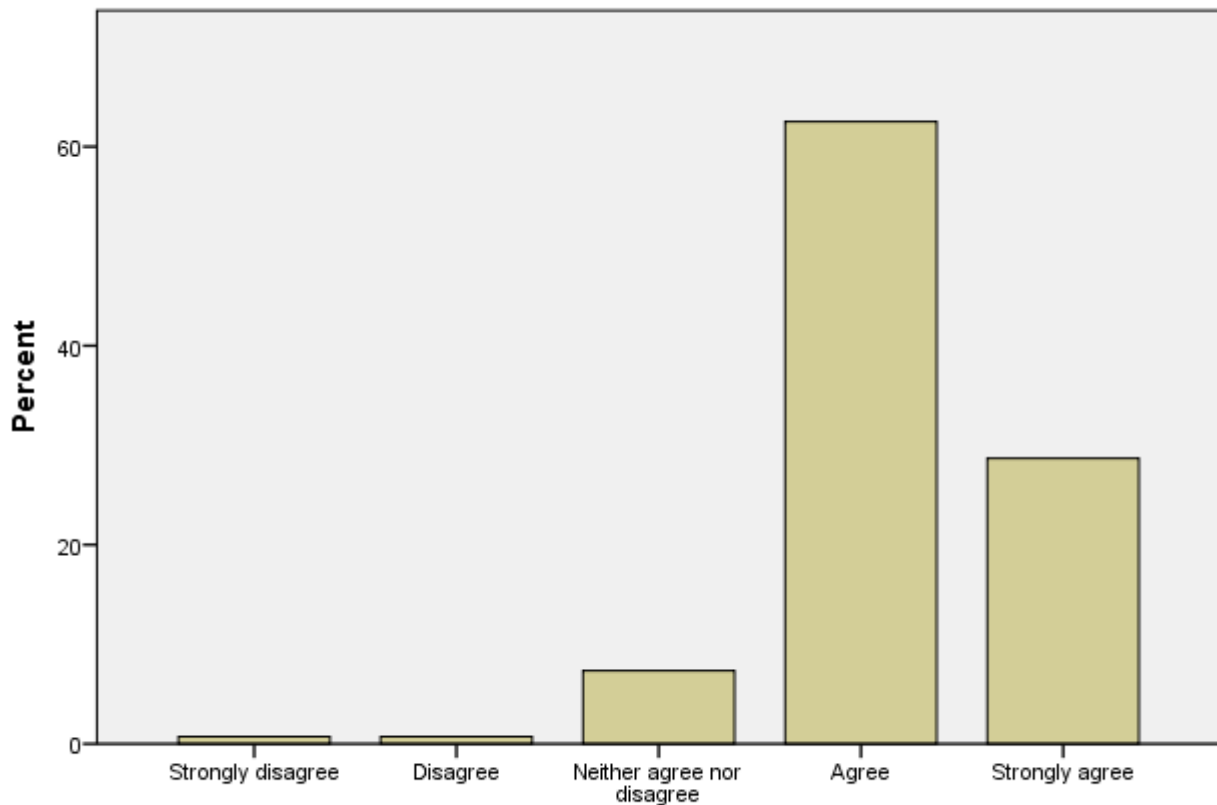
The 11 of the respondents who constituted 8.1% of the total sample disagreed that recommendations of the Auditor-General are taken seriously at local municipalities. Again, only a small number of respondents (2.2%) indicated that they neither agreed nor disagreed to the statement, a notion that could be attributed to ignorance. This indicated that the majority of respondents took seriously the recommendations of the Auditor-General.

TABLE 4.36 Public Finance Management Act requires municipal official to disclose business interest of officials

| | Frequency | Percentage |
|----------------------------|-----------|------------|
| Strongly disagree | 1 | 0.7 |
| Disagree | 1 | 0.7 |
| Neither agree nor disagree | 10 | 7.4 |
| Agree | 85 | 62.5 |
| Strongly agree | 39 | 28.7 |
| Total | 136 | 100.0 |

FIGURE 4.36

Public Finance Management Act requires municipal official to disclose business interests of officials



Public Finance Management Act requires municipal official to disclose business interests of officials

Table 4.36 indicated that 124 respondents who constituted 91.2% of the total sample agreed that Public Finance Management Act requires municipal officials to disclose business interests by

public officials. This clearly indicates that there was a need for municipal officials to be cautious when doing business with the municipality to avoid unnecessary conflicts of interests. In order to promote transparency in the utilisation of resources, Public Finance Management Act requires senior officials to comply with financial management and internal control systems.

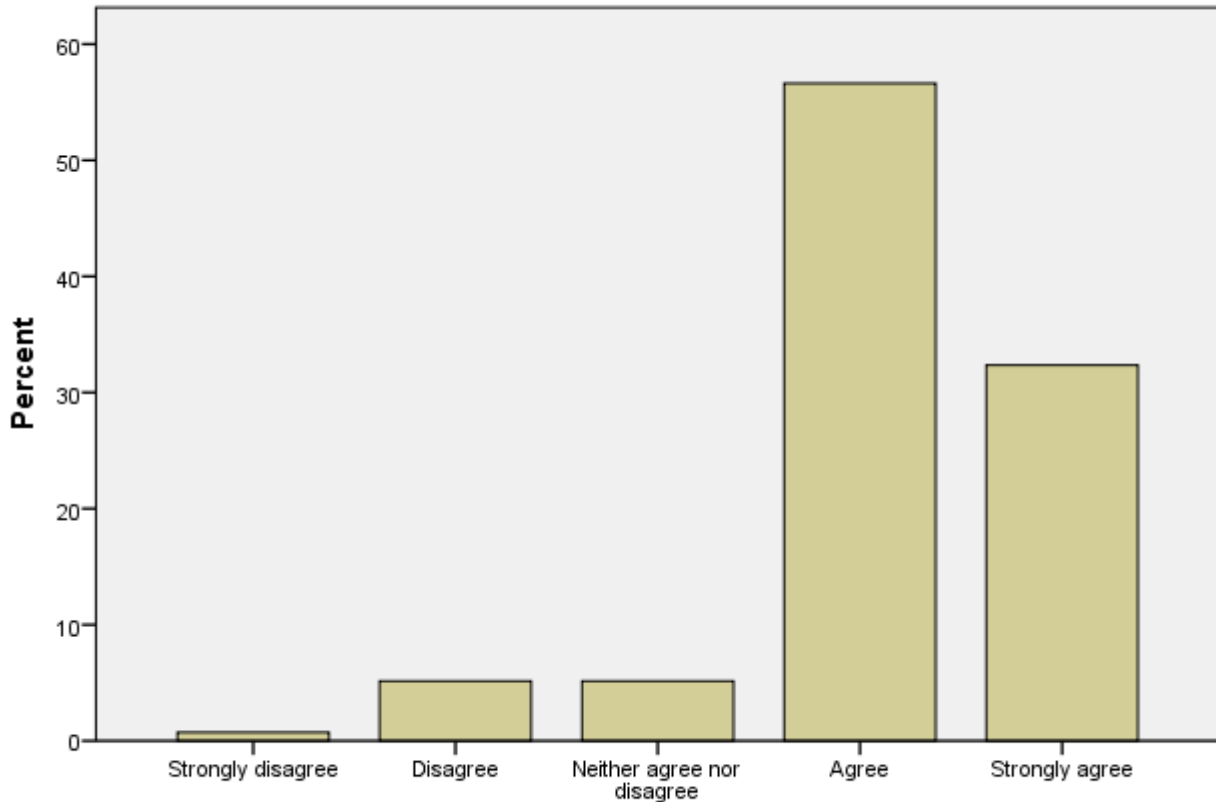
A minority of 2 respondents who constituted 1.4% disagreed with the statement, a notion that could be based on lack of information and knowledge (see Figure 4.36). Statistics also indicated that 10 respondents who constituted 7.4% of the total sample neither agreed nor disagreed. It is evident through the above results that respondents agreed that it was important for public officials to disclose their business in order to avoid unnecessary conflict of interests.

TABLE 4.37 PFMA makes legal sanction possible for any unauthorised expenditure by the public officials

| | Frequency | Percentage |
|----------------------------|-----------|------------|
| Strongly disagree | 1 | 0.7 |
| Disagree | 7 | 5.1 |
| Neither agree nor disagree | 7 | 5.1 |
| Agree | 77 | 56.6 |
| Strongly agree | 44 | 32.4 |
| Total | 136 | 100.0 |

FIGURE 4.37

PFMA makes legal sanction possible for any unauthorized expenditure by the public officials



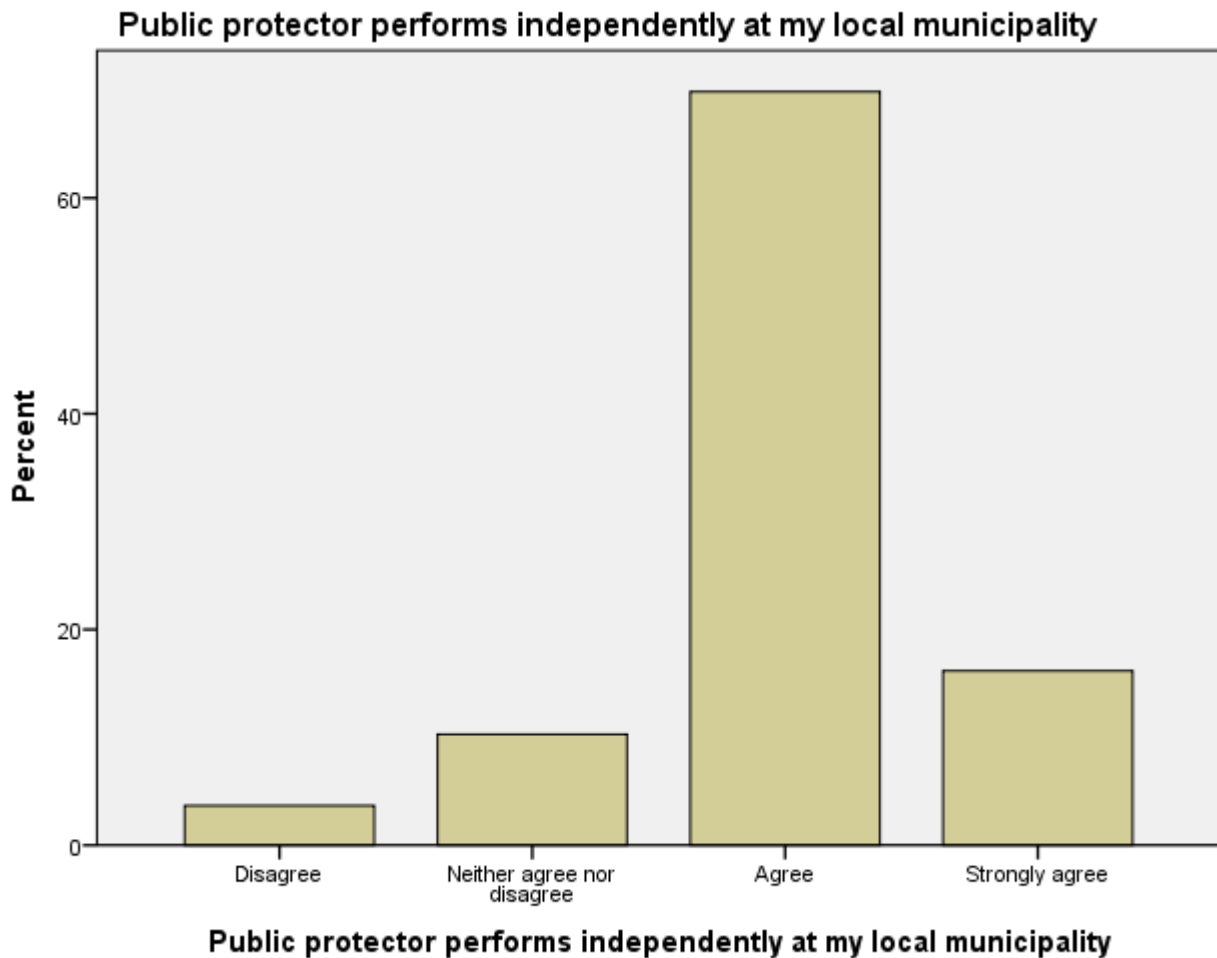
PFMA makes legal sanction possible for any unauthorized expenditure by the public officials

PFMA describes unauthorised expenditure as “overspending of a vote or a main division within a vote and expenditure which is not in accordance with the purpose of a vote.” Compliance to PFMA prevents unauthorised use of public funds and failure to comply is regarded as financial misconduct which can be a strong reason to recommend dismissal or suspension. The analysed data indicated that majority of respondents agreed that PFMA made legal sanction possible for any unauthorised expenditure by the public official. This was confirmed by 121 respondents who constituted 89% of the total sample. Respondents believed that unauthorised use of public funds by the public officials was a misconduct requiring legal sanction. A total of 8 respondents constituting 5.8% disagreed while only 5.1% of the respondents neither agreed nor disagreed (see Figure 4.37). The above results showed that a large number of respondents were in agreement that Public Finance Management Act recommended legal action against any unauthorised expenditure by public officials.

TABLE 4.38 Public Protector performs independently at my local municipality

| | Frequency | Percentage |
|----------------------------|-----------|------------|
| Neither agree nor disagree | 5 | 3.7 |
| Agree | 14 | 10.3 |
| Agree | 95 | 69.9 |
| Strongly agree | 22 | 16.2 |
| Total | 136 | 100.0 |

FIGURE 4.38



Section 181 (1)(a) of the Constitution of the Republic of South Africa, 1996 says the Public Protector is one of the state institutions which strengthen democracy in South Africa. Section 182 (2) requires the Office of the Public Protector to perform independently and only subject to

the Constitution and the law. The convincing majority confirmed that the Office of the Public Protector performed independently in the local municipalities. This was affirmed by 117 respondents who constituted 86.1% of the total sample who agreed that indeed the Public Protector was independent in local municipalities (Table 4.38).

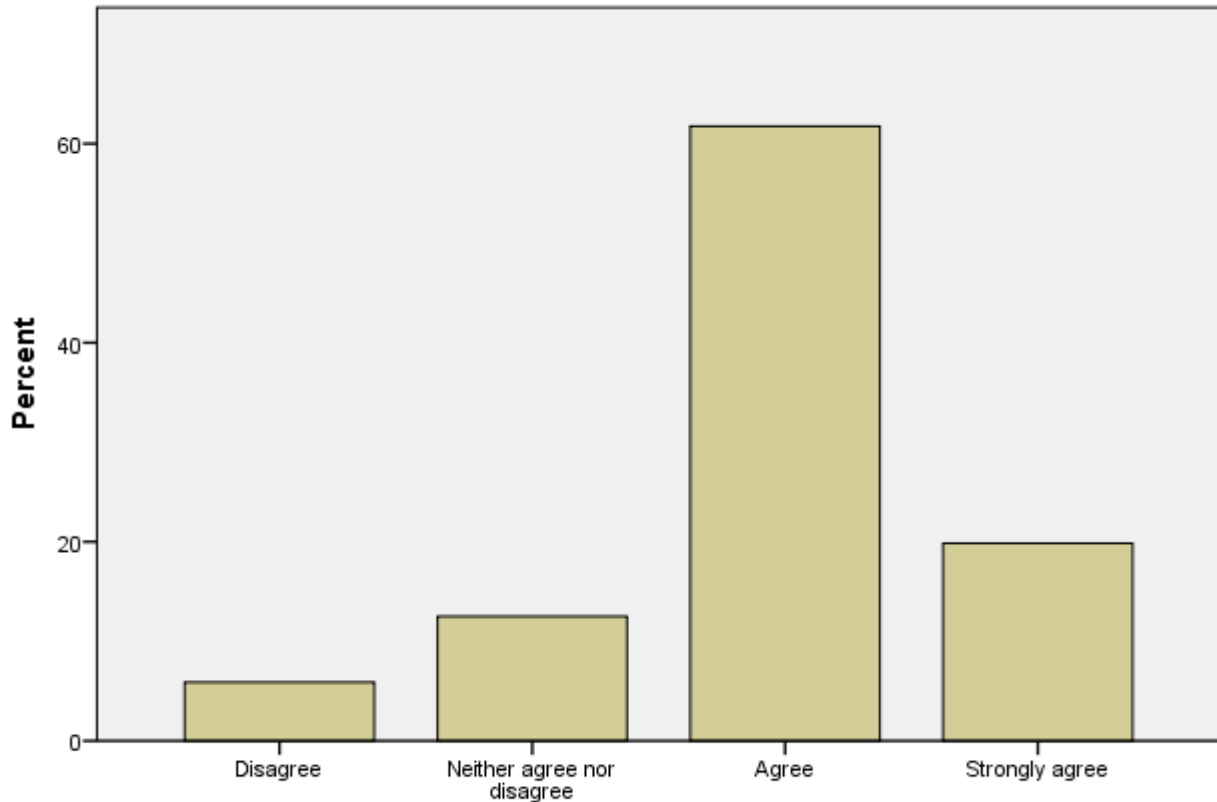
Only 5 respondents who constituted 3.7% disagreed with the statement while 12.5% of the total sample neither agreed nor disagreed (see Figure 4.38). It is evident through these results that the Office of the Public Protector was allowed to perform its activities independently.

TABLE 4.39 Recommendations of the Public Protector are implemented at my local municipality as a matter of urgency

| | Frequency | Percentage |
|----------------------------|-----------|------------|
| Disagree | 8 | 5.9 |
| Neither agree nor disagree | 17 | 12.5 |
| Agree | 84 | 61.8 |
| Strongly agree | 27 | 19.9 |
| Total | 136 | 100.0 |
| | | |

FIGURE 4.39

Recommendations of the Public Protector are implemented at my local municipality as a matter of urgency



Recommendations of the Public Protector are implemented at my local municipality as a matter of urgency

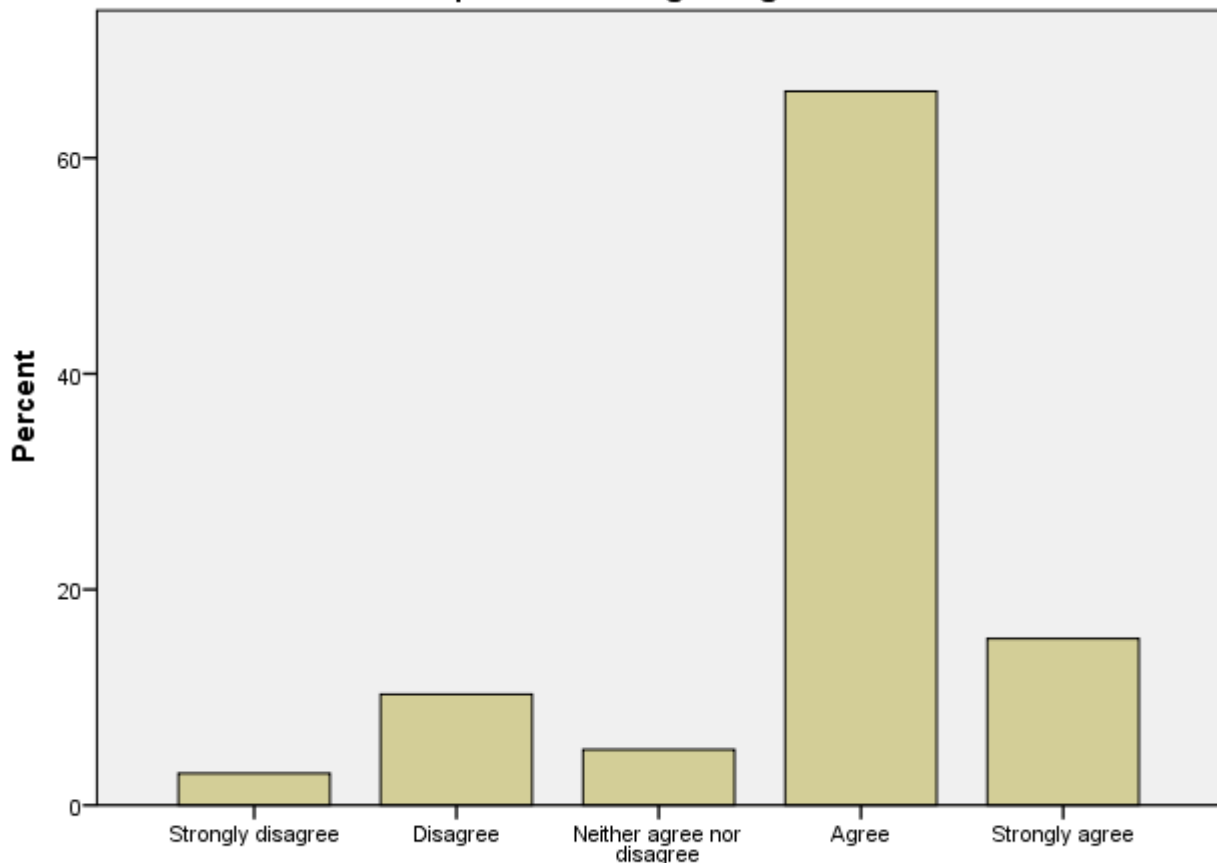
Statistics indicated that the municipality seriously implemented the recommendations of the Office of the Public Protector. There were 111 respondents who constituted 81.7% of the total sample confirming that recommendations of the Public Protector were implemented at the local municipality as a matter of urgency (see table 4.39). 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, 8 respondents who constituted 5.9% disagreed with the statement while 17 respondents who constituted 12.5% neither agreed nor disagree (see Figure 4.39). The above results showed that implementing the recommendations of the Office of the Public Protector was imperative. This was a clear indication that 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 The code of conduct is respected on its fights against unethical behaviour

| | Frequency | Percentage |
|----------------------------|-----------|------------|
| Strongly disagree | 4 | 2.9 |
| Disagree | 14 | 10.3 |
| Neither agree nor disagree | 7 | 5.1 |
| Agree | 90 | 66.2 |
| Strongly agree | 21 | 15.4 |
| Total | 136 | 100.0 |

FIGURE 4.40

The code of conduct is respected in its fights against unethical behaviour



The code of conduct is respected in its fights against unethical behaviour

The code of conduct focused on the core functions of the municipality which are strict and tightly enforced by supervisors and senior officials. Statistics indicated that 111 of the respondents who constituted 81.6% of the total sample revealed that the code of conduct is

respected on its fight against unethical behaviour in rural-based municipalities (see Table 4.40). The code of conduct is a set of principles based upon the core values of the institution which govern the conduct of public officials (Malan et al, 2001:175).

The 18 respondents who constituted 13.2% of the total sample disagreed with the statement. Only 7 respondents constituting 5.1% of the total sample neither agreed no disagreed, a notion that could be attributed to lack of information and knowledge (see Figure 4.40). The above results indicated that the code of conduct at the municipality was respected in its fight against unethical behaviour.

TABLE 4.41 Whistle blowing is encouraged at my local municipality

| | Frequency | Percentage |
|----------------------------|-----------|------------|
| Strongly disagree | 21 | 15.4 |
| Disagree | 15 | 11.0 |
| Neither agree nor disagree | 8 | 5.9 |
| Agree | 68 | 50.0 |
| Strongly agree | 24 | 17.6 |
| Total | 136 | 100.0 |

FIGURE 4.41

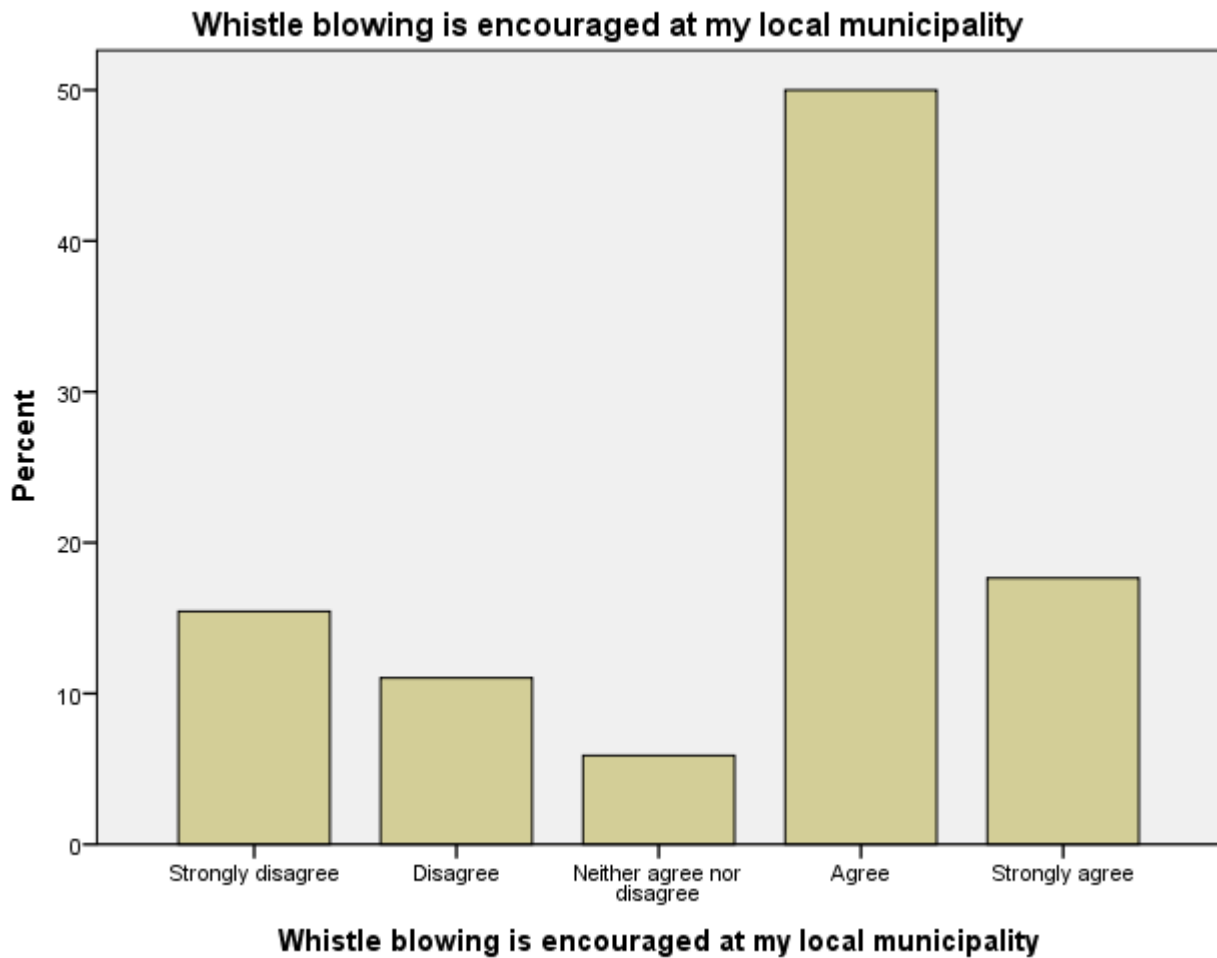
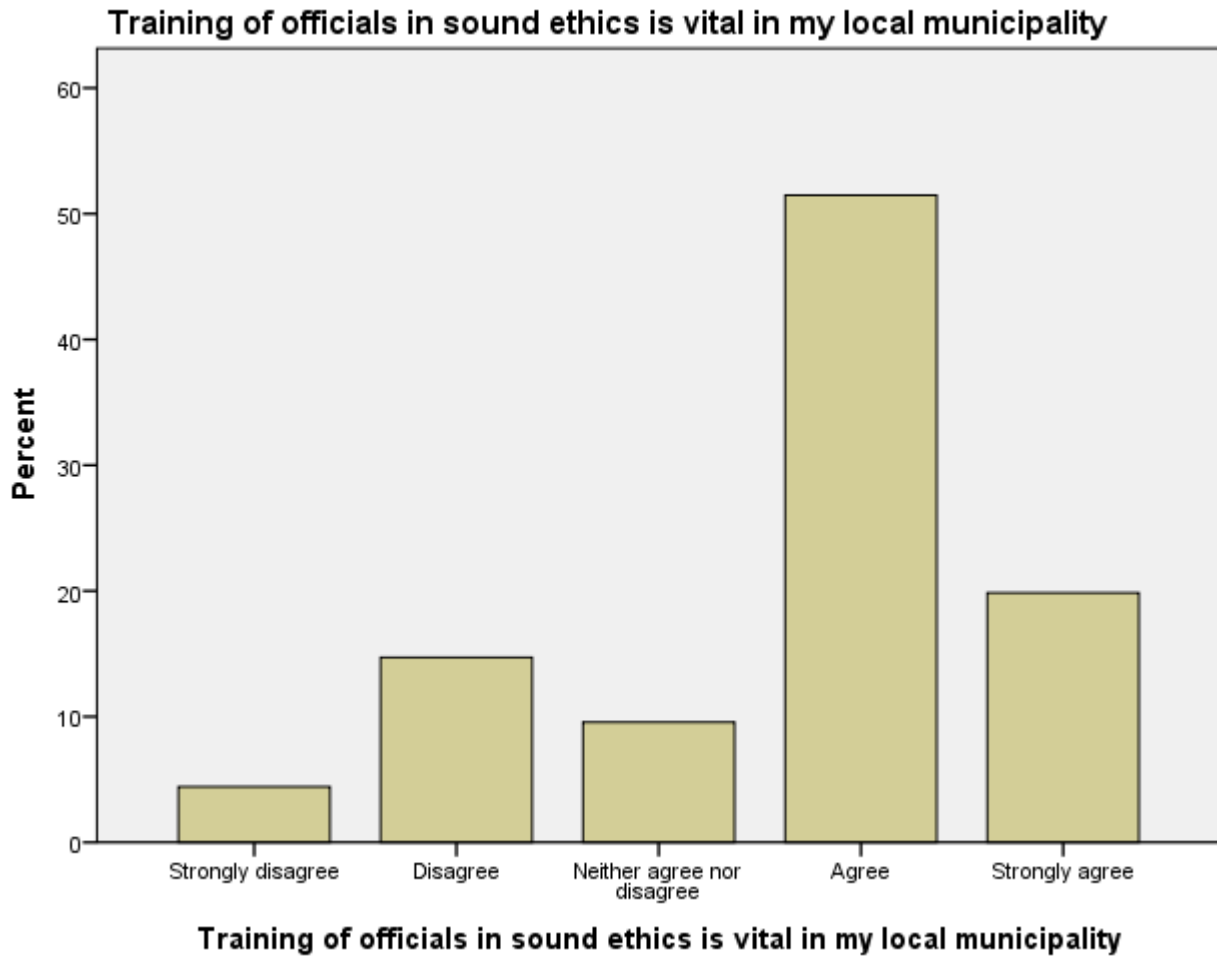


Table 4.41 indicated that whistle blowing was encouraged at the municipality. There were 92 respondents who constituted 67.6% of the total sample who confirmed that whistle blowing was encouraged at local municipalities. Bakman (2003:3) states that whistle blowing occurs when an employee makes an unauthorised disclosure of information about criminal or irregular conduct along procedures that are not clearly defined. Whistle blowing is a way of attracting attention to wrong doing that is persisting within the public institution (Nadler & Schulman, 2006:1) which involves ignoring normal channels of communication. However, statistics also revealed that 36 respondents who constituted 26.4% of the total sample disagreed with the statement. A minority of 8 respondents which constituted 5.9% neither agreed nor disagreed to the statement, a view that could be attributed to ignorance.

TABLE 4.42 Training of officials in sound ethics is vital in local municipality

| | Frequency | Percentage |
|----------------------------|-----------|------------|
| Strongly disagree | 6 | 4.4 |
| Disagree | 20 | 14.7 |
| Neither agree nor disagree | 13 | 9.6 |
| Agree | 70 | 51.5 |
| Strongly agree | 27 | 19.9 |
| Total | 136 | 100.0 |

FIGURE 4.42



The analysed data showed that the majority of respondents agreed that training of officials in sound ethics was important in the local municipality. This was confirmed by 97 of the respondents who constituted 71.4% of the total sample (see Table 4.42). Respondents were of the view that ethics training of municipal officials would reduce perpetuation of scandals which involve unethical behaviour (Manyaka & Sebola, 2013:80). Training of municipal officials in ethics was vital because inefficiency and ineffectiveness in municipalities is partly attributed to lack of training.

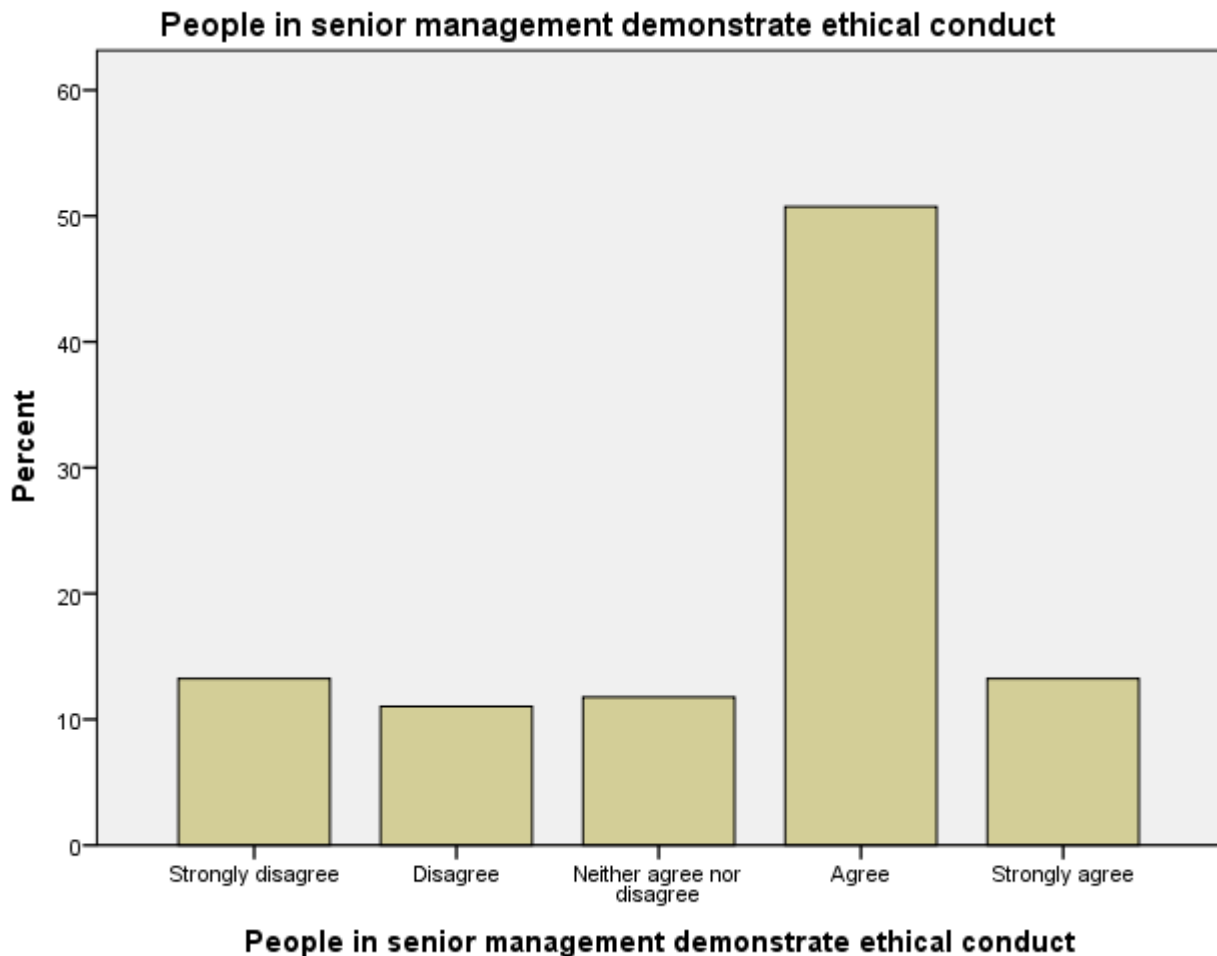
A total of 13 respondents constituting 9.6% of the total sample neither agreed nor disagreed to the statement, a fact that could be attributed to ignorance. Statistics also indicated that 26 respondents who constituted 19.1% of the total sample disagreed that training of officials in sound ethics was important, a notion that could be attributed to lack of knowledge (see Figure

4.42). It is evident through the above results that training of municipal officials in sound ethics was a wise investment in terms empowering them.

TABLE 4.43 People in senior management demonstrate ethical conduct

| | Frequency | Percentage |
|----------------------------|-----------|------------|
| Strongly disagree | 18 | 13.2 |
| Disagree | 15 | 11.0 |
| Neither agree nor disagree | 16 | 11.8 |
| Agree | 69 | 50.7 |
| Strongly agree | 18 | 13.2 |
| Total | 136 | 100.0 |

FIGURE 4.43



It is required of senior municipal officials to exemplify the values of the municipality and to provide realistic role models for subordinates to follow. Mafunisa (2008:26) argues that leaders must be influencers of sound ethical conduct and must also be viewed as being responsible for the ethical standards that govern the behaviour of subordinates. Sindane (2011:759-760) is also of the view that there is a strong link between good governance and sound ethical leadership. Statistics indicated that 87 respondents who constituted 63.9% of the total sample agreed that people in senior managers demonstrated ethical conduct (see Table 4.43).

33 respondents who constituted 24.2% of the total sample were of the view that municipal officials in senior positions did not demonstrate ethical conduct. However, 16 respondents who constituted 11.8% neither agreed nor disagreed (see Figure 4.43). This indicated that much still need to be done to encourage senior managers to demonstrate sound ethics to subordinates. The

above results indicated that there was a sound demonstration of good ethics by senior management.

TABLE 4.44 There is an appointed ethics officer at my local municipality

| | Frequency | Percentage |
|----------------------------|-----------|------------|
| Strongly disagree | 21 | 15.4 |
| Disagree | 23 | 16.9 |
| Neither agree nor disagree | 15 | 11.0 |
| Agree | 63 | 46.3 |
| Strongly agree | 14 | 10.3 |
| Total | 136 | 100.0 |

FIGURE 4.44



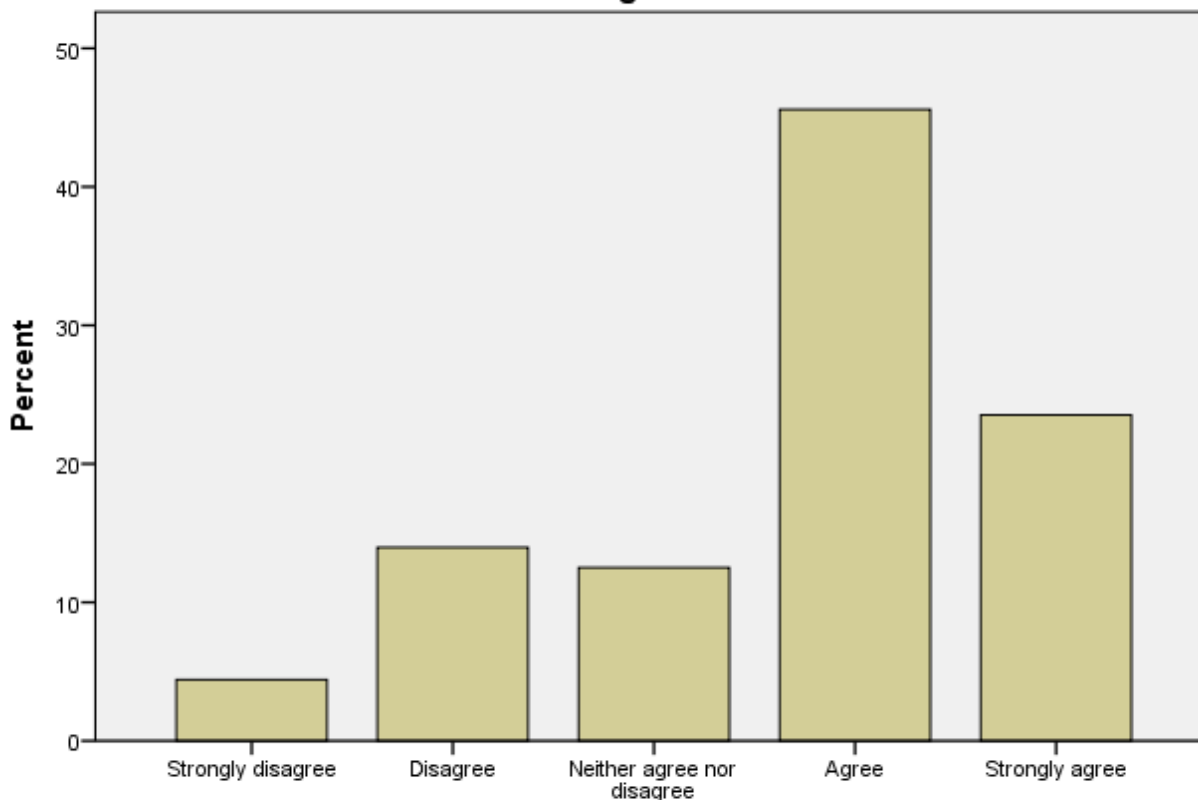
Figure 4.44 indicated that the slight majority of respondents (56.6%) agreed that there was an appointed ethics officer at the local municipality (see Table 4.44). 43 respondents who constituted 32.3% of the total sample disagreed that there was an appointed ethics officer at the local municipality. This number could not be simply ignored and it was therefore important to ensure that ethics officers are appointed at municipalities. A minority of 15 respondents constituting 11% of the total sample neither agreed nor disagreed (see Figure 4.44). They were unsure whether there was an appointed ethics officer in local municipalities. The above results indicated that a large number of respondents agreed that there was an ethics officer at the local municipality.

TABLE 4.45 I often feel discouraged when I want to report unethical conduct by my fellow colleague

| | Frequency | Percentage |
|----------------------------|-----------|------------|
| Strongly disagree | 6 | 4.4 |
| Disagree | 19 | 14.0 |
| Neither agree nor disagree | 17 | 12.5 |
| Agree | 62 | 45.6 |
| Strongly agree | 32 | 23.5 |
| Total | 136 | 100.0 |

FIGURE 4.45

I often feel discouraged when I want to report unethical conduct by my fellow colleague



I often feel discouraged when I want to report unethical conduct by my fellow colleague

Statistics revealed that respondents were not encouraged to report unethical conduct of their fellow colleagues. 94 of the respondents who constituted 69.1% of the total sample agreed that they felt discouraged when they wanted to report unethical conduct by their colleagues. It could be argued that protection was unavailable to those who were prepared to expose any wrong doing by municipal officials. It can be advised that protection be made available for municipal officials who are prepared to expose wrong doing. In South African Protected Disclosures Act was enacted to create a culture whereby municipal officials could disclose information related to unethical behaviour.

25 respondents who constituted 18.4% of the total sample did not believe that they felt discouraged when they wanted to report unethical conduct of fellow colleagues. To them (it could be argued) reporting unethical conduct by fellow colleagues was important since municipalities were expected to be open and transparent. However, 17 respondents who constituted 12.5% neither agreed nor disagreed to the statement (see Table 4.45). The above

results indicated that a large number of respondents felt discouraged to report unethical conduct by fellow colleagues.

TABLE 4.46 Ethics training is considered important in my local municipality

| | Frequency | Percentage |
|----------------------------|-----------|------------|
| Strongly disagree | 13 | 9.6 |
| Disagree | 28 | 20.6 |
| Neither agree nor disagree | 11 | 8.1 |
| Agree | 68 | 50.0 |
| Strongly agree | 16 | 11.8 |
| Total | 136 | 100.0 |

FIGURE 4.46



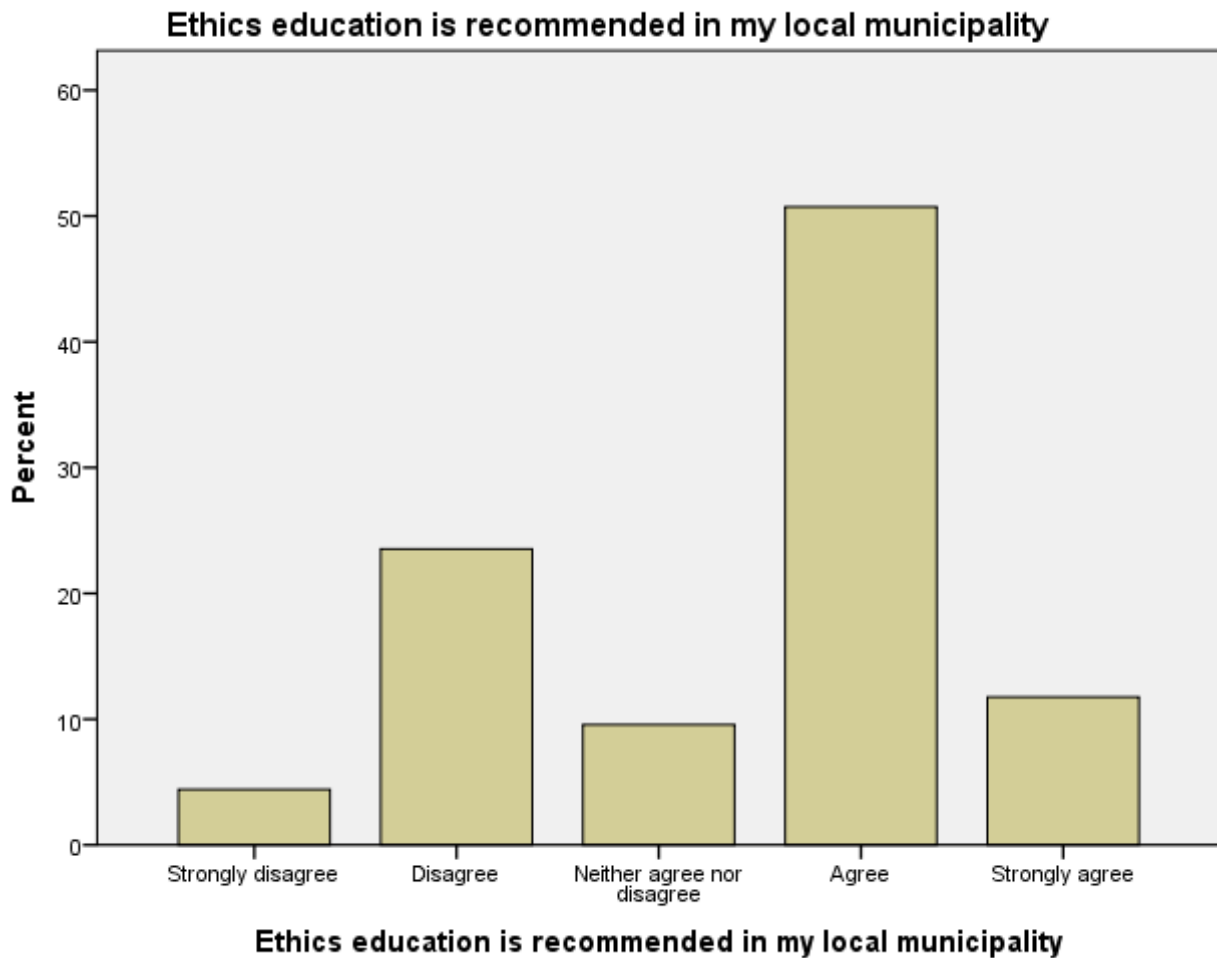
A slight majority of respondents agreed that ethics training was important at local municipalities. Statistics revealed that 84 respondents who constituted 61.8% of the total sample agreed that it was considered important in municipalities (see Table 4.46). Disoloane (2012:980) explains that ethics training involves processes and experiences desired to impart knowledge, understanding and skills to public officials in order that they share in the duty of maintaining organisational ethos. It could therefore be argued that training in ethics is aimed at shaping knowledge, skills and behaviour of municipal officials in order that the municipality's intended objective is achieved.

The 11 respondents who constituted 8.1% of the total sample neither agreed nor disagreed to the statement (see Figure 4.46). 41 respondents representing 30.2% disagreed that ethics training was important in local municipalities (see Figure 4.46). This number could not be ignored and therefore strategies were required to ensure that ethics training was intensified at municipalities. Results showed that a large number of respondents agreed that ethics training was important.

TABLE 4.47 Ethics education is recommended in my local municipality

| | Frequency | Percentage |
|----------------------------|-----------|------------|
| Strongly disagree | 6 | 4.4 |
| Disagree | 32 | 23.5 |
| Neither agree nor disagree | 13 | 9.6 |
| Agree | 69 | 50.7 |
| Strongly agree | 16 | 11.8 |
| Total | 136 | 100.0 |

FIGURE 4.47



A slight majority of 85 respondents who represented 62.5% of the total sample agreed that ethics education was recommended at the municipalities (see Table 4.47). It can be argued that ethics education broadened municipal officials making them different from everyone else and helped them to think on their own ways in solving complex problems. The importance of ethics education has its relevance in acquiring a mind-set which was not correctly owned or to deepen a mind-set already possessed.

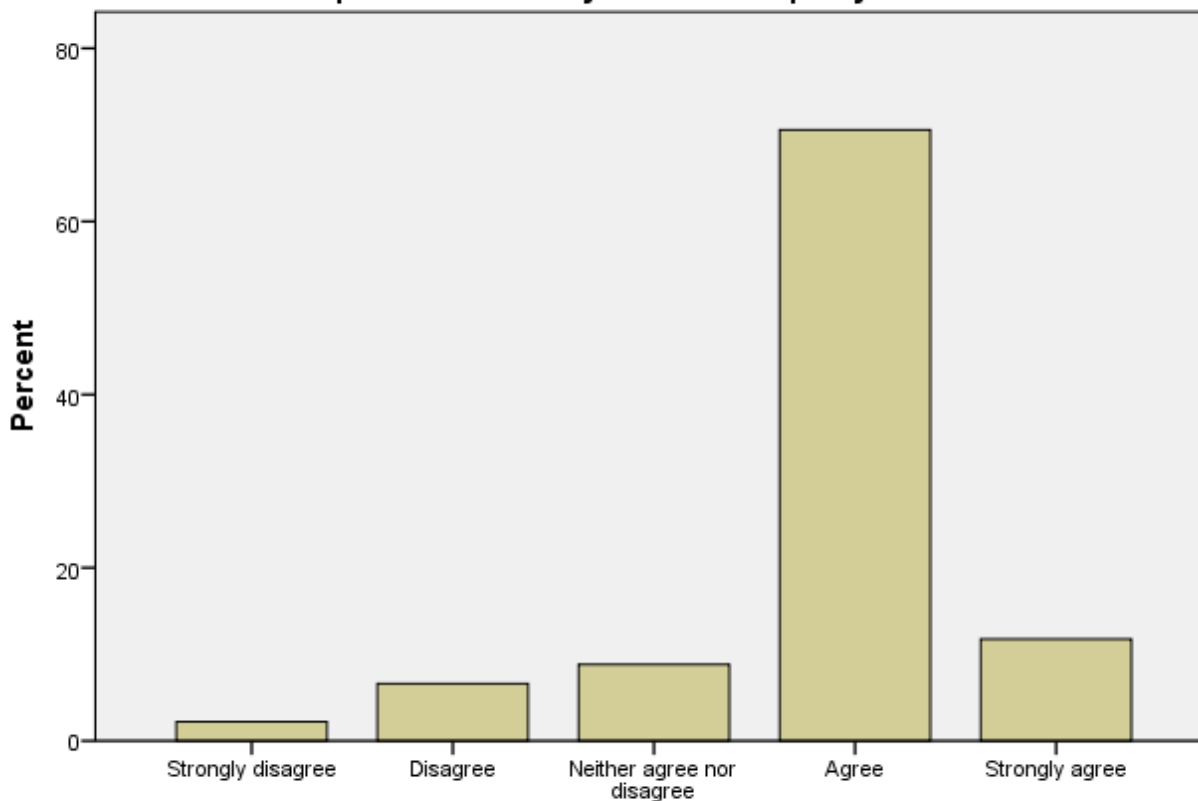
Only 13 respondents who constituted 9.6% of the total sample neither agreed nor disagreed, a notion that could be attributed to lack of information (see Figure 4.47). It is evident through the above results that ethics education was recommended in the municipality.

TABLE 4.48 There are adequate control mechanisms to ensure that I comply with policies and procedure in my local municipality

| | Frequency | Percentage |
|----------------------------|-----------|------------|
| Strongly disagree | 3 | 2.2 |
| Disagree | 9 | 6.6 |
| Neither agree nor disagree | 12 | 8.8 |
| Agree | 96 | 70.6 |
| Strongly agree | 16 | 11.8 |
| Total | 136 | 100.0 |

FIGURE 4.48

There are adequate control mechanisms to ensure that I comply with policies and procedures in my local municipality



There are adequate control mechanisms to ensure that I comply with policies and procedures in my local municipality

112 of the respondents who constituted 82.4% of the total sample agreed that indeed there were control mechanisms of ensuring compliance with policies and procedures at rural-based municipalities (see Table 4.48). This confirmed the view that management demonstrated commitment to ethical practices by intensifying compliance to policies and procedures. It should be indicated that control mechanisms be fair and trustworthy and aimed at protecting local residents.

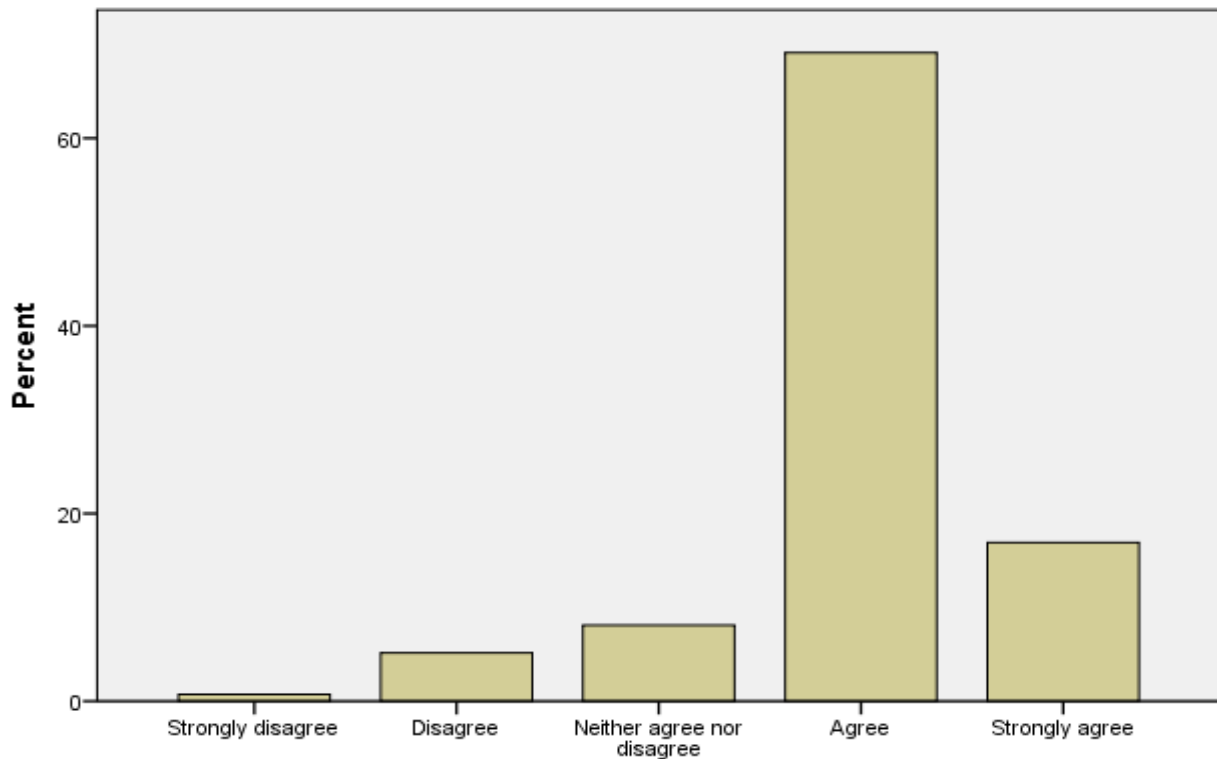
12 respondents who constituted 8.8% of the total sample neither agreed nor disagreed to the statement. Another minority of respondents (8%) disagreed that there were control mechanisms of ensuring compliance with policies and procedures at rural-based municipalities (see Figure 4.48). There is evidence through the above results that the local municipality has adequate control mechanisms to ensure compliance with policies and procedures.

TABLE 4.49 Public Service Act outlines mechanisms to be followed when dealing with ineffective and inefficient officials

| | Frequency | Percentage |
|----------------------------|-----------|------------|
| Strongly disagree | 1 | 0.7 |
| Disagree | 7 | 5.1 |
| Neither agree nor disagree | 11 | 8.1 |
| Agree | 94 | 69.1 |
| Strongly agree | 23 | 16.9 |
| Total | 136 | 100.0 |

FIGURE 4.49

Public Services Act outlines mechanisms to be followed when dealing with ineffective and inefficient officials



Public Services Act outlines mechanisms to be followed when dealing with ineffective and inefficient officials

The majority of the respondents were of the view that Public Services Act outlined mechanisms to be followed when dealing with ineffective and inefficient municipal officials. 117 respondents who constituted 86% of the total sample agreed that Public Service Act stated procedures and processes to be used when dealing with unproductive municipal officials (see Table 4.49). Public Services Act makes provision for the administration of the public service of South Africa regulations of the conditions of employment, terms of office, discipline, retirement and discharge of members of the public service. A minority of 8 respondents who represented 5.8% of the total sample disagreed with the statement while the remaining 8.1% of the respondents neither agreed nor disagreed (see Figure 4.49). It is evident through the above results that mechanisms of dealing with ineffective and inefficient officials are outlined in the Public Services Act.

TABLE 4.50 Accountability is the major responsibility of all municipal officials in this municipality

| | Frequency | Percentage |
|----------------------------|-----------|------------|
| Strongly disagree | 2 | 1.5 |
| Disagree | 4 | 2.9 |
| Neither agree nor disagree | 7 | 5.1 |
| Agree | 63 | 46.3 |
| Strongly agree | 60 | 44.1 |
| Total | 136 | 100.0 |

FIGURE 4.50

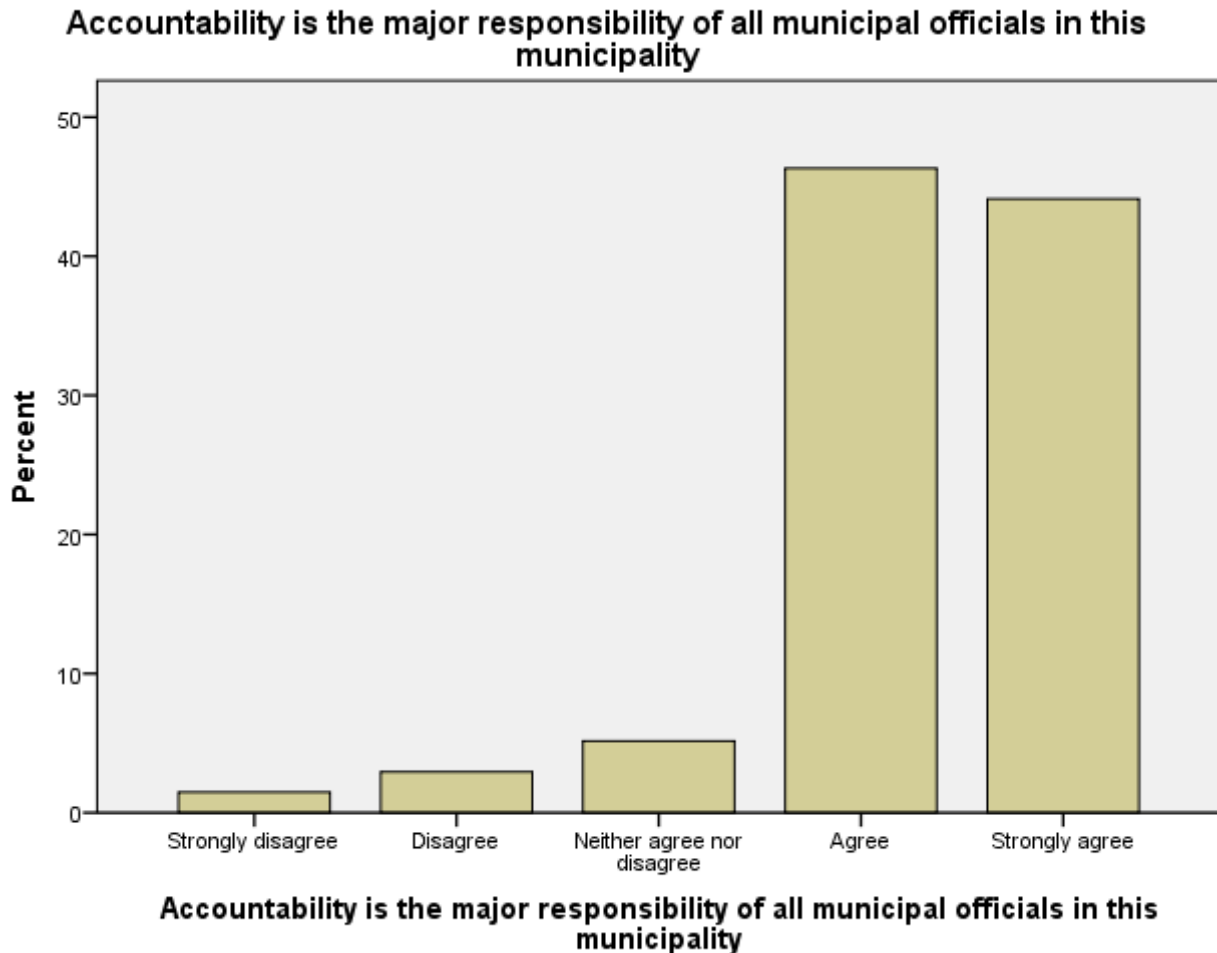


Table 4.50 revealed that accountability was the responsibility of all municipal officials in the municipality. 123 respondents who constituted 90.4% of the total sample agreed that all municipal officials were required to be accountable while performing their duties. Respondents indicated that they were required to take responsibility for their own actions.

7 respondents who constituted 5.1% of the total sample neither agreed nor disagreed to the statement (see Figure 4.50).

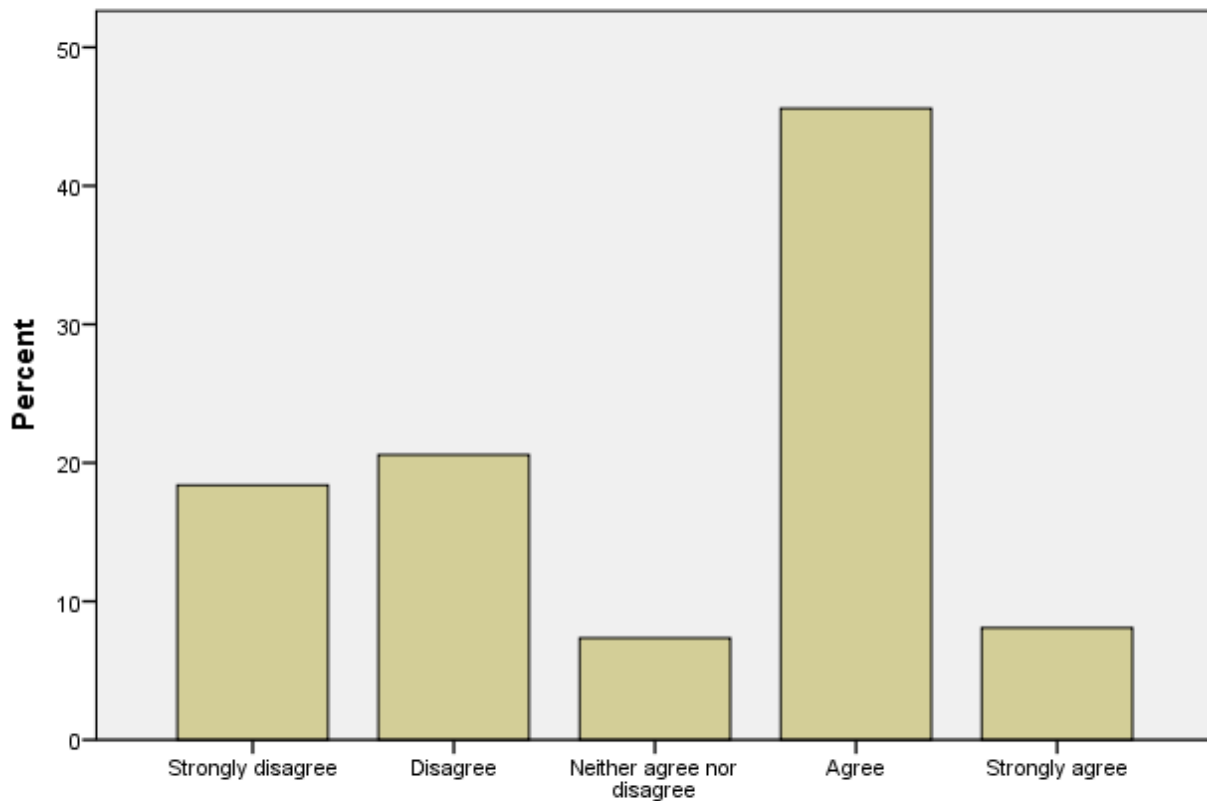
A minority of 6 respondents who constituted 4.4% of the total sample disagreed, indicating that municipal officials were not required to be accountable while performing official duties, a notion that could be based on lack of information and ignorance. The above results showed that a large number of respondents agreed that accountability was the main responsibility of all municipal officials.

TABLE 4.51 My ethical behaviour is rewarded through a performance of formal system which focuses on ethics

| | Frequency | Percentage |
|----------------------------|-----------|------------|
| Strongly disagree | 25 | 18.4 |
| Disagree | 28 | 20.6 |
| Neither agree nor disagree | 10 | 7.4 |
| Agree | 62 | 45.6 |
| Strongly agree | 11 | 8.1 |
| Total | 136 | 100.0 |

FIGURE 4.51

My ethical behaviour is rewarded through a performance formal system which focuses on ethics



My ethical behaviour is rewarded through a performance formal system which focuses on ethics

The analysed data revealed that municipal officials who behaved ethically were rewarded through a performance formal system. This was confirmed by a slight majority of 73 respondents who constituted 53.7% of the total sample (see Table 4.51). Respondents believed that sounds ethics in rural-based municipalities could be rewarded through performance formal system which focused on ethics. The belief was that municipal officials would be motivated to behave ethically in order to access rewards.

A total of 53 respondents who constituted 38.8% who disagreed could not be ignored and therefore strategies were needed to encourage ethical behaviour by municipal officials.

Only a small number of respondents (7.4%) neither agreed nor disagreed, a notion that could be based on lack of information and knowledge (see Figure 4.51). The above results showed that a large number of respondents were of the opinion that performance formal system of rewarding ethical conduct was in place and functioning.

TABLE 4.52 Regular workshops on ethical values are held at my municipality

| | Frequency | Percentage |
|----------------------------|-----------|------------|
| Strongly disagree | 10 | 7.4 |
| Disagree | 45 | 33.1 |
| Neither agree nor disagree | 9 | 6.6 |
| Agree | 62 | 45.6 |
| Strongly agree | 10 | 7.4 |
| Total | 136 | 100.0 |

FIGURE 4.52

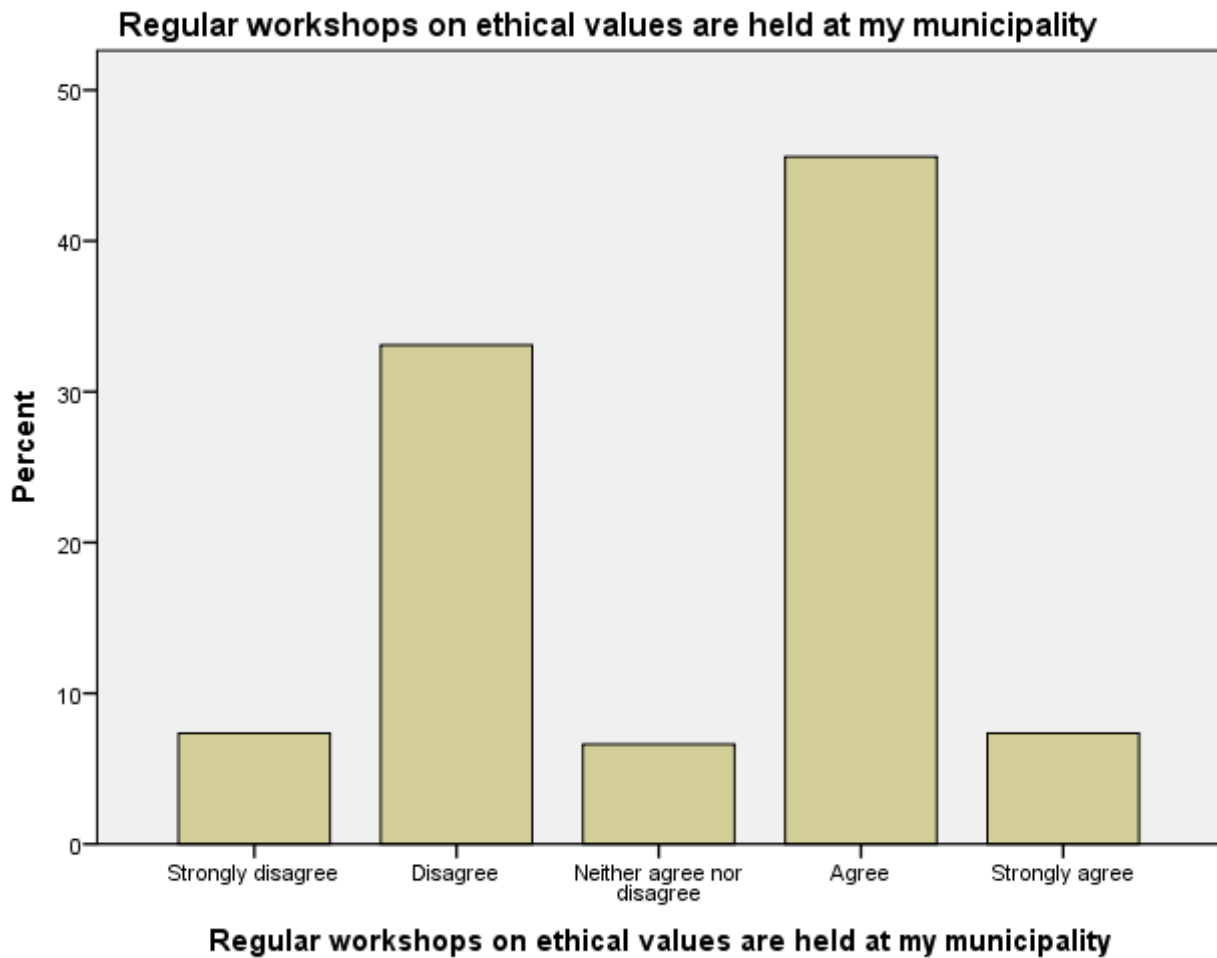


Table 4.52 indicated that regular workshops on ethical values were conducted at municipalities. This was confirmed by a slight majority of 73 respondents constituting 53.7% of the total sample who agreed that workshops on ethical values were often held at municipalities.

However, 53 respondents who constituted 39% was substantial and therefore deserved due attention. This confirmed that much was needed to be done in terms of promoting regular workshops on ethical values. Statistics also revealed that 9 respondents who constituted 6.6% of the total sample neither agreed nor disagreed to the statement. It is evident through the above results that regular workshops were conducted on ethical values in municipalities.

TABLE 4.53 Qualifications of senior municipal officials are made known to members of the public

| | Frequency | Percentage |
|----------------------------|-----------|------------|
| Strongly disagree | 38 | 27.9 |
| Disagree | 18 | 13.2 |
| Neither agree nor disagree | 22 | 16.2 |
| Agree | 48 | 35.3 |
| Strongly agree | 10 | 7.4 |
| Total | 136 | 100.0 |

FIGURE 4.53

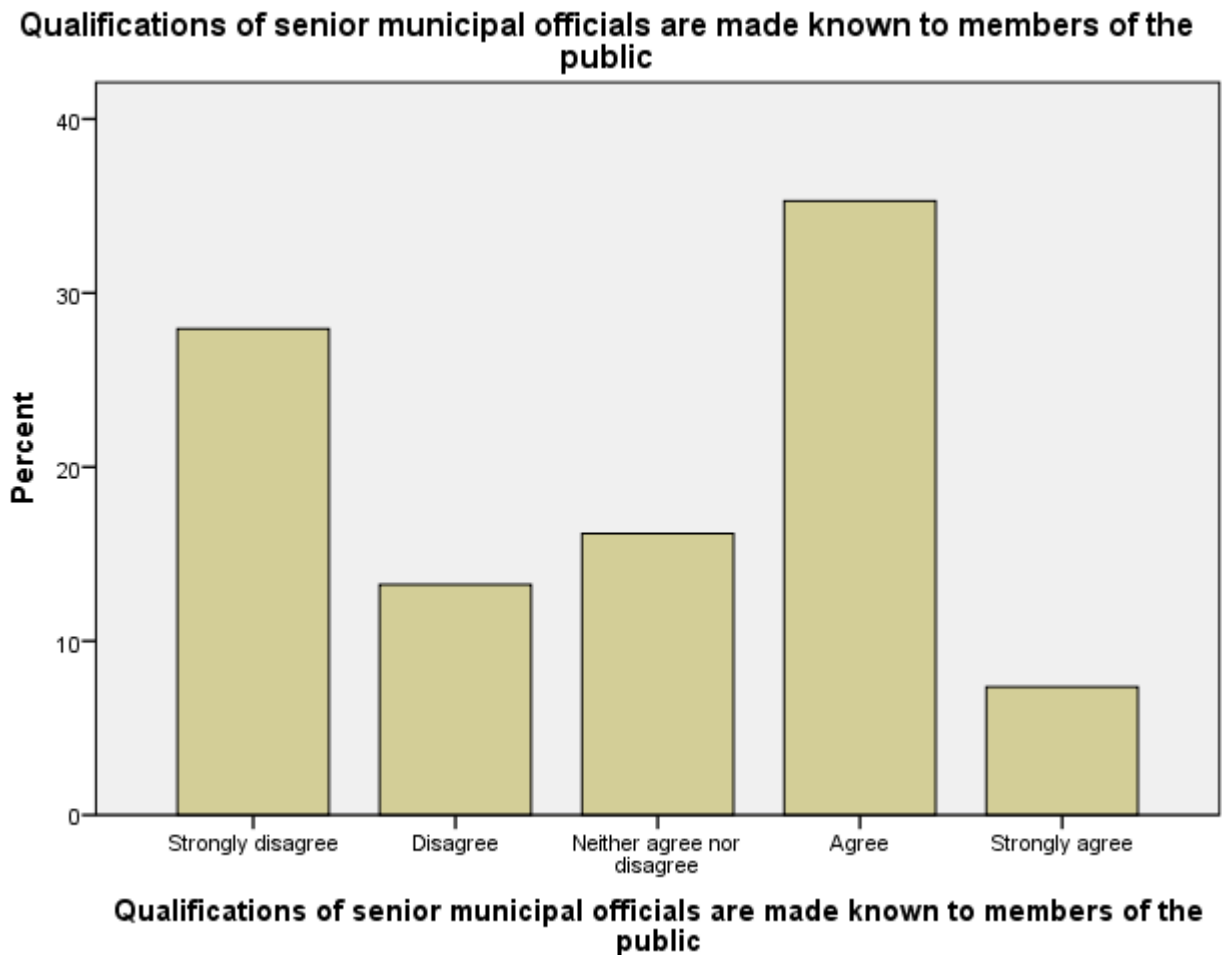


Table 4.53 revealed that 56 respondents who constituted 41.1% of the total sample did not agree that qualifications of senior municipal officials were made known to members of the public.

58 respondents who constituted 42.7% of the total sample agreed that qualifications of senior municipal officials were made open and known to members of the public. Exposing academic qualification of senior officials was an issue of concern which needed attention. But it could be argued that members of the community would have more trust and respect to senior officials who are academically competent.

Analysed data also revealed that 22 respondents who constituted 16.2% neither agreed nor disagreed to the statement (see Figure 4.53). This also indicated that much still needed to be done to address this emerging challenge in the rural-based municipalities. It is evident through a slight

majority of respondents that the qualifications of senior municipal managers were made known to members of the public.

4.4 Conclusion

This chapter focused on analysis of data and interpretation. Data analysis and interpretation was based on data collected from the respondents. The names of the respondents were not disclosed to ensure anonymity. The intention of the research project was to investigate the prevalence of unethical behaviour in municipalities: A case of Vhembe District Municipality. Research findings, conclusions and recommendations are discussed in the next chapter.

CHAPTER 5

FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

5.1 Introduction

In the previous chapter the focus was on data presentation, interpretation and analysis. This chapter focuses on significant findings, conclusions and recommendations of the study. The aim of this study project has been to investigate the prevalence of unethical behaviour at Vhembe District Municipality with a view of contributing to the improvement of municipal understanding of unethical behaviour. Such understanding would ultimately provide a deeper appreciation of the strategies that could be implemented to enhance ethical behaviour.

5.2 Overview of the study

In this section, an overview of the study was presented taking into consideration the research problems as articulated in section 1.7 in chapter one. In this research study the prevalence of unethical behaviour at Vhembe District Municipality were clearly documented indicating how such cases have been impacting quality service delivery. Limited studies have attempted to document the effects of unethical behaviour in service delivery and therefore this study was motivated by the prevailing patterns of unethical conduct at Vhembe District Municipality.

5.3 Significant findings of the study

The findings of both the quantitative and qualitative studies as presented in chapter 4 are synthesised in this section. Significant findings which emerged from quantitative and qualitative studies are interpreted in relation to the research questions and the aim of the study. In the process of interpreting results, the findings are then compared to those from previous studies as reviewed in the literature. Conclusions regarding the effects of the prevalence on unethical behaviour at Vhembe District Municipality are reached and recommendations for future research are also made.

The principal aim of the study has been to investigate the prevalence of unethical behaviour in Vhembe District Municipality with the intentions to:

- Determine the challenges posed by unethical behaviour in Vhembe District Municipality
- Assess the prevalence of unethical behaviour in Vhembe District Municipality
- Determine the mechanisms to minimise unethical behaviour in service delivery
- Determine strategies to curb unethical behaviour in the public service

The section which follows presents important objectives as the research participants have experienced them.

5.3.1 Challenges posed by unethical behaviour

Unethical conduct by municipal officials is in part the contributing factor of poor service delivery. The study has confirmed that unethical behaviour is an existing phenomenon at Vhembe District Municipality. The findings of the research revealed that secrecy is rife at Vhembe District Municipality and where it is nurtured the democratic principle of openness and transparency are ignored and at the expense of quality service delivery (see Figure 4.7). Literature asserts that it is in the interest of the people to know how the municipality performs its activities (Hanekom et al, 1995:154-155).

Nepotism, the practice of appointing relatives and friends in the public positions at the expense of the merit principle negatively affected quality service delivery. Instead of appointing relevant people with the required qualifications and experience, family members are considered. The findings revealed that, nepotism was an issue of concern at Vhembe District Municipality (see Figure 4.9). This unfortunate practice could be addressed by ensuring that officials were hired through the merit principle taking into account relevant qualifications and experience.

Lack of trust by community members to municipal officials was also an issue of concern at Vhembe District Municipality (Figure 4.19). Malan et al (2001:16) agree that it becomes difficult for members of the public to trust corrupt public officials). Trust can be enhanced when community members believed public officials to be ethical, honest and fair.

The research findings also revealed that Vhembe District Municipality was in the position of losing competent municipal officials (see Figure 4.13). Competent officials were leaving the public sector and regrettably municipalities were the greatest losers because people whose skills were highly valued did not want to associate themselves with corrupt officials. The study also revealed that undue hiring of consultants was problematic because existing municipal officials were still paid their salaries (Figure 4.16). The findings further revealed that local residents were unwilling to pay for the services rendered to them (Figure 4.21). This could be partly due to billing system which was unreliable (see Figure 4.20).

5.3.2 Assessing the effects of unethical behaviour

The researcher reported findings of the study in relation to the effects of unethical behaviour in Vhembe District Municipality. The study confirmed that frustrated residents vandalised services intended for their use (see Figure 4.12). Municipal functionaries and councillors confirmed that unqualified municipal officials who were politically connected were employed resulting in a serious decline of quality service delivery (see Figure 4.14).

5.3.3 Mechanisms to minimise unethical behaviour

In this section, respondents agreed that there were adequate control mechanisms to minimise unethical conduct at Vhembe District Municipality (see Figures 4.22; 4.23; 4.24; 4.25; 4.26; 4.27; 4.28; 4.29; 4.30; 4.31; 4.32). Respondents confirmed that compliance to the principles of Batho-Pele assisted in minimising unethical behaviour. The study revealed that respondents complied with the provisions of Batho-Pele principles. This was encouraging because despite challenges, municipal officials rendered quality service to the people.

5.3.4 Strategies to curb unethical behaviour

Some of the strategies to curb unethical conduct included compliance to different pieces of legislation such as the Constitution of the Republic of South Africa, 1996, Public Finance Management Act, Public Service Act (Figure 4.33; Figure 4.36). It was however an issue of

serious concern to observe that although whistle-blowing was a recommended strategy to curb unethical behaviour (see Figure 4.41), respondents stated that they felt discouraged to report unethical conduct of their fellow colleagues (Figure 4.45). This could be attributed to the fact that whistle-blowers were not adequately protected as it was required in terms of the law. This finding indicated that the municipality was at risk since potential whistle-blowers would not be willing to come forward with sensitive information regarding unethical conduct of municipal officials at Vhembe District Municipality. It was however encouraging to note that training and educating municipal officials in sound ethics was considered important at Vhembe District Municipality (see Figures 4.46; 4.47). It was further indicated by respondents that senior management officers were realistic role models by demonstrating ethical conduct to subordinates (see Figure 4.43)

5.4 The main research objective: To investigate the prevalence of unethical behaviour at Vhembe District Municipality

In chapter 1 it was stated that the main aim of the study was to investigate the prevalence of unethical behaviour by municipal officials at Vhembe District Municipality. Since the aim of the study was central, it was therefore imperative that the findings emanating from the research be evaluated against the problem for ascertaining whether the stated problem was adequately resolved or not.

The research project was undertaken to resolve this question. The findings to the main question revealed that unethical behaviour was indeed prevalent at Vhembe District Municipality (see Figures 4.7; 4.8; 4.9; 4.10; 4.11). However, senior municipal officials must ensure that ethics initiatives systems and programmes are put in place so that a conducive ethical environment is created at Vhembe District Municipality.

5.5 Research conclusions

From the evidence of this research project, the following conclusions can be reached.

- Respondents confirmed that local residents did not know how municipal officials performed their activities which ultimately contributed to lack of trust by the local community.
- Municipal officials and councillors revealed that unqualified municipal officials who were incompetent were employed at Vhembe District Municipality.
- Municipal functionaries and councillors confirmed that bribery in areas of appointments, promotions and procurement was at its worst level.
- Vhembe District Municipality lost competent municipal officials resulting in a serious decline of service quality.
- Respondents revealed that Vhembe District Municipality experienced financial constraints partly because local residents were not motivated to pay for the services rendered. Unreliable billing system was partially the cause of the unwillingness of the people to pay for services.
- Ethical conduct by municipal officials and councillors can be enhanced through compliance to Batho-Pele principles.
- Municipal officials and councillors at Vhembe District Municipality considered ethics training and ethics education as vital for the effective functioning of the municipality.
- Municipal functionaries and councillors at Vhembe District Municipality confirmed that although whistle-blowing was encouraged, there were no effective measures of protecting whistle-blowers.
- It was concluded that there were adequate mechanisms at Vhembe District Municipality to ensure that municipal officials and councillors complied with the recommendations of the Auditor-General and the Public Protector.
- Municipal officials and councillors confirmed that there was a reluctance in revealing qualifications of senior municipal officials at Vhembe District Municipality.
- Respondents agreed that senior management at Vhembe District Municipality who complied with section 195 of the Constitution of the Republic of South Africa, 1996 conducted themselves ethically and in line with the values and principles of public administration.

- Vhembe District Municipality had a reward system which acknowledged and recognised outstanding performance.
- Municipal officials and councillors confirmed that regular workshops were conducted at Vhembe District Municipality in order to reinforce compliance to ethical values.

5.6 Recommendations

In view of the findings, certain recommendations have been suggested. It has been proved by the previous researchers that unethical behaviour by municipal officials is the main cause of poor service delivery and therefore effective and efficient mechanisms have to be put in place to address this malady.

Recommendations are therefore suggested based on the four themes which arose from the research findings.

5.6.1 Recommendations with regard to the challenges posed by unethical behaviour in service delivery

In order to promote the ideals of transparency and accountability in rural-based municipalities, municipal employees should be held legally accountable as individuals for their actions in issues involving public resources. A resilient system which operates freely from political interference should encourage citizens to speak out against unethical conduct by municipal officials.

An enforceable policy that bans all gifts and hospitality tokens should be developed and members of the community should be informed on how the system works, and what their rights and responsibilities are.

5.6.2 Recommendations on the effects of unethical behaviour

The electoral system in the municipality should be transformed to allow citizens to directly appoint or elect their own preferred councillors to serve in municipal councils. This will ensure that municipal councils are held accountable by its citizens. Communities should elect or appoint councillors who reside within their local municipality.

5.6.3 Recommendations with regard to ways of minimising unethical behaviour

Actioning Batho-Pele initiatives assisted by culture change programmes that will address deep-rooted issues emanating from the previous apartheid government is crucial in this regard. Consistent with the Constitution of the Republic of South Africa, citizens should be at a centre stage by ensuring that their rights are respected and protected. Citizens have an expectation of quality service and therefore should be consulted in the process to ensure that their needs are addressed and that the objectives of the municipality are achieved. Consultation produces citizens who are knowledgeable in terms of their rights with regard to quality service delivery and can also assist the municipality to become more accountable. That can be achieved if information is communicated in the local language. Municipal officials should subscribe to the notion of democratic governance where citizens would believe that they have a share in government and governance.

5.6.4 Recommendations on the types of strategies to curb unethical behaviour

The following recommendations should assist prevent and curb unethical behaviour. Focus will be on employment practices, procurement process and public education.

5.6.4.1 Employment practices

It is evident from the findings that there are challenges with regard to the implementation of fair employment practices in the municipality. The tendency of employing municipal officials without relevant qualifications and experience undermines quality service delivery. Municipal officials who do not have required skills are usually ineffective and inefficient in the utilisation of municipal's scarce resources.

The employment practice which is fair supports the growth of inclusive workplace which helps municipal officials to perform to their full potential. The municipality must therefore recruit and select potential employees on the basis of merit despite race, gender, religion, marital status or disability. There must be a progressive human resource management systems where municipal officials will be treated with respect and dignity. Once employed, municipal officials should be afforded equal opportunities with regard to training and development to assist them achieve to their full potential.

However, the core challenge with the recruitment process at Vhembe District Municipality is that it is heavily influenced by political interference resulting in flawed selection. In order to recruit and ultimately employ the potential best candidate, the municipality must go for a private approach where an independent recruitment agency would be well equipped to make proper selection. Effectiveness in the recruitment process can be achieved when the municipality would only be required to provide the detailed job description and person specifications.

5.6.4.2 Procurement activity

The procurement activity is the major spender of funds at Vhembe District Municipality. The personnel responsible for purchases are tempted to accept undue gifts, thus creating a fertile environment for unethical conduct. If the municipal official receives something, he/she would feel obliged to give something in return.

Despite performing a vital task and being the big spender of municipal funds, the procurement function is one of low status in the municipality at Vhembe District Municipality. The position of the procurement function is not well-defined and at most is subordinate to other activities such as finance and personnel functions. Transparency which involves accountability for municipal funds is important in all procurement activities. This implies that transactions be scrutinised and officials responsible for procurement must not conduct themselves in a way that any scrutiny would damage the reputation of the staff. Although trade secrets may be confidential, people responsible for procurement are expected to perform the work in such a way that it is open to public scrutiny.

Conflict of interest is another common risk situation related to ethics in procurement which involves a direct confrontation between the interest of the municipality and the personal interest of an official. Municipal officials should not in any way be allowed to use office for private gain. Any potential conflict of interest must be declared with immediate effect.

At Vhembe District Municipality procurement corruption can be prevented by establishing an ethical culture. The ethical culture must receive the full support of top management who should always be role models for subordinates to emulate. Individuals who are known for ethical behaviour must train and inspire others to behave in an acceptable manner.

5.6.4.3 Public education

Educating the public can assist to reduce the public tolerance to unethical conduct and encourages them to report immoral conduct by municipal officials. Whistle-blowers should be protected for exposing corrupt municipal officials. If the fraudster is successfully charged, the whistle-blower should be compensated for the job well-done. This will encourage potential whistle-blowers to report unethical conduct by municipal officials.

5.7 Limitations of the study

Every research study has limitations which should be taken into account to understand the context. The study focused only on municipal officials who were on management and councillors. The rest of the municipal employees were not considered and included for the purpose of this study. The study therefore restricted set of data which might negatively impacted generalisation of the findings.

No attempt was made to put forward hypotheses to be tested since the research study was exploratory and descriptive in nature. An attempt was only made to establish patterns and trends and relationships between variables in the quantitative part of the study and also to understand and describe the prevalence of unethical behaviour in the qualitative section. The sample although representative in terms of race, was predominately blacks. This was however not unexpected since Vhembe District Municipality was rural-based and the majority of people were

blacks. Another challenge that was encountered included difficulty in accessing some councillors who always had congested schedules.

5.8 Suggestions for further study

The research project was only conducted at Vhembe District Municipality. Therefore, the findings of this research project are only applicable to Vhembe District Municipality. Further research attempts could also include other district municipalities in the Limpopo province to examine how other municipal officials and councillors perceive the prevalence of unethical behaviour.

5.9 Conclusions

The objective of this final chapter is to provide a brief summary of the research question which guided this research study. Successful attempts to provide answers to these questions were provided. It is the view of the researcher that focus on the prevalence of unethical conduct in Vhembe District Municipality was aimed at finding intervention strategies to deal with this malady. The researcher is of the opinion that the study achieved its intended objective as articulated in chapter 1. The researcher also believed that this study served as an effort to expand the frontiers of knowledge with regard to existing literature concerning unethical behaviour in municipalities.

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APPENDIX A

QUESTIONNAIRE

INSTRUCTIONS TO PARTICIPANTS

- Please read the statements carefully before deciding on your choice in an appropriate box.
- Please make only one choice per statement by marking the relevant box with an X.
- You are humbly requested to complete all the statements at all sections.

SECTION A

BIOGRAPHICAL INFORMATION

AGE

| | |
|-------|---|
| 18-25 | 1 |
| 26-35 | 2 |
| 35-45 | 3 |
| 45-55 | 4 |
| 55+ | 5 |

RACE

| | |
|----------|---|
| BLACK | 1 |
| WHITE | 2 |
| INDIAN | 3 |
| COLOURED | 4 |
| ASIAN | 5 |

GENDER

| | |
|--------|---|
| MALE | 1 |
| FEMALE | 2 |

HIGHEST QUALIFICATION

| | |
|--------------------|---|
| HIGHER CERTIFICATE | 1 |
| NATIONAL DIPLOMA | 2 |
| FIRST DEGREE | 3 |
| HONOURS DEGREE | 4 |
| MASTERS+ | 5 |

NUMBER OF YEARS IN THE MUNICIPALITY

YEARS

CURRENT POSITION IN THE MUNICIPALITY

SUPERVISOR

MANAGER

SENIOR MANAGER

DIRECTOR

COUNCILLOR

SECTION B

Challenges posed by unethical behaviour in service delivery

| | Strongly disagree | Disagree | Neither agree nor disagree | Agree | Strongly agree |
|---|-------------------|----------|----------------------------|-------|----------------|
| 1. Secrecy restrict residents to know how the municipality performs its duties. | | | | | |
| 2. Fraud stimulates corruption and attracts organised crime such as | | | | | |

| | | | | | |
|---|--|--|--|--|--|
| money laundering. | | | | | |
| 3. Bribery is rife in areas of appointments, promotions and procurements. | | | | | |
| 4. Unqualified and inexperienced family members and relations are hired in the municipality. | | | | | |
| 5. Lack of productivity wastes huge amounts of money. | | | | | |
| 6. Unauthorised expenditure involves expenditure that exceeds the budget amount for specific purpose. | | | | | |

SECTION C

Assessing the effects of unethical behaviour

| | Strongly disagree | Disagree | Neither agree nor disagree | Agree | Strongly agree |
|--|-------------------|----------|----------------------------|-------|----------------|
| 1. Residents vandalise service facilities intended for their use | | | | | |

| | | | | | |
|---|--|--|--|--|--|
| 2. The municipality loses competent public officials who find it difficult to associate themselves with corrupt officials | | | | | |
| 3. Unqualified, incompetent officials who are politically connected are employed and promoted. | | | | | |
| 4. The loss of experienced, competent employees results in a serious decline of the required standard of services. | | | | | |
| 5. Appointing consultants to render a service increases the cost of service delivery. | | | | | |
| 6. Corrupt public functionaries promote the culture of corruption in the municipality. | | | | | |
| 7. Unethical behaviour by officials inhibits creativity in the municipality. | | | | | |
| 8. Local residents distrust unethical municipal officials. | | | | | |
| 9. The billing system at my municipality is suspect. | | | | | |
| 10. Local residents often do not pay for services rendered to them. | | | | | |

SECTION D

Mechanisms to minimise unethical behaviour

| | Strongly disagree | Disagree | Neither agree nor disagree | Agree | Strongly agree |
|--|-------------------|----------|----------------------------|-------|----------------|
| 1. Citizens are consulted about the quality of services they receive | | | | | |
| 2. Communities are informed about what level and quality of service they | | | | | |

| | | | | | |
|---|--|--|--|--|--|
| receive so that they know what to expect. | | | | | |
| 3. All people are treated with courtesy and consideration irrespective of their external social status. | | | | | |
| 4. Communities are given full and accurate information about the public services they are entitled to. | | | | | |
| 5. Citizens are informed on how local authorities function and the information they are entitled to. | | | | | |
| 6. If the promised standard of service is not delivered, citizens are offered an apology, a full explanation and a speedy and effective remedy. | | | | | |
| 7. When complains are made, citizens receive a sympathetic positive response | | | | | |
| 8. Services are provided economically and efficiently in order to provide people with the best possible value for money. | | | | | |
| 9. Municipal officials who perform beyond their job descriptions are rewarded. | | | | | |
| 10. Municipal officials have a good understanding of Batho Pele Principles | | | | | |
| 11. Batho Pele Principles are well displayed at municipal offices. | | | | | |

SECTION E

Strategies to enforce ethical behaviour

| | Strongly disagree | Disagree | Neither agree nor disagree | Agree | Strongly agree |
|---|-------------------|----------|----------------------------|-------|----------------|
| 1. Section 195 of the constitution encourages public officials to conduct themselves in line with the values and principles of public | | | | | |

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|---|--|--|--|--|--|
| administration. | | | | | |
| 2. Auditor-General performs independently at my local municipality. | | | | | |
| 3. Recommendations of the Auditor-General are taken very seriously at my local municipality. | | | | | |
| 4. Public Finance Management Act requires municipal official to disclose business interests of officials. | | | | | |
| 5. PFMA makes legal sanction possible for any unauthorised expenditure by the public official. | | | | | |
| 6. Public Protector performs independently at my local municipality. | | | | | |
| 7. Recommendations of the Public Protector are implemented at my local municipality as a matter of urgency. | | | | | |
| 8. The code of conduct is respected in its fight against unethical behaviour. | | | | | |
| 9. Whistle blowing is encouraged at my local municipality. | | | | | |
| 10. Training of officials in customer care is vital in my local municipality. | | | | | |
| 11. People in senior management demonstrate ethical conduct. | | | | | |
| 12. There is an appointed ethics officer at my local municipality. | | | | | |
| 13. I often feel discouraged when I want to report poor customer care by my fellow colleague. | | | | | |
| 14. Ethics training is considered important in my local municipality. | | | | | |
| 15. Ethics education is recommended in my local municipality. | | | | | |
| 16. There are adequate control mechanisms to ensure that I comply with policies and procedures in my local municipality | | | | | |
| 17. Public Service Act outlines mechanisms to be followed when dealing with ineffective and inefficient officials. | | | | | |

| | | | | | |
|--|--|--|--|--|--|
| 18. Accountability is the major responsibility of all municipal officials in this municipality. | | | | | |
| 19. My ethical behaviour is rewarded through a performance of formal system which focuses on ethics. | | | | | |
| 20. Regular workshops on ethical values are held at my municipality. | | | | | |
| 21. Qualifications of senior municipal officials are made known to members of the public. | | | | | |

THANK YOU FOR YOUR PARTICIPATION

APPENDIX B

INTERVIEW SCHEDULE

1. What are the existing challenges posed by unethical behaviour in Vhembe District Municipality?

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2. What are the dominant effects of unethical behaviour in service delivery?

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3. What are the mechanisms that could be employed to minimise unethical behaviour in order to enhance service delivery?

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4. What are the possible strategies that can be used to curb unethical behaviour in the public sector?

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THANK YOU FOR YOUR PARTICIPATION

APPENDIX C

INFORMED CONSENT

RE: INVESTIGATION INTO THE PREVALENCE OF UNETHICAL BEHAVIOUR IN A SOUTH AFRICAN MUNICIPALITY: A CASE OF VHEMBE DISTRICT MUNICIPALITY

1. Researcher: I, Musiwa Collen Mufamadi am a Doctoral student at the University of Venda. I am involved in a research project entitled: **INVESTIGATION INTO THE PREVALENCE OF UNETHICAL BEHAVIOUR IN A SOUTH AFRICAN MUNICIPALITY: A CASE OF VHEMBE DISTRICT MUNICIPALITY.**

I am conducting this study under the supervision of Professor M.P. Khwashaba, and co-promoters Professor D.R. Thakhathi and Professor N.J. Vermaak.

The purpose of the study is to investigate the prevalence of unethical behaviour in Vhembe District Municipality in order to contribute in the improvement of municipal understanding of unethical behaviour.

Your cooperation in conducting an interview with you will be highly valued. The interview will be conducted within 50-60 minutes. The interview will be audio recorded for verification of the findings by my promoter and an independent coder. Your participation in this study will benefit Vhembe District Municipality and South Africa as a whole and the findings will be used in improving municipal understanding of unethical behaviour.

In view of the above, you are requested to participate in this research project.

2. Participant: I.....give my consent to be interviewed by Musiwa Collen Mufamadi. It has been explained to me that my name and dignity as a respondent is preserved by me by observing ethical standards during the research process. As a respondent in this research project, I am required to observe the following ethical standards:

- My name and that of my colleagues will not be mentioned during discussions;
- Participation is voluntary and there is freedom to withdraw without any penalty;
- Raw materials will be kept under lock to ensure confidentiality;

- Information with regard to the interviews will only be accessible to the promoter and the independent coder;
- Field notes and audio tapes will be destroyed as soon as the project is completed;
- A summary of the research project will be available to me if requested.

Respondent's signature.....Date

Researcher's signature.....Date

THANKS FOR YOUR COOPERATION.

APPENDIX D

P.O. Box 548
Thohoyandou

0950

17 May 2017

Enq: Mufamadi M.C

083 778 9493 / 079 237 3406

The Municipal Manager
Vhembe District Municipality
Private Bag X5006
Thohoyandou
0950

APPLICATION TO CONDUCT A RESEARCH

1. The above matter refers
2. I, Mufamadi Musiwa Collen, student at the University of Venda doing PhD in the School of Management Sciences hereby apply to conduct a research at Vhembe District Municipality.
3. The project title is: **Investigation into the prevalence of unethical behaviour in a South African municipality: a case of Vhembe District Municipality.**
4. Your co-operation in this matter is highly appreciated.

Yours faithfully

Mufamadi M.C (Researcher)