

UMHLABUYALINGANA LOCAL MUNICIPALITY



BATHO PELE SERVICE STANDARDS MANUAL

(Compiled by: Communication Section)

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SECTION 1: INTRODUCTION

‘Batho Pele’ is a Sesotho adage which means ‘People First’

1.1 BACKGROUND

The ‘White Paper on Transforming Public Service Delivery’ (or ‘the Batho Pele Policy’ as it is most probably better known), was published in 1997 and focuses on how public services are to be provided, with an emphasis on efficiency, effectiveness and sustainability. While firmly grounded in each individuals’ right to equality, dignity, social justice and quality of life as set out in the Bill of Rights in the 1996-Constitution, these principles were already firmly set in place in 1995, with the adoption of the ‘White Paper on the Transformation of the Public Service’, which identified ‘transforming service delivery’ as one of eight national transformation priorities. The National Development Plan, as published in 2011, not only sets out a guiding national vision for 2030, but also continues this focus on ‘reforming the public service’ in order to meet the country’s transformation agenda which requires functional municipalities and capable machinery at a local level that can create safe, healthy and economically sustainable areas where citizens can live their lives in dignity.

Driven by the gap in many of our municipalities between (1) service delivery and (2) the ideals and principles as set out in our Constitution and high-level legal and policy Manual, the Department of Cooperative Governance and Traditional Affairs (CoGTA) introduced the Back-to-Basics (B2B) programme in September 2014. The B2B-programme emphasizes a return to the original developmental vision for, and approach to developmental local government, as set out in the 1996-Constitution and 1998-White Paper on Local Government. As such, the B2B-programme is built on five interconnected pillars:

- Putting people and their concerns first;
- Delivering basic municipal services to the right standard and of an acceptable quality in a sustainable and affordable way;
- Providing good governance and ensuring effective municipal administration;
- Ensuring sound financial management and accounting; and
- Building and maintaining solid, quality institutional and administrative capacities.

The focus in the B2B-programme on putting people first and transforming the public service, re-emphasises the importance of the Batho Pele Policy, which is built on the principles of consultation, service standards, access, courtesy, information, openness and transparency, redress and value for money.

The 1997-Batho Pele Policy defines (1) how public servants are to undertake their daily tasks, and (2) how they are to interact with others (i.e. public servants, the private sector, community members and NGOs) in order to provide public services efficiently, effectively and sustainably. The policy was, however, specifically written for national and provincial departments, with no coherent set of guidelines developed for local government, which is the primary interface or point of public service delivery. As such the development of a Manual for the implementation of the Batho Pele Principles in Local Government became imperative. The aim of this document is to provide such a guiding Manual for municipalities within which to implement the Batho Pele Principles, and over time, and in

accordance with local needs and conditions, develop their own set of guidelines on specific issues and aspects to serve the driving ethos of 'People First'.

APPLICABLE LEGISLATION, POLICY & PROGRAMMES:

- The Constitution of South Africa, 1996
- The White Paper on Transforming Public Service Delivery, 1997 (the 'Batho Pele Policy')
- The White Paper on the Transformation of the Public Service, 1995
- The White Paper on Local Government, 1998
- The Back to Basics Programme, 2014
- The 2030-National Development Plan, 2011

THE AIM OF THE MANUAL:

To assist the municipality in putting the processes, mechanisms and structures in place to facilitate the effective, efficient and sustainable provision of public services to all citizens in a manner that is compliant with the Batho Pele Principles.

ASPECTS COVERED IN THE MANUAL:

- Principles
- Behaviour
- Structures
- Processes
- Facilities
- Outcomes

1.2 THE MANUAL

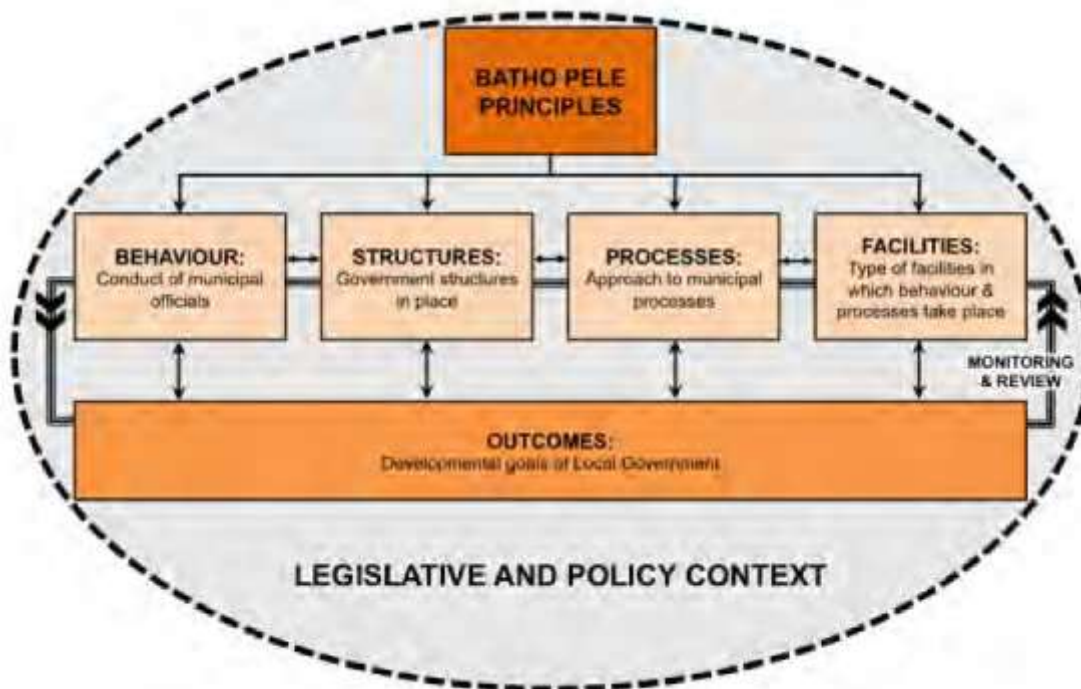
1.2.1 Why this manual and what does it contain?

As noted in the section 1 on the background to this document, the Batho Pele Policy was primarily written for public servants employed in the national and provincial spheres of government. In addition to that, the policy is very clear and specific about the way in which public servants should perform their duties and engage the public and others, but does not engage or define the quantity or quality of said public services. While the policy may suffice for officials working in the provincial and national spheres, it does not provide enough guidance for officials employed in the local sphere, who are working there where government's plans, budgets, projects and programmes meet communities and hits the proverbial ground in the places where communities live, work, study and socialise. It is here where the public service, the format in which it is offered, the place where it is offered, and the outcomes it provides or makes possible, are directly felt. It is here where government services are most pertinently on display and where government is either viewed to be failing or succeeding in realising its national social, economic, spatial and environmental objectives, as set out in the 2030-National Development Plan.

Against this backdrop, the aim of this Manual is to assist the municipality in putting the processes, mechanisms and structures in place to facilitate the effective, efficient and sustainable provision of

public services to all citizens in a manner that is compliant with the Batho Pele Principles. The Manual provides (1) the basic structure and (2) guiding principles for municipalities to consider when developing and introducing locally-specific service delivery standards. As such, the Manual consists of five interrelated aspects (see Figure 1) that provide the foundation and overarching frame within which these actions have to take place:

Figure 1: Batho Pele and Developmental Local Government: An Integrated ‘Principles to Outcomes-Perspective’



These components are each dealt with as separate sections in the document. In addition to these components, the Manual also includes a ‘Batho Pele Checklist’ for use by officials to assist in pursuing and ensuring municipal services that are ‘Batho Pele-compliant’.

1.2.2 How, by whom and when is this manual to be used?

This manual is to be used by all municipal officials, specifically those that are involved in:

The development of Batho Pele compliant municipal service standards;

The implementation of these standards; and/or

The monitoring of municipal performance in accordance with these standards.

As such, it should be useful both to (1) municipalities that have not yet progressed that far in terms of aligning their processes, developmental objectives and actions with the Batho Pele principles, and (2) those that have already done significant work in this regard. In the case of the latter, it could assist such municipalities in:

- Assessing their processes, behaviour, facilities and outcomes in terms of the manual; and/or
- Developing purpose-made Batho Pele-compliant guidelines around these/specific aspects.

SECTION 2: THE BATHO PELE PRINCIPLES

A. INTRODUCTION

The 1996-Constitution stipulates that public administration should adhere to the following key principles:

- Promote and maintain a high standard of professional ethics;
- Provide services in an impartial, fair and equitable way;
- Use resources in an efficient, economic and effective way;
- Be responsive to people's needs;
- Encourage the public to participate in policy-making; and
- Be accountable, transparent and development-oriented.

In addition to these principles, the Bill of Rights in the Constitution sets out a wider range of procedural and substantive rights that the State must pursue, ensure or endeavor to achieve in and through its actions.

Founded on these principles, the Batho Pele Policy identifies eight principles on which the transformation of public service has to be built:

- Consultation;
- Service Standards;
- Access;
- Courtesy;
- Information;
- Openness and Transparency;
- Redress;
- Value for Money;
- Encouraging Innovation and Rewarding Excellence;
- Service Delivery Impact; and
- Leadership and Strategic Direction.

On *local government level* these principles intersect with specific roles and responsibilities outlined in legislation. These are each dealt with in the following sections (paragraphs 2.2 to 2.9).

2.1 CONSULTATION

‘Citizens should be consulted about the level and quality of public services they receive and, wherever possible, should be given a choice about the services that are offered.’ (The Batho Pele Policy, 1997)

Local government is the primary point of engagement with communities. As such, extensive consultation processes are prescribed in the Municipal Systems Act (2000) with regards to:

- The preparation, implementation and review of Integrated Development Plans (IDPs);
- The establishment, implementation and review of performance management systems;
- The monitoring and review of municipal performance;
- The preparation of budgets; and
- The nature, level and quality of municipal services to be provided.

The Municipal Systems Act (2000) further specifies that it is the responsibility of local government to enable local communities to participate in a meaningful way in these planning and monitoring processes through:

- The development and use of community participation methods and processes that respond to unique local conditions and specific community needs; and
- The planning for, budgeting of and building of the capacities of all stakeholders involved in these processes, including local community members and representatives, councillors and municipal officials.

2.2 SERVICE STANDARDS

‘Citizens should be told what level and quality of public services they will receive so that they are aware of what to expect.’ (The Batho Pele Policy, 1997)

In order for municipalities and local communities to be able to assess the quality of the services that are being provided, precise and measurable service standards should be developed and made public. The Municipal Finance Management Act (2003) prescribes the development of a Service Delivery and Budget Implementation Plan (SDBIP), which is a detailed ‘work-plan’ for the implementation of its IDP, and covers aspects such as (1) the provision of municipal services, (2) the construction, maintenance and upgrading of municipal infrastructure, and (3) the roll-out of targeted developmental programmes. As such, the SDBIP must:

- Specify projections for each month in terms of municipal revenue and expenditure of both an operational and a capital nature;
- Set out service delivery targets and performance indicators for each quarter; and
- Be made public no more than 14 days after its approval.

This plan is a powerful tool that should enable communities to (1) assess the standard/quality of service they are receiving, (2) monitor the performance of their municipality with regards to service provision, and (3) gauge the implementation of their municipality’s IDP.

2.3 ACCESS

‘All citizens should have equal access to the services to which they are entitled.’ (The Batho Pele Policy, 1997)

The Constitution specifies that services should be provided impartially, fairly and equitably. As such, the Batho Pele principle of ‘Access’ focuses not only on providing equal access to basic services, such as water and sanitation, but also refers to the accessing of information (1) at local municipal contact points and (2) electronically via the Internet. Once at a municipal contact point, all citizens, including the visually impaired, wheelchair-bound and illiterate, should have access to (1) the municipal building, as well as (2) assistance from municipal officials in an acceptable manner and language.

2.4 COURTESY

‘Citizens should be treated with courtesy and consideration.’ (The Batho Pele Policy, 1997)

First outlined in the Constitution, but fleshed-out in ‘Schedule 2: Code of Conduct for Municipal Staff Members’ in the Municipal Systems Act (2000), all citizens have the right to be treated with courtesy and consideration. This goes beyond a polite smile, ‘please’ and ‘thank you’. It requires of municipal officials to empathize with citizens and to treat them with as much consideration and respect as they would like for themselves. Courtesy and consideration in local government, however, do not solely pertain to the treatment of local community members. It also relates to officials in the same or other organs of State, as it is only through (1) cooperation and collaboration, and (2) the integration of plans, programmes and strategies, that the developmental goals of local government will be reached.

2.5 INFORMATION

‘Citizens should be given full, accurate information about the public services they are entitled to receive.’ (The Batho Pele

Policy, 1997)

Access to information is more than the mere provision of information at points of delivery. It is also about developing alternative methods of communication in areas where users are (1) far from the point of delivery, or (2) where low levels of education or disabilities limit access or understanding. The Municipal Systems Act (2000), the Promotion of Access to Information Act (2000) and the Municipal Finance Management Act (2003) set out extensive requirements relating to the provision of information to local communities in terms of:

- The methods to be used;
- The information to be provided; and
- The timelines associated with access to specific sets of information.

Once again, this Batho Pele principle is not just related to the local communities served by local government, but also to other government departments and organisations involved in the pursuit of community development. The timely provision of accurate information within the bounds of the law, not only improves relations between government departments, but also assists government in achieving its developmental objectives.

While communities have rights regarding access to information, they also have rights related to the protection of their personal information, as set out in the Protection of Personal Information Act (2013). This act requires individuals to be informed of, and to give permission for, the use and/or distribution of their personal information with specific processes set out in the act when dealing with personal information.

APPLICABLE LEGISLATION & POLICY:

- The Municipal Systems Act, 2000. Sections 16-22 and 69–70 and Schedule 2: The Code of Conduct for Municipal Staff Members
- The Municipal Finance Management Act, 2003. Section 53(3)(a)
- The Promotion of Access to Information Act, 2000. Part 2: Access to Records of Public Bodies
- The Protection of Personal Information Act, 2013. Chapter 3 and 8

2.6 OPENNESS AND TRANSPARENCY

Citizens should be told how national and provincial departments are run, how much they cost, and who is in charge.’ (The

Batho Pele Policy, 1997)

The key to citizens actively and constructively engaging with local government is a clear understanding of the roles and responsibilities of local, provincial and national departments. Such an understanding is only possible through:

- The provision of relevant, accurate and understandable information at municipal access points, on the Internet and in community participation and feedback sessions; and
- Capacity-building of community members and representatives, municipal officials and councillors.

2.7 REDRESS

‘If the promised standard of service is not delivered, citizens should be offered an apology, a full explanation and a speedy and effective remedy; and when complaints are made, citizens should receive a sympathetic, positive response.’ (The Batho Pele

Policy, 1997)

Key to ensuring a functioning democracy is that government is held accountable for its actions. In the municipal sphere of government this is enabled by:

- A complaints management system that is accessible, timely, confidential, responsive and fair; and
- A capable body of municipal officials who are responsive and sympathetic to the needs and complaints of the public.

In terms of legislation:

- The Promotion of Administration Justice Act (2000) confirms every citizen's right to consultation and redress if his or her rights are adversely affected by maladministration, or if he or she is dissatisfied with public services;
- The Consumer Protection Act (2008) promotes and protects the economic interest of consumers and ensures effective means of redress for consumers. According to the decision in Afriforum Minister of Trade and Industry and others [2013] all South African municipalities must comply with the Act and are open to liability if they do not, thus allowing dissatisfied individuals and communities to take municipalities to court due to unsatisfactory service.
- The Municipal Systems Act (2000) states that a performance management system must be put in place, and that an annual report that clearly reports on municipal performance and spending must be made public to promote accountability to the local community.

2.8 VALUE FOR MONEY

'Public service should be provided economically and efficiently in order to give citizens the best possible value for money.' (The

Batho Pele Policy, 1997)

Value for money refers to the effectiveness and efficiency of (1) the processes that have been put in place, and (2) the services that are being provided, as well as the attitude, responsiveness and competency of municipal officials. In order for citizens to receive value for money, (1) the seven other Batho Pele Principles need to be implemented, and (2) the legal requirements regarding cooperative government, the division of powers and functions, the delegation of authorisation, and capacity-building need to be respected. This would amongst others find expression in:

Focused, appropriately tailored, in-depth stakeholder engagement to clearly establish and define community needs;

Proper research regarding alternative ways of providing municipal services to satisfy these needs;

Diligence and care in the provision of services;

Monitoring of performance;

Openness and transparency regarding the outcomes of performance monitoring;

Timeous adjustments to remove inefficiencies and enhance effectiveness; and

Management of information and record keeping through effective ICT governance principles.

2.9 ENCOURAGING INNOVATION AND REWARDING EXCELLENCE

The municipality will ensure that an environment conducive to the delivery of services is created to enhance the capacity of their personnel to deliver good services.

The management of the municipality will put in place mechanisms that:

- Encouraging innovation and creativity;

- Facilitate the sharing of best practices.
- Recognize and reward performance;
- Identify new ways of rewarding excellence;
- Keep track of the number of contributions made (ideas, suggestions innovations) by each employee and how many were implemented and the impact thereof, and
- Link the Mayor's Service Excellence Awards scheme to Operation Sukuma Sakhe.

2.10 SERVICE DELIVERY IMPACT

The municipality will measure and report regularly, using the sum total of all Bath Pele initiatives, the impact of the Batho-Pele-service delivery on the lives of the citizens of KwaZulu-Natal, in the first three years and, thereafter every five years.

2.11 LEADERSHIP AND STRATEGIC DIRECTION

All the leaders in the service delivery chain will provide direction, create alignment, engage staff, create effective partnerships and demonstrate ethical and sound values.

The municipality commits to the following new arrangements for leadership development:

- Customer focused, effective, user friendly and aligned strategic plans to be in place and published immediately after being finalized;
- Developing mechanisms by which leaders obtain feedback from subordinates, peers, superiors, and customers on their leadership style, conflict-handling skills, communication, motivation, decision making and inter-personal skills;
- All senior management levels to participate in the Operation Sukuma Sakhe as a service delivery model for the Province of KwaZulu Natal.
- Leaders to have personal development plans in place at the beginning of each financial year in line with performance agreements.

SECTION 3: BATHO PELE MUNICIPAL OFFICIAL BEHAVIOUR

APPLICABLE LEGISLATION & POLICY:

- The Constitution of South Africa, 1996
- The Municipal Systems Act, 2000. Section 69 – 70 and Schedule 2: The Code of Conduct for Municipal Staff Members
- The Batho Pele Policy, 1997

3.1 INTRODUCTION

As the face of local government, the behaviour of municipal officials influences the perceptions and experiences of citizens of local government. This extends far beyond being polite and helpful to citizens. It requires of municipal officials to:

Take pride in their profession and the effective execution of their daily responsibilities;

Uphold the democratic principles that South Africa is built on; and

Respect the Rule of Law.

3.2 CODE OF CONDUCT

The Code of Conduct as prescribed in the Municipal Systems Act (2000) forms the cornerstone of the required behaviour of municipal officials, and provides the following guiding principles in this regard (please see section 4.2.2 for requirements places on Municipal Councillors):

In relation to the municipality in general, a municipal official:

- Is familiar with, and abides by all statutory and other instructions related to his/her daily tasks in the execution of the policies of the Government of the day;
- Cooperates with other public institutions in promoting the public interest;
- Acts in the best interest of the municipality, and in such a way that the credibility and integrity of the municipality is not compromised;
- Executes his/her duties in a professional, competent and timely manner, while striving to achieve the objectives of his/her institution in an innovative but cost-effective manner through commitment to on-going training and self-development; and
- Is honest and accountable in dealing with public funds and recuses him/herself from any decision-making processes that may result in improper personal gain.

In relation to the public, a municipal official:

- Serves the public in an unbiased and impartial manner, while being polite, helpful and accessible within reason, in his/her dealings with the public.
- Has regard for the circumstances and concerns of the public and, through timely service and the treatment of all citizens with dignity and respect, assists in the development and upliftment of all South Africans; and
- Provides honest and impartial advice based on relevant information, while honouring the confidentiality of matters, documents and discussions classified as such.

In relation to fellow government employees, a municipal official:

- Deals fairly, professionally and equitably with other employees and cooperates fully to advance the public interest, while abstaining from favouritism and political activities in the workplace;
- Executes instructions by persons officially assigned to give them, and promotes sound labour and interpersonal relationships under his/her staff, emphasising the use of appropriate channels to air grievances;
- Participates in the overall performance management system of the municipality, as well as the staff member's individual performance appraisal and reward system in order to maximise the ability of the municipality as a whole to achieve its objectives and improve the quality of life of its residents; and
- Reports without fear or favour instances of fraud, corruption, nepotism and maladministration to the appropriate authorities.

(Please see Annexure A for the complete Code of Conduct)

Key to an effective performance management system is the disciplinary actions taken if a municipal official is found guilty of a breach of the code of conduct. Without such measures, the Code of Conduct has no power over the actions of employees. In this regard, the Municipal Systems Act (2000) provides for the following disciplinary actions:

- Suspension without pay for not longer than three months;
- Demotion;
- Transfer to another post;
- Reduction in salary, allowances or other benefits; or
- An appropriate fine.

It is the responsibility of the Municipal Manager to ensure that all municipal officials have access to and understand the Code of Conduct and are informed of any amendments to it. Municipal officials should clearly understand the purpose, content and consequences of the Code. As such, it should be verbally explained to illiterate members of staff. In addition to this, the Municipal Manager is responsible for communicating the sections of the Code that affect the public to the local community, to ensure that they are aware of the type of behaviour and conduct that they can expect from municipal officials.

SECTION 4: BATHO PELE STRUCTURES

APPLICABLE LEGISLATION & POLICY:

- The South African Constitution, 1996. Chapter 3 and 7;
- Municipal Structures Act, 1998;
- Municipal Systems Act, 2000; and
- Intergovernmental Relations Manual Act, 2005

4.1 INTRODUCTION

The implementation of the Batho Pele principles by municipal officials is undertaken within the context of national, provincial and local governance structures put in place to support municipal officials in their endeavours.

4.2 THE CONTEXT WITHIN WHICH THE BATHO PELE PRINCIPLES ARE IMPLEMENTED

Although this Batho Pele Service Standard Manual focuses predominantly on the municipal official, the broader governance context within which he/she finds him/herself has a major impact on the implementation of the Batho Pele principles, and key role-players connected to or part of local government can assist with the implementation of the Batho Pele principles.

Figure 2: Context in which the Batho Pele principles are implemented:



4.2.1 National and Provincial Government and State-Owned and Associated Organisations

The (1) successful implementation of the Batho Pele principles and (2) realisation of the developmental outcomes as outlined in Section 8 of this Manual, rely on effective intergovernmental relations as outlined in the Constitution (1996), the Municipal Structures Act (1998), the Municipal Systems Act (2000), and the Intergovernmental Relations Manual Act (2005). It is crucial that municipalities make use of the systems and structures that have been put in place to ensure effective intergovernmental development planning and service provision by undertaking integrated development planning in the manner as outlined in Chapter 5 of the Municipal Systems Act (2000), as well as by making use of Provincial and Municipal Intergovernmental Forums, as outlined in the Intergovernmental Relations Manual Act (2005).

4.2.2 Councillors

According to Pillar 1 of the Back-to-Basics Programme councillors are key role-players in the pursuit of the developmental objectives of local government, and have to, in accordance with this responsibility, account to their constituencies at least quarterly on progress in this regard and ensure the effective functioning of Ward Committees utilisations of Community Development Workers. As such, councillors are also key role-players in the effective implementation of the Batho Pele principles. In terms of behaviour, Councillors are governed by the Councillors Code of Conduct as set out in Schedule 1 of the Municipal Systems Act (2000) (please see Annexure B for the complete Code of Conduct). A key component of this Code is the separation between the political and administrative aspects of local government, which requires of municipal councillors and municipal officials to clearly understand the unique and specific roles and responsibilities related to each position.

4.2.3 Traditional Leaders

In local municipalities where traditional authorities are present, traditional leaders may participate in the proceedings of the council and in such instances become key role-players in the implementation of the Batho Pele principles. They are also, in accordance with Section 81(5)(a) of the Municipal Structures Act (1998), subject to the Councillors Code of Conduct, as provided in Schedule 1 of the Municipal Systems Act (2000). It is important for municipal officials to familiarize themselves with the roles and responsibilities of traditional leaders in their municipalities, to ensure a collaborative working relationship and the shared pursuit of developmental outcomes.

4.2.4 Local Communities

Residents, the private sector, NGOs and CBOs and organised labour are not only key role-players in the pursuit of developmental outcomes in the municipal sphere, but are also the main beneficiaries of the successful implementation of the Batho Pele Principles. As such, it is their responsibility to actively engage with the municipality on the platforms created for community participation, in order to assist local government in identifying and addressing local needs. It should, however, be remembered that the Batho Pele principles do not only apply to community members, but also to municipal officials, necessitating of communities to treat officials in accordance with these principles. Municipal councillors and officials should ensure that communities are made aware of this requirement (1) in their consultative processes and (2) through the information that is made available to communities.

4.3 NATIONAL, PROVINCIAL AND LOCAL BATHO PELE STRUCTURES

In order to assist local municipalities with the implementation of the Batho Pele principles, dedicated Batho Pele structures have been put in place. Nationally, the following departments monitor and support the implementation of the Batho Pele principles:

- The Department of Planning, Monitoring and Evaluation (DPME) in The Presidency assesses the implementation of frontline services through the Frontline Service Delivery Monitoring Project;
- The Department of Public Service and Administration (DPSA) provides guidance on the implementation of the Batho Pele principles through (1) the publication of guidelines, and

(2) the undertaking and publication of research. In addition to this, the DPSA runs Public Service Month in Septembers and awards excellence in local municipalities through the National Batho Pele Excellence Awards; and

- The DoGTA convenes the National Batho Pele Steering Committee, which consists of (1) Provincial representatives; (2) the DPME and the DPSA; and (3) Associated State Institutions such as the South African Local Government Association (SALGA), the Local Government Sector Training Authority (LGSETA), and the National School of Government (NSG). On this steering committee, (1) feedback is provided regarding the implementation of Batho Pele principles in each province, and (2) proposals are made and guidance is offered by the representatives of the national departments and the provincial governments with regard to key issues and concerns.

In order to make effective use of the structures mentioned above, it is proposed that the following structures be created in the provincial and local government spheres (in cases where these as yet do not exist):

- A coordinating Provincial Batho Pele Steering Committee where all provincial Batho Pele champions and key role-players in the provincial service delivery-domain can gather on a quarterly basis to provide feedback on progress, coordinate initiatives and offer guidance and support on the implementation of the Batho Pele principles and Service Delivery improvement;
- The Municipal Batho Pele Steering Committee convened from the Office of the Municipal Manager, where all municipal Batho Pele champions and key role-players in the municipal service delivery-domain can gather on a quarterly basis to provide feedback on progress, coordinate initiatives and offer guidance and support on the implementation of the Batho Pele principles. This committee also plays a key role in monitoring specific focus areas such as progress on service delivery improvement, effective complaints management systems and the improvement of customer care.

4.4 IMPLEMENTING BATHO PELE IN LOCAL GOVERNMENT

Figure 3 below provides a basic guideline for the implementation of the Batho Pele Service Standards Manual within local government.

Figure 3: Implementing Batho Pele Principles within local government



SECTION 5: BATHO PELE PROCESSES

APPLICABLE LEGISLATION & POLICY:

- The Municipal Systems Act, 2000. Section 5, 16(1), 17(2), 18, 19, 21 and 44
- The Municipal Finance Management Act, 2003. Section 53(3)(a)
- The Promotion of Administrative Justice Act, 2000
- The Batho Pele Policy, 1997

5.1 INTRODUCTION

In order for local communities to receive value for money and redress in cases where their rights have been infringed upon, it is critical that key processes in local government are (1) put in place, and (2) run effectively and efficiently in accordance with the relevant legislative requirements. As such, the 'Process' component of this Manual focuses on (1) 'Consultation', (2) 'Setting of Service Standards', (3) 'Complaints Procedures', and (4) 'Monitoring and Review', as key aspects of the performance management system of local government.

5.2 CONSULTATION

It is only through consultation with communities that local government can (1) accurately identify, and (2) adequately cater for their needs. The Municipal Systems Act (2000) provides extensive requirements for consultation, not only in relation to identifying the needs of local communities during the preparation of the IDP, but also with regards to:

- The implementation and review of the IDP;
- The municipal performance management system; and
- The monitoring of municipal performance.

In addition to this, the Act prescribes that communities must participate in the preparation of budgets and the making of strategic decisions relating to the provision of municipal services. This requires that appropriate mechanisms, processes and procedures be set in place to enable

communities to participate in a meaningful way in these matters. Such mechanisms, processes and procedures must provide for:

- The receipt, processing and consideration of petitions and complaints lodged by members of the local community;
- Notification and public comment-procedures;
- Public meetings and hearings by the municipal council and other political structures;
- Consultative sessions with locally recognised community organisations and traditional authorities as and where appropriate; and
- A report-back process to communities.

When conceiving of, and setting up these mechanisms, processes and procedures, municipalities must take into consideration (1) the language preferences and usage in the local community, (2) those individuals in the municipality who cannot read, (2) individuals with disabilities, and (4) the need to ensure ease of access for women and youth and any disadvantaged groups. It is also the responsibility of municipalities to inform communities of these mechanisms, processes and procedures, as well as the matters on which community participation is encouraged, and the rights and duties of the local community members when participating in these processes.

Although local government must set up the mechanisms, processes and procedures in a manner appropriate to the local context, certain prescriptions are made in the Municipal Systems Act (2000) and the Municipal Finance Management Act (2003) regarding (1) 'Communication to the local community', (2) the 'Documents to be made public', and (3) the 'Official Website'.

Communication to the local community:

- Notifications must be placed in local newspapers and mainstream newspapers circulating in the municipal area, and communicated by means of radio broadcasts in a language that takes the languages preferences of local community members into consideration;
- A copy of every notice that has to be published in the Provincial Gazette or in the printed media in terms of the legislation referred to above, must be displayed at the municipal offices; and
- When written comments are requested by municipalities, it must be stated in the invitation that illiterate individuals will be assisted at a specifically designated place by a municipal official to record and/or transcribe these individuals' comments.

Documents to be made public:

The following documents, in a format that responds to the composition of the local community, must be made public:

The Integrated Development Plan (IDP);

The Annual Progress Report;

The Service Delivery and Budget Implementation Plan (SDBIP); and

Any other documents informing communities of their rights and municipal service standards, such as information on the Code of Conduct for municipal employees and Service Standards Charters related to front-office service.

While these documents must be made available at the municipality's head and satellite offices and libraries and on the municipal website, the local community has to be notified of the physical place and website-address where detailed particulars concerning specific documents can be obtained.

Official website:

- If affordable, each municipality must establish its own official website and place the information and documents, as discussed above on it;
- If the municipality cannot afford setting up its own website, it must provide the information and documents, as discussed above on an organised local government website sponsored or facilitated by National Treasury; and
- It is the responsibility of the Municipal Manager to ensure that (1) the municipal website is maintained and regularly updated, and (2) accurate and timely information is provided to the relevant entity for inclusion on a sponsored website, should the municipality not have its own website.

5.3 SETTING OF SERVICE STANDARDS

The setting of appropriate and acceptable service standards is crucial if there are to be improvements in local service delivery. However, the setting of service standards is more than identifying services and setting standards for each of these services. Key processes, policies and partnerships needs to be put in place to effectively set service standards: Firstly, in order to ensure that service standards are set in a consistent and efficient manner across all municipal departments and units, whether front-end or back-office, a Service Standards Policy need to be developed and adopted, which outlines the basic process that are to be followed during the setting of service standards. Secondly, a 'service standards champion and team' need to be established who will be responsible for the setting of service standards. It is important that this team has (1) the buy-in from all stakeholders, especially senior management, as well as (2) the budget and authority to appoint external specialists if necessary. Once these key prerequisites have been put in place, it is possible to initiate the process of setting up actual service standards.

Key steps in the setting of service standards are:

- Step 1: Identifying all service beneficiaries;
- Step 2: Documenting all services – every interaction of a municipality with the public is linked to the provision of a specific service and should as such have a service standard;
- Step 3: Identifying partners – some services are provided in collaboration with partners, and these partnerships should be reviewed at both a strategic and operational level;
- Step 4: Assessing current service-delivery standards, which entails reviewing the available documented service standards in terms of their appropriateness, as well as current performance with regards to their implementation;
- Step 5: Consulting stakeholders through suggestion boxes, complaint analysis, surveys, focus groups, client panels and site visits; and

- Step 6: Setting service standards, based on the information gathered, that are smart, measurable, achievable, realistic, empowering and revisable.

Once the service standards have been set, they need to be incorporated into the medium and long-term planning of the municipality by communicating the service standards to all municipal officials, and incorporating the service standards into the municipality's IDP and SDF. In order to ensure clarity with regard to service standards, it is useful to develop a municipal Service Delivery Charter or a municipal Batho Pele Service Delivery Charter. Such a Charter would also outline the service standards that the community can expect with regard to front-office services when they interact with local government employees.

5.4 COMPLAINTS PROCEDURES

A complaints system is a key component of performance management and assessment in the municipal sphere, as it provides crucial information regarding frequently queried services and complaints lodged, thus allowing local government to address these issues in a timely manner. The following principles should be followed when setting up such a complaints system:

- **Accessibility:** A complaint system should be well publicised, easily accessible and easy to use. It should allow for complaints to be made in writing (by hand or electronically), face-to-face, or by telephone in the language commonly used in the local community;
- **Speed:** Delays in responding to complaints should be avoided and where possible a full explanation should follow an immediate and genuine apology. Where a delay is unavoidable, the complainant should be kept informed of progress and notified when an outcome can be expected;
- **Fairness:** Complaints should be fully and impartially investigated and wherever possible an independent avenue should be offered if the complainant is dissatisfied with the initial response;
- **Confidentiality:** Complainants' confidentiality should be protected to ensure that they are not deterred from lodging complaints;
- **Responsiveness:** The response to a complaint should take full account of the individual's concerns and feelings. Where a mistake has been made, or the service has fallen below the promised standard, the response should be immediate, starting with an apology and a full explanation, an assurance that the occurrence will not be repeated, and then whatever remedial action is required. As and where possible, municipal officials who deal directly with the public should be empowered to take action themselves to set things right. However, if the front-office municipal officials cannot address the query, an escalation process should be available to ensure that the issue is dealt with by an official who is suitably qualified and able to do so;
- **Review:** The complaint system should incorporate mechanisms for review and for feeding back suggestions for change to those who are responsible for providing the service, so as to ensure that mistakes and failures are not repeated; and
- **Training:** Complaints handling procedures should be publicised throughout the organisation, and training be given to all municipal officials to enable them to take appropriate action when a complaint is received.

5.5 MONITORING AND REVIEW

Once service standards have been identified through consultation processes and implementation is under way, the complaints system needs to be linked to a comprehensive monitoring and review process. This process is not just related to the monitoring of access to specific services as agreed upon, but also to the performance management process of municipal officials.

With regard to the overall performance of a municipality, a performance management system must be established that is (1) proportionate to its resources; (2) best suited to its circumstances; and (3) in line with the priorities, objectives, indicators and targets as set out in its IDP. Core components of the performance management system are:

- The setting of appropriate performance indicators and measurable performance targets linked to the municipality's development priorities and objectives;
- The monitoring and annual review of municipal performance against the set indicators;
- The taking of steps to improve performance; and
- The establishment of a reporting process to formal government structures as well as to local communities.

It is important to note that service standards should be continually improved, thus the aim of the performance management process is not only to identify gaps or compliance with basic standards, but also to assist municipalities to incrementally improve the standards of the services it provides. It is important that a feedback loop exists between the monitoring and review process and those responsible for providing the service, to ensure that gaps can be addressed and successes built upon.

With regard to municipal officials, performance management has to be undertaken in a consultative, supportive and non-discriminatory manner in order to enhance organisational efficiency and effectiveness, accountability for the use of resources and the achievement of results. It is important that municipal officials are aware of:

- The performance cycle;
- The annual date of performance assessment;
- The criteria used for his/her performance assessment; and
- Who the supervisor is that is responsible for monitoring, supervising and assessing their performance.

The supervisor, in turn, should meet regularly with municipal officials to discuss the basic objectives of the unit or department they are working in, and the ways in which their work contributes to the realisation of those objectives. In addition to this, the supervisor should provide regular feedback on the municipal officials' performance in a supplement to their annual performance assessment. Municipal officials who perform well should be identified and rewarded to motivate them to sustain and improve their efforts. On the other hand, if a municipal official's performance is unsatisfactory, a systematic remedial or development support system should be put in place to improve his/her performance. Should this fail to have the desired results, discharge procedures should be set in motion.

5.6 PUBLIC SERVICE ADVOCACY

Key to making the implementation of the Batho Pele Principles a reality is for local government to create awareness of the rights and responsibilities of not only municipal officials but also

communities. As such, local municipalities should not only spread awareness of the Code of Conduct of municipal officials, but also extensively advertise programmes and initiatives undertaken by government such as Africa Month, Public Service Month and Water Service Month. In addition to this, initiatives such as the Batho Pele Service Excellence Awards for excellence, innovation and creativity in local municipalities should be held yearly and where possible Mayoral Awards set aside for such initiatives.

SECTION 6: BATHO PELE FACILITIES

APPLICABLE LEGISLATION & POLICY:

- The Batho Pele Policy, 1997. Sections 4.4

6.1 GUIDELINES FOR PUBLIC FACILITIES

The provision of clean, comfortable and safe public facilities speaks directly to the right of every citizen to be treated with respect. Local government contact points, whether in the form of multi-purpose contact centres or monthly mobile contact points, need to comply with the following requirements:

- **Accessibility:** Municipalities need to ensure that there are sufficient, disability-friendly contact points where all citizens can pay their bills, query the services received and lodge complaints. As such, these contact points should be located near to public transport nodes and interchanges to enhance their accessibility and in cases where accessibility is a problem, alternative arrangements, such as mobile contact points, should be made;
- **Visible and Sufficient Signage:** Local government contact points should be clearly identifiable by road and building signage. The contact points should display (1) the main services provided, (2) costs where applicable, and (3) the operational hours of the contact point. In addition to this, basic information regarding service levels and standards should be displayed clearly so that citizens do not need to stand in a queue to obtain such information. Lastly, signage should take literacy levels into account, be easily understandable and be conveyed in the language commonly used in the community that the contact point serves;
- **Effective Queue Management:** An effective queue management system, which makes provision for the elderly, disabled and illiterate, should be put in place and effectively communicated through signage inside the facility to assist in the smooth operation of the contact point; and
- **Clean, Comfortable and Safe:** The contact points should not infringe on the dignity of citizens or municipal officials. This means that waiting areas, offices, office equipment and ablution facilities should be clean, well-maintained and compliant with general health and safety requirements. Internal and external safety procedures should also be put in place and clearly communicated by use of public notices, to ensure that those visiting the contact points, as well as the municipal officials working at these points, feel safe and secure.

SECTION 7: BATHO PELE OUTCOMES

7.1 INTRODUCTION APPLICABLE NATIONAL PLANS, PROGRAMMES AND MANUALS:

- The 2030-National Development Plan, 2011
- The Back to Basics Programme, 2014
- The Integrated Urban
- Development Manual, 2014

The aim of this Manual is to assist municipalities to put the processes, mechanisms and structures in place to facilitate (1) the effective, efficient and sustainable provision of municipal services, and (2) the realisation of specific, tangible development outcomes to the benefit of all citizens in a manner compliant with the Batho Pele Principles. Guided by (1) the National Development Plan 2030 (2011) developed by the National Planning Commission (NPC), and (2) the Back to Basics Programme (2014) and the Integrated Urban Development Manual (2014) developed by the Department of Cooperative Governance and Traditional Affairs (DCoGTA), the following developmental outcomes are to be realised in this manner:

7.2 COMMUNITY DEVELOPMENT OUTCOMES

The establishment of local government processes, mechanisms and structures that makes local communities feel that they matter and that they belong – that they come first. Outcomes that would be evident of this are:

- An increase in the number of households that have access to basic services;
- A decline in service failures;
- A decline in service delivery protests;
- An increase in active citizen involvement in planning processes; and
- An improvement in citizen and business satisfaction with local government services.

7.3 ECONOMIC DEVELOPMENT OUTCOMES

The promotion of inclusive economic development by investing in new economies, social capital and public services that will result in:

- An increase in the number of households that are able to pay for municipal services;
- A decline in the number of indigent citizens;
- An overall improvement in the lives and life-chances of communities;
- An increase in education levels;
- An increase in job opportunities;
- An increase in the number of public-private partnerships;
- An increase in the number of small and large enterprises; and
- An increase in the development of new skills and networks.

7.4 HUMAN SETTLEMENT OUTCOMES

The creation of integrated and sustainable human settlements, which will result in:

- An improvement in the quality of life for all citizens;
- An increase in the number of well-serviced, safe and vibrant communities;
- An increase in the number of upgraded informal settlements;
- An increase in the variety of housing options;
- An increase in the density of neighbourhoods;
- An improvement in transport links between townships and areas of economic opportunity;

- An improvement in public health care and education; and
- An increase in the development and strengthening of multi-functional nodal space

7.5 MUNICIPAL DEVELOPMENT OUTCOMES

The creation of municipalities that have (1) solid, quality institutional and administrative capacities, (2) sound financial planning, and (3) effective intergovernmental relations, which will result in:

- A decline in wasteful and unplanned expenditure;
- An improvement in the competency levels of officials;
- An increase in the level of transparency and accountability in municipal matters;
- An improvement in relations between municipalities and the provincial and national spheres of government; and
- An improvement in the overall morale of municipal officials.

SECTION 8: BATHO PELE CHECKLIST

Figure 4: Batho Pele Official Behaviour Checklist

BATHO PELE OFFICIAL BEHAVIOUR

1	Are the Codes of Conduct as included in the Municipal Systems Act (2000) available to all municipal officials and councillors?	
2	Do officials understand the purpose, content and consequences of the Codes of Conduct?	
3	Have the Codes of Conduct been made available to the public?	
4	Have disciplinary processes been put in place where employees were found to be guilty of a breach of the Code of Conduct?	
5	Are the municipal officials competent in their respective areas of work?	
6	Are the municipal officials aware of the overall development objectives and priorities of the municipality?	
7	Have standards been set with regards to the various citizen engagement processes used in the municipality, such as face-to-face interaction, telephonic communication and written communication?	
8	Does the way in which municipal officials treat citizens comply with the Batho Pele principles of consultation, service standards, access, courtesy, information, openness and transparency, redress and value for money?	
9	Have the municipal officials received training on the Batho Pele principles?	

Figure 5: Batho Pele Structures Checklist

BATHO PELE STRUCTURES

1	In smaller municipalities: Has a Batho Pele champion been identified? In larger municipalities: Have Batho Pele champions been identified?	
2	Is there a Batho Pele champion in the Office of the Municipal Manager?	
3	Has a Provincial Batho Pele Steering Committee been established?	
4	Has a Municipal Batho Pele Steering Committee been established?	

Figure 6: Batho Pele Consultation Checklist

BATHO PELE CONSULTATION

1	Have appropriate consultation processes been developed, as outlined in the Consultation Section of this Manual (p.28)?	
2	Were language preferences of local communities taken into consideration in the development of consultation processes?	
3	Were individuals who are illiterate, individuals with disabilities, women, youth and other disadvantaged groups, considered during the development of the consultation processes?	
4	Has the local community been informed of the mechanisms, processes and procedures that have been put in place for consultation?	
5	Are the appropriate procedures, as described in the Consultation Section of this Manual (p.28), used when notifications through the media are made regarding community consultation?	

6	Are copies of notices placed in the media and in the Provincial Gazette displayed at the municipal offices?	
7	Have the following documents been made public (thus available at the municipality's head and satellite offices and libraries and on the municipal website): The municipal Integrated Development Plan (IDP); · The Annual Progress Report; · The municipality's Service Delivery and Budget Implementation Plan (SDBIP); and · Other documents informing the community of their rights and the service standards they are entitled to, as well as information on (1) the Code of Conduct of municipal employees and (2) the Service Standards Charters related to front-office service standards.	
8	Does the municipality have an official municipal website?	
9	Is the municipal website maintained, user-friendly and up-to-date?	

Figure 7: Batho Pele Service Standards Checklist

BATHO PELE SERVICE STANDARDS

1	Does the municipality have a (Batho Pele) Service Standards Policy?	
2	Have Service Standards been set for all the services provided by the departments, branches and units in the municipality?	
3	Are the Service Standards appropriate, specific and measurable?	
4	Have the Service Standards been incorporated into the municipality's IDP, SDF and SDBIP?	
5	Has the municipality developed a Batho Pele Service Delivery Charter?	

Figure 8: Batho Pele Complaints Procedures Checklist

BATHO PELE COMPLAINTS PROCEDURES

1	Does the municipality have a complaints system?	
2	Is the complaints system well publicised?	
3	Is the complaints system readily accessible and easy to use?	
4	Does the complaints system include specific timelines with regard to the compilation of comments or complaints and responses?	
5	Does an independent avenue exist for a complainant to follow if he/she is dissatisfied with the initial response he/she received from the municipality?	
6	Is the complaints system confidential?	
7	Are front-office municipal officials empowered to take the necessary actions to address queries and complaints?	
8	Does a clear escalation process exist if front-office municipal officials cannot address a query or complaint?	
9	Is a mechanism for review and for feeding back suggestions to those responsible for providing specific services incorporated into the complaints system?	
10	Are the complaints handling procedures in the municipality well publicised?	
11	Are municipal officials given training regarding complaints-handling procedures?	

Figure 9: Batho Pele Monitoring and Review Checklist

BATHO PELE MONITORING AND REVIEW

1	Has a performance management system been developed to monitor and review the overall performance of the municipality?	
2	Is the performance management system in line with the priorities, objectives, indicators and targets as set out in the municipality's IDP?	
3	Are there feedback loops that link the monitoring and review processes to those officials that are responsible for providing specific services to ensure that gaps are addressed?	
4	Is the performance management system adjusted annually to ensure the incremental improvement of service standards across the municipality?	
5	Has a performance management system been developed for municipal officials?	
6	Is the performance management system for municipal officials consultative, supportive and non-discriminatory?	
7	Are municipal officials informed of the performance cycle, the annual date of performance assessment, the criteria on which they are to be assessed and the names of the supervisors that are responsible for monitoring, supervising and assessing the performance?	
8	Does the performance management system for municipal officials include regular meetings with supervisors regarding responsibilities, performance and training needs?	
9	Are municipal officials who perform well identified and suitably awarded?	
10	Have systematic remedial or development-support systems been put in place for municipal employees whose performance is unsatisfactory?	
11	Have the appropriate steps/processes been put in place to ensure the discharge of employees as a result of repeated unsatisfactory performance?	

Figure 10: Batho Pele Facilities Checklist

BATHO PELE-COMPLIANT MUNICIPAL PUBLIC FACILITIES

1	Are municipal public facilities accessible to all their users? Do municipal public facilities cater for the disabled, e.g. outside and internal ramps?	
2	Is road signage available at all municipal public facilities?	
3	Is a facility-identification signboard placed in front of all municipal public facilities?	
4	Are there facility signboards that list the services provided, as well as the cost of these services, at all municipal public facilities?	
5	Does the signage provided, provide accessible, understandable information to the illiterate members of the community in the municipality?	
6	Does the municipality have a queue management system in operation at municipal public facilities?	
7	Is the queue management system effective?	
8	Does the queue management system make provision for the elderly and the disabled?	
9	Are all municipal public facilities clean?	
10	Are all municipal public facilities, and office equipment used at such facilities, well maintained?	
11	Are the ablution facilities at municipal public facilities clean and well maintained?	
12	Do the municipal public facilities comply with health and safety requirements?	
13	Are internal and external safety measures in place and communicated to members of the public visiting and officials working at municipal public facilities?	

Annexure A: Code of Conduct for Municipal Staff Members (Schedule 2, Municipal Systems Act, 2000)

Definitions:

1. In this Schedule “partners’ means a person who permanently lives with another person in a manner as if married.

General conduct

2. A staff member of a municipality must at all times –

- a) Loyally execute the lawful policies of the municipal council;
- b) Perform the functions of the office in good faith, diligently, honestly and in a transparent manner;
- c) Act in such a way that the spirit, purport and object of section 50 are promoted;
- d) Act in the best interest of the municipality in such a way that the credibility and integrity of the municipality are not compromised; and
- e) Act impartially and treat all people, including other staff members equally without favour or prejudice.

Commitment to serving the public interest

3. A staff member of a municipality is a public servant in a developmental local system, and must accordingly –

a) Implement the provision of section 50(2);

b) Foster a culture ‘of commitment to serving the public and a collective sense of responsibility of performance in terms of standards and targets’;

c) Promote and seek to implement the basic values and principles of public administration described in section 195(1) of the Constitution;

d) Obtain copies of or information about the municipality’s integrated development plan, and as far as possible within the ambit of the staff member’s job description, seek to implement the objectives set out in the integrated development plan, and achieve the performance targets set for each performance indicator;

e) Participate in the overall performance management system for the municipality, as well as the staff member’s individual performance appraisal and reward system, if such exists, in order to maximise the ability of the municipality as a whole to achieve its objective and improve the quality of life of its residents.

Personal Gain

4. (1) A staff member of a municipality may not –

a) Use the position or privileges of a staff member or confidential information obtained as a staff member for private gain or to improperly benefit another person; or

b) Take a decision on behalf of the municipality concerning a matter in which that staff member or that staff member’s spouse, partner or business associate, has a direct or indirect personal or private business interest.

(2) Except with the prior consent of the council of a municipality a staff member of the municipality may not –

a) Be a party to a contract for –

i. The provision of goods or services to the municipality; or

ii. The performance of any work for the municipality otherwise than as a staff member

b) Obtain a financial interest in any business of the municipality; or

c) Be engaged in any business, trade or profession other than the work of the municipality.

Disclosure of benefits

5. (1) A staff member of a municipality who, or whose spouse, partner, business associate or close family member, acquired any direct benefit from a contract concluded with the municipality, must disclose in writing full particulars of the benefit to the council.

(2) This item does not apply to a benefit which a staff member, or spouse, partner, business associate or close family member, has acquired in common with all other residents of the municipality

Unauthorised disclosure of information

6. (1) A staff member of a municipality may not without permission disclose any privileged or confidential information as a staff member of the municipality to an unauthorised person.

(2) For the purpose of this item “privileged or confidential information” includes any information –

a) Determined by the municipal council or any structure or functionary of the municipality to be privileged or confidential;

b) Discussed in closed session by the council or a committee of the council;

c) Disclosure of which would violate a person’s right to privacy; or

d) Declare to be privileged, confidential or secret in terms of any law.

(3) This item does not derogate from a person’s rights of access to information in terms of national legislation

Undue influence

7. A staff member of a municipality may not –

a) Unduly influence or attempt to influence the council of the municipality or a structure or functionary of the council, or a council or, with a view to obtaining any appointment, promotion, privilege, advantage or benefit, or for a family member, friend or associate;

b) Mislead or attempt to mislead the council, or a structure or functionary of the council, in its consideration of any matter; or

c) Be involved in a business venture with a councillor without the prior written consent of the council of the municipality.

Rewards, gifts and favours

8. (1) A staff member of a municipality may not request, solicit or accept any reward, gift or favour for –

a) Persuading the council of the municipality, or any structure or functionary of the council, with regard to the exercise of any power or the performance of any duty;

b) Making a representation to the council, or any structure or functionary of the council;

c) Disclosing any privileged or confidential information; or

d) Doing or not doing anything within the staff member's powers or duties.

(2) A staff member must without delay report to a superior official or to the speaker of the council any offer which, if accepted by the staff member, would constitute a breach of sub item (1)

Council property

9. A staff member of a municipality may not use, take, acquire, or benefit from any property or asset owned, controlled or managed by the municipality to which that staff member has not right to.

Payment of arrears

10. A staff member of a municipality may not be in arrears to the municipality for rates and service charges for a period longer than 3 months, and a municipality may deduct any outstanding amounts from a staff member's salary after this period.

Participation in election

11. A staff member of a municipality may not participate in an election of the council of the municipality, other than in an official capacity or pursuant to any constitutional right.

Sexual harassment

12. A staff member of a municipality may not embark on any action amounting to sexual harassment.

Reporting duty to staff members

13. Whenever a staff member of a municipality has reasonable grounds for believing that there has been a breach of this Code, the staff member must without delay report the matter to a superior officer or to the speaker of the council,

Breaches of code

14. Breaches of this Code must be dealt with in terms of the disciplinary procedures of the municipality envisaged in section 67(1) (h) of this Act.

Annexure B: Code of Conduct for Councillors (Schedule 1, Municipal Systems Act, 2000)

Preamble

Councillors are elected to represent local communities on municipal councils, to ensure that municipalities have structured mechanisms of accountability to local communities, and to meet the priority needs of communities by providing services equitably, effectively and sustainably within the means of the municipality. In fulfilling this role councillors must be accountable to local communities and report back at least quarterly to constituencies on council matters, including the performance of the municipality in terms of established indicators. In order to ensure that councillors fulfil their obligations to their communities, and support the achievement by the municipality of its objectives set out in Section 19 of the Municipal Structures Act, 1998, the following Code of Conduct is established.

Definitions

1. In this Schedule “partner” means a person who permanently lives with another person in a manner as if married.

General conduct of councillors

2. A councillor must:

- a) Perform the functions of office in good faith, honestly and a transparent manner; and
- b) At all times act in the best interest of the municipality and in such a way that the credibility and integrity of the municipality are not compromised.

Attendance at meetings

3. A councillor must attend each meeting of the municipal council and of a committee of which that councillor is a member, except when:

- a) Leave of absence is granted in terms of an applicable law or as determined by the rules and orders of the council; or
- b) That councillor is required in terms of this Code to withdraw from the meeting.

Sanctions for non-attendance of meetings

4. (1) A municipal council may impose a fine as determined by the standing rules and orders of the municipal council on a councillor for:

- a) Not attending a meeting which that councillor is required to attend in terms of item 3; or
- b) Failing to remain in attendance at such a meeting.

(2) A councillor who is absent from three or more consecutive meetings of a municipal council, or from three or more consecutive meetings of a committee, which that councillor is required to attend in terms of item 3, must be removed from office as a councillor.

(3) Proceedings for the imposition of a fine or the removal of a councillor must be conducted in accordance with a uniform standing procedure which each municipal council must adopt for the purposes of this item. The uniform standing procedure must comply with the rules of natural justice.

Disclosure of interests

5. (1) A councillor must:

a) Disclose to the municipal council, or to any committee of which that councillor is a member, any direct or indirect personal or private business interest that that councillor, or any spouse, partner or business associate of that councillor may have in any matter before the council or the committee; and

b) Withdraw from the proceedings of the council or committee when that matter is considered by the council or committee, unless the council or committee decides that the councillor's direct or indirect interest in the matter is trivial or irrelevant.

(2) A councillor who, or whose spouse, partner, business associate or close family member, acquired or stands to acquire any direct benefit from a contract concluded with the municipality, must disclose full particulars of the benefit of which the councillor is aware at the first meeting of the municipal council at which it is possible for the councillor to make the disclosure.

(3) This section does not apply to an interest or benefit which a councillor, or a spouse, partner, business associate or close family member, has or acquires in common with other residents of the municipality.

Personal gain

6. (1) A councillor may not use the position or privileges of a councillor, or confidential information obtained as a councillor, for private gain or to improperly benefit another person.

(2) Except with the prior consent of the municipal council, a councillor may not:

a) Be a party to or beneficiary under a contract for:

i. the provision of goods or services to the municipality; or

ii. the performance of any work otherwise than as a councillor for the municipality;

b) Obtain a financial interest in any business of the municipality; or

c) For a fee or other consideration appear on behalf of any other person before the council or a committee.

(3) If more than one quarter of the councillors object to consent being given to a councillor in terms of sub-item (2), such consent may only be given to the councillor with the approval of the MEC for local government in the province.

Declaration of interests

7.(1) When elected or appointed, a councillor must within 60 days declare in writing to the municipal manager the following financial interests held by that councillor:

- a) Shares and securities in any company;
- b) Membership of any close corporation;
- c) Interest in any trust;
- d) Directorships;
- e) Partnerships;
- f) Other financial interests in any business undertaking;
- g) Employment and remuneration;
- h) Interest in property;
- i) Pension; and
- j) Subsidies, grants and sponsorships by any organisation.

(2) Any change in the nature or detail of the financial interests of a councillor must be declared in writing to the municipal manager annually.

(3) Gifts received by a councillor above a prescribed amount must also be declared in accordance with sub-item (1).

(4) The municipal council must determine which of the financial interests referred in sub-item (1) must be made public having regard to the need for confidentiality and the public interest for disclosure.

Full-time councillors

8. A councillor who is a full-time councillor may not undertake any other paid work except with the consent of a municipal council which consent shall not unreasonably be withheld.

Rewards, gifts and favours

9. A councillor may not request, solicit or accept any reward, gift or favour for:

- a) Voting or not voting in a particular manner on any matter before the municipal council or before a committee of which that councillor is a member;
- b) Persuading the council or any committee in regard to the exercise of any power, function or duty;

- c) Making a representation to the council or any committee of the council; or
- d) Disclosing privileged or confidential information

Unauthorised disclosure of information

10. (1) A councillor may not without the permission of the municipal council or a committee disclose any privileged or confidential information of the council or committee to any unauthorised person.

(2) For the purpose of this item “privileged or confidential information” includes any information:

- a) Determined by the municipal council or committee to be privileged or confidential;
- b) Discussed in closed session by the council or committee;
- c) Disclosure of which would violate a person’s right to privacy; or
- d) Declared to be privileged, confidential or secret in terms of law.

(3) This item does not derogate from the right of any person to access to information in terms of national legislation.

Intervention in administration

11. A councillor may not, except as provided by law:

- a) Interfere in the management or administration of any department of the municipal council unless mandated by council;
- b) Give or purport to give any instruction to any employee of the council except when authorised to do so;
- c) Obstruct or attempt to obstruct the implementation of any decision of the council or a committee by an employee of the council; or
- d) Encourage or participate in any conduct which would cause or contribute to maladministration in the council.

Council property

12. A councillor may not use, take, acquire or benefit from any property or asset owned, controlled or managed by the municipality to which that councillor has no right.

Councillor in arrears

12A. A councillor may not be in arrears to the municipality for rates and service charges for a period longer than 3 months. Duty of chairpersons of municipal councils

13. (1) If the chairperson of a municipal council, on reasonable suspicion, is of the opinion that a provision of this Code has been breached, the chairperson must:

- a) Authorise an investigation of the facts and circumstances of the alleged breach;

- b) Give the councillor a reasonable opportunity to reply in writing regarding the alleged breach; and
- c) Report the matter to a meeting of the municipal council after paragraphs (a) and (b) have been complied with (2) A report in terms of sub---item (1)(c) is open to the public.

(3) The chairperson must report the outcome of the investigation to the MEC for local government in the province concerned.

(4) The chairperson must ensure that each councillor when taking office is given a copy of this Code and that a copy of the Code is available in every room or place where the council meets.

Breaches of Code

14. (1) A municipal council may: —

a) Investigate and make a finding on any alleged breach of a provision of this Code; or

b) Establish a special committee:

- i. to investigate and make a finding on any alleged breach of this Code; and
- ii. to make appropriate recommendations to the council.

(2) If the council or a special committee finds that a councillor has breached a provision of this Code, the council may:

a) Issue a formal warning to the councillor;

b) Reprimand the councillor;

c) Request the MEC for local government in the province to suspend the councillor for a period;

d) Fine the councillor; and

e) Request the MEC to remove the councillor from office.

(3) Furthermore:

a) Any councillor who has been warned, reprimanded or fined in terms of paragraph (a), (b) or (d) of sub---item (2) may within 14 days of having been notified of the decision of council appeal to the MEC for local government in writing setting out the reasons on which the appeal is based.

b) A copy of the appeal must be provided to the council.

c) The council may within 14 days of receipt of the appeal make any representation pertaining to the appeal to the MEC for local government in writing.

d) The MEC for local government may, after having considered the appeal, confirm, set aside or vary the decision of the council and inform the councillor and the council of the outcome of the appeal.

(4) The MEC for local government may appoint a person or a committee to investigate any alleged breach of a provision of this Code and to make a recommendation on whether the councillor should be suspended or removed from office.

(5) The Commissions Act, 1947 (Act No. 8 of 1947), or, where appropriate, applicable provincial legislation, may be applied to an investigation in terms of sub---item (4). (6) If the MEC is of the opinion that the councillor has breached a provision of this Code, and that such contravention warrants a suspension or removal from office, the MEC may:

- a) Suspend the councillor for a period and on conditions determined by the MEC; or
- b) Remove the councillor from office.

(7) Any investigation in terms of this item must be in accordance with the rules of natural justice.
Application of Code to traditional leaders

15. (1) Items 1, 2, 5, 6, 9(b) to (d), 10, 11, 12, 13 and 14(1) of this Code apply to a traditional leader who participates or has participated in the proceedings of a municipal council in terms of Section 81 of the Municipal Structures Act (1998).

(2) These items must be applied to the traditional leader in the same way they apply to councillors.

(3) If a municipal council or a special committee in terms of item 14 (1) finds that a traditional leader has breached a provision of this Code, the council may:

- a) Issue a formal warning to the traditional leader; or
- b) Request the MEC for local government in the province to suspend or cancel the traditional leader's right to participate in the proceedings of the council.

(4) The MEC for local government may appoint a person or a committee to investigate any alleged breach of a provision of this Code and to make a recommendation on whether the right of the traditional leader to participate in the proceedings of the municipal council should be suspended or cancelled.

(5) The Commissions Act, 1947, may be applied to an investigation in terms of sub---item (4).

(6) If the MEC is of the opinion that the traditional leader has breached a provision of this Code, and that such breach warrants a suspension or cancellation of the traditional leader's right to participate in the council's proceedings, the MEC may:

- a) Suspend that right for a period and on conditions determined by the MEC; or
- b) Cancel that right.

(7) Any investigation in terms of this item must be in accordance with the rules of natural justice.

(8) The suspension or cancellation of a traditional leader's right to participate in the proceedings of a council does not affect that traditional leader's right to address the council in terms of Section 81 (3) of the Municipal Structures Act, 1998.