

2019

Ethics Committee Guide



the dpsa

Department:
Public Service and Administration
REPUBLIC OF SOUTH AFRICA



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Author: Asaph Madimetja Chuene

Editorial support: Dr. Salomon Hoogenraad-Vermaak

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546 Edmond Street, Arcadia 0083, Pretoria, South Africa

Website: www.dpsa.gov.za

Contact: 012 336 1000

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About this guide

This guide is developed to provide guidance on the functioning of the Ethics Committee. The main objective is to provide substance to regulation 23 (2) of the Public Service Regulation 2016 (PSR, 2016) as cited below.

“The head of department shall establish an ethics committee or designate an existing committee, chaired by a Deputy Director-General (Chief Director in the case of the province), to provide oversight to ethics management in the department”

The field and practice of ethics, though not new in the public service, has not been well developed and established. The knowledge, custodianship of ethics and anti-corruption functions are still subjects of development in many departments. As a result, there is still much uncertainty and misunderstanding regarding the terms and functions of the Ethics Committee.

The Regulations do not go into detail as to how the Ethics Committee should function and what may be its terms of reference. It is therefore the purpose of this guide to explain the regulatory provisions and give guidance of how the Ethics Committee should function.

This guide will not exhaust all the issues concerning Ethics and Anti-corruption, but will focus specifically on the establishment of the Ethics Committee. It explains why an Ethics Committee is necessary, what its functions are and provide terms of reference regarding its operations. This guide is divided into two main sections:

PART ONE provide the legislative context and introduction for the establishment of the Ethics committee. It focuses on the mandate of ethics in the Public Service as contemplated in the Constitution and the PSR, 2016.

PART TWO focuses on the functions of the Ethics Committee, more specifically its three responsibilities to monitor, intervene and report.

Annexure A is attached herewith as a template for Ethics Committee’s terms of reference. The terms of reference are required for formal establishment of the Ethics Committee.

Despite the initial hesitations that accompanied its introduction, there is a growing awareness that Ethics Committees can improve the ethical culture in departments. Departments that have Ethics Committee can expect better performance in terms of ethics and anti-corruption functions, thereby making a great progress towards building an ethical organizational culture.

PART 1

Legislative context and Introduction to the Concept of Ethics Committee



1. Legislative framework

The Constitution of the Republic of South Africa (1996) is the fundamental legislative framework for creating good governance in the Public Service. The following key values and principles set out in Chapter 10 (section 195) of the Constitution are of particular importance on the question of ethics in the Public Service:

- “A high standard of professional ethics must be promoted and maintained;
- Services must be provided impartially, fairly, equitably and without a bias;
- Public administration must be accountable; and
- Transparency must be fostered by providing the public with timely, accessible and accurate information.”

These values and principles provide the basis for discharging public duty in a professional and ethical manner. It is however, the first point, stating that “professional ethics must be promoted and maintained”, which provides the mandate and responsibility for ethics management.

To give further effect to indicated values and principles, the Public Service Act (103 of 1994) assigns the Minister for the Public Service and Administration (MPSA) the responsibility for establishing norms and standards related to integrity, ethics, conduct and anti-corruption in the Public Service. Among others, the PSR, 2016, the Public Service Anti-corruption Strategy, and this guide emanates from that responsibility.

Heads of Department (HoDs) have a specific mandate and responsibility to manage the conduct of employees and to instil ethical principles. The PSR, 2016, Chapter 2, particularly addresses matters of conduct, financial disclosure, anti-corruption and ethics management.

Lastly, the Code of Conduct also places the duty and the responsibility on employees to behave ethically at all times. Besides these legislative and regulatory responsibilities, there is a general moral responsibility for employees in the Public Service to behave ethically and to provide ethical leadership.

2. Introduction

The Department of Public Service and Administration (DPSA) has, in its *Strategic Plan 2015 – 2020*, committed to prioritize five key areas, which relate to the role of the Department in building a capable state. One of these areas deals with improved mechanisms to promote ethical behaviour in the Public Service.

In pursuit of this strategic imperative, the PSR, 2016, regulation 23 (2) provides for the following:

“The head of department shall establish an ethics committee or designate an existing committee, chaired by a Deputy Director-General, to provide oversight on ethics management in the department”

The objective of this specific provision is to set the tone for ethics management at the top and as such, to institute leadership commitment. Experience suggests that the best-performing departments in terms of ethics and anti-corruption functions are characterised by commitment and the tone from “the top”. The difference between the best-performing and poorly performing departments relies on the following indicators:

- Whether top management has communicated visibly on ethics and anti-corruption;
- Whether there is, a committee mandated to provide oversight over ethics and anti-corruption programme;
- Whether the committee meets regularly,
- Whether a member of top management champions ethics and anti-corruption initiatives; and
- Whether there is a budget for ethics and anti-corruption work.

The one initiative that would have the biggest impact on departments’ ethics and anti-corruption capacity is ensuring that a committee provides oversight of the ethics strategy, including monitoring and evaluation of its implementation. Lack of leadership commitment is

often a weakness for ethics and anti-corruption initiatives in various departments. Therefore, a properly functioning and committed Ethics Committee should ideally serve as an antidote.

3. What is an Ethics Committee?

The concept Ethics Committee refers to a regulatory structure that is set up to provide strategic direction and oversight on the ethics management of a department. The Committee provides leadership and guidance on implementation of Ethics Strategy of a department so that it is able to comply with its responsibilities to act in the public interest, with integrity, objectivity, professional competence, due care, confidentiality, and in compliance with all relevant laws and regulations.

An Ethics Committee serves a strategic purpose in promoting organizational/departmental ethical culture. The hierarchy of conditions as shown on the diagram below are logical requirements for an ethical organizational culture.

Figure 1: Hierarchy of conditions for ethical organizational culture



4. Composition of the Ethics Committee

The regulations do not prescribe the minimum number, nor the departmental function that should form the composition of the Ethics Committee. However, the Regulations prescribes that a senior manager at the level of Deputy-Director General should serve as chair of the Ethics Committee. In the case of the provincial department, the Chair will be at the level of a Chief Director or equivalent. It is advisable to compose the Committee from interrelated job functions such as:

- Ethics Champion (the chair)
- Human Resources;
- Legal Services;
- Ethics and Anti-corruption;
- Risk Management;
- Security; and
- Investigations.

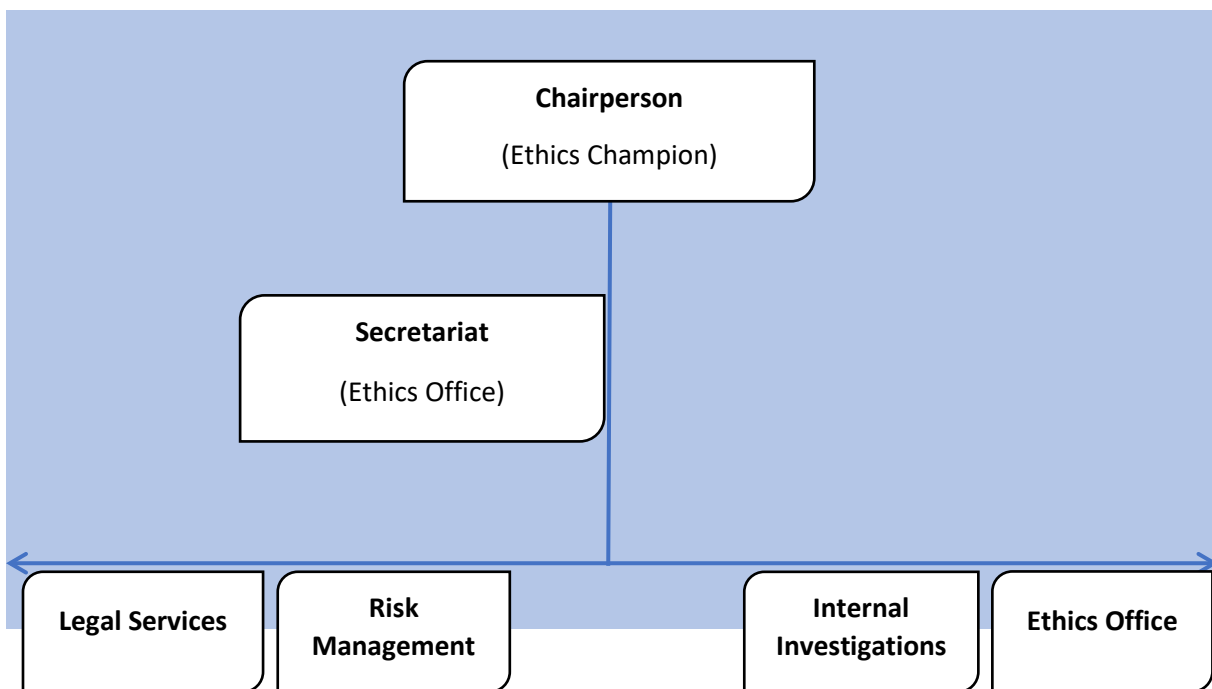
These representatives should be heads of the various units, or alternatively very senior delegates.

- Optional: Consider external parties – for example:
 - Someone who represents the key stakeholders of the department; or
 - Experts from outside the Public Service – although this might have financial implications.

The ethics champion should preferably chair the committee. The Ethics Office provides secretariat support to the Ethics Committee. It is not advised that Internal Audit be part of the Ethics Committee as they have an oversight role to play. However, the Internal Audit can be invited to the Ethics Committee meeting when a need arise.

Below is a graphic illustration of what such a committee can look like.

Figure 2: The Composition of the ethics committee



5. Nominations to the Ethics Committee

Committee membership may include persons nominated from all the branches/divisions of the departments, preferably senior management. Since there inevitably will be some cross-functional interests between the Ethics Committee and other committees of the department, such as the Risk Committee, it will make sense to have a member of such other committee(s) also as an *ex-officio* member of the Ethics Committee. The relevant committees are responsible to elect an *ex-officio* to the Ethics Committee.

Besides the members of the committee, the Ethics Committee should also determine whether there would be standing or *ad-hoc* invitees of the committee. In deciding on such invitees, Ethics Committee needs to look at its informational needs. Which operational committees or functional areas in the department have the information that the Ethics Committee needs to perform its oversight role?

Invitees of the committee will be able to participate in the deliberations of the Ethics Committee, but will have no voting rights.

6. King IV code on Corporate Governance

Although there is no requirement for implementation of the KING IV report in the Public Service, it has useful recommended practices and principles that are in line with the PSR, 2016.

A chapter addressing issues of governance and ethics has the following recommendation for leadership. In our case, this translates into recommendation for the Ethics Committee members.

6.1 Leadership, ethics and corporate leadership

RECOMMENDED PRACTICES

Members of the Ethics Committee should individually and collectively cultivate the following characteristics and exhibit them in their conduct:

a) Integrity

- I. Members of the Ethics Committee must act in good faith and in the best interests of the organization;
- II. Members of the Ethics committee should avoid conflicts of interests. In cases where conflict cannot be avoided, it should be disclosed to the governing body in full at the earliest opportunity, and be proactively managed as determined by the Ethics Committee and subject to legal provisions;
- III. Members of the Ethics Committee should act ethically beyond mere legal compliance;
- IV. Members of the Ethics Committee should set the tone for an ethical organizational culture.

b) Competence

- I. Members of the Ethics Committee should take steps to ensure that they have sufficient working knowledge of the organization, its legislative environment and mandate, context within which it operates as precondition to fulfil the Committees responsibilities;
- II. Members of the Ethics Committee must act with due care, diligence, and take reasonably diligent steps to become informed about matters for decisions;
- III. Members of the Ethics Committee should continuously develop their competence to lead effectively.

c) Responsibility

- I. Members of the Ethics Committee should assume collective responsibility for steering and setting the direction of the organization; approving policy and planning; overseeing and monitoring of implementation, and execution by management; and ensuring accountability for organizational ethics performance;
- II. Members of the Ethics Committee should exercise courage in taking risks and exploiting opportunities, but do so in a responsible manner and in the best interests of the organization;
- III. Members of the Ethics Committee should take responsibility for anticipating, preventing or otherwise ameliorating the negative outcomes of the organization's activities and outputs;
- IV. Members of the Ethics Committee should attend meetings of the Ethics Committee and its sub-committees (if applicable) and devote sufficient attention to prepare for those meetings.

d) Accountability

Members of the Ethics Committee should be willing to answer for the execution of their responsibilities, even when these were delegated.

e) Fairness

Members of the governing body should adopt a stakeholder-inclusive approach in the execution of their governance role and responsibilities.

f) Transparency

The Ethics Committee should be transparent in the manner in which it exercise their roles and responsibilities;

The Ethics Committee should embody the above ethical characteristics in order to offer effective leadership that result in building an ethical organizational culture. The arrangement by which members of the Ethics Committee are being held to account should be disclosed. These arrangements should include performance evaluations of the Ethics Committee and its members.

7. Training of the Ethics Committee

This guideline on its own is not sufficient to prepare Ethics Committee members for their crucial responsibilities in steering a department to the highest level of professional ethics and integrity. Ethics Committee members need both initial and continuous training.

The training should go into details as to how an Ethics Committee should go about implementing their mandate efficiently. It should be based on the key functional responsibilities of the Ethics Committee.

Initial workshop can be organised through the DPSA or the Provincial Office of the Premier. Continuous workshops should be provided as and, when there are new developments in terms of regulations or new measures. It is also advisable that new members of the committee who joins later on, undergoes training to be on the same level of competence with peer members.

PART 2

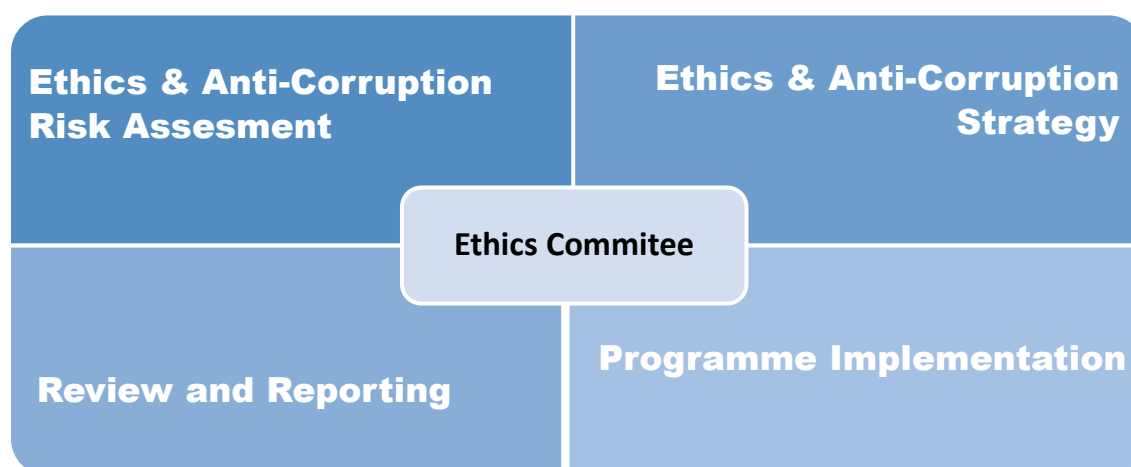
Mandate for the Ethics Committee



8. Mandate of the Ethics Committee

The Ethics Committee is mandated to provide strategic direction and to perform oversight role on ethics management in the department. In order for the Ethics Committee to understand their role in Ethics Management, it is important to explain the ethics programme in its entirety and what it entails. It is only possible for the Ethics Committee to function effectively when they thoroughly understand ethics management. The Ethics management practice consist of four phases in its life cycle; risk assessment, ethics strategy, programme implementation and review & reporting. The diagram below bears reference:

Figure 3: Phases of Ethics management process



8.1 Assessment

The first phase is the assessment of departmental ethics risks and opportunities. This entails engaging with stakeholders to determine whether there are ethics and corruption risks to which the department is vulnerable. Ethics and corruption risks refer to unethical conduct (e.g. fraud, abuse of power, gender or racial discrimination), unethical practices (e.g. nepotistic employment or corrupt procurement practices) or unethical beliefs (e.g. a belief such as “everyone is corrupt”) that might exist in the department. Ethics opportunities refer to ethical behaviours, practices and beliefs from which the department would benefit. The

DPSA has written a comprehensive guide on how to conduct Ethics and Corruption risk assessment.

8.2 Planning

The second phase of the ethics management process entails the development of ethics strategy and policies. Based on its unique ethics risk profile, the department should develop an ethics strategy that will assist it in mitigating ethics risk and embracing ethics opportunities. The ethics policies can take the shape of a code of conduct and on specific matters, such as giving or receiving gifts, procurement, or conflicts of interest. The strategy should provide preventative and mitigating measures for all other risks which have been uncovered by the risk assessment process.

8.3 Implementation

The third phase of the ethics management process is the implementation of ethics strategy and policies. Codes and policies are mere words on paper that will only have an impact on organisational behaviour once they are properly implemented. Such implementation can be achieved through various interventions, such as training, communication, internal reporting mechanisms, and disciplinary procedures.

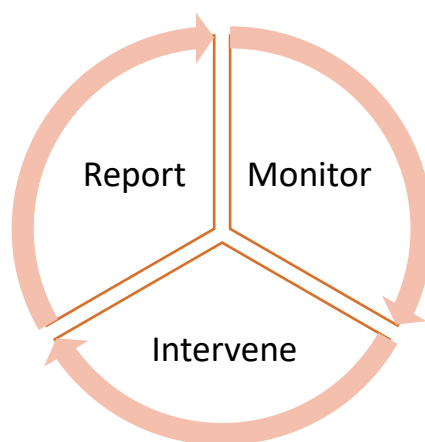
8.4 Review and Reporting

The final phase of an ethics management process consists of internal and external reporting on the ethics performance of the department. Internally, the Ethics Office needs to report to the Ethics Committee on progress with implementing the ethics management programme in the department. Externally, the department's ethics performance needs to be reported in the department's annual report.

Ultimately, all these phases of the ethics management process should contribute to the cultivation of an ethical culture within a department. This implies that ethics should become a way of living in the department or, as is often said in popular parlance: *the way we do things here even when nobody is watching*.

The mandate of the Ethics Committee is to provide oversight on ethics management in the department in all these phases. In so doing, the Committee has a responsibility to monitor, intervene and report on implementation of ethics and anti-corruption functions.

Figure 4: Key responsibilities of Ethics Management Committee



8.5 Monitoring responsibilities

Monitoring of ethics and anti-corruption custodianship in the department is one of the primary responsibilities of the Ethics Committee. It is important for the committee to monitor the implementation of ethics and anti-corruption functions in the department as contemplated in Chapter 2 of the PSR, 2016. All of the provisions in Chapter 2 should be implemented as far as possible and conduct of employees be monitored accordingly. The excerpt from the next page is a summary of ethics and anti-corruption functions as contained in the regulations.

Anti-corruption and ethics functions

22. A head of department shall—

- (a) analyse ethics and corruption risks as part of the department's system of risk management;
- (b) develop and implement an ethics management strategy that prevents and deters unethical conduct and acts of corruption;
- (c) establish a system that encourages and allows employees and citizens to report allegations of corruption and other unethical conduct, and such system shall provide for—
 - (i) confidentiality of reporting; and
 - (ii) the recording of all allegations of corruption and unethical conduct received through the system or systems;
- (d) establish an information system that—
 - (i) records all allegations of corruption and unethical conduct;
 - (ii) monitors the management of the allegations of corruption and unethical conduct;
 - (ii) monitors the management of the allegations of corruption and unethical conduct;

(iv) maintains records of the outcomes of the allegations of corruption and unethical conduct; and

(e) refer allegations of corruption to the relevant law enforcement agency and investigate whether disciplinary steps must be taken against any employee of the department and if so, institute such disciplinary action.

Designation of ethics officers

23. (1) An executive authority shall designate such number of ethics officers as may be appropriate, for the department to—

(a) promote integrity and ethical behaviour in the department;

(b) advise employees on ethical matters;

(c) identify and report unethical behaviour and corrupt activities to the head of department;

(d) manage the financial disclosure system; and

(e) manage the processes and systems relating to remunerative work performed by employees outside their employment in the relevant department.

(2) The head of department shall establish an ethics committee or designate an existing committee, chaired by a Deputy Director-General, to provide oversight on ethics management in the department.

Other remunerative work by employees

24. An application by an employee to perform remunerative work outside his or her department shall be in accordance with the process determined by the Minister and in the form issued by the Minister.

The Chair of the Committee shall consult on a regular basis with the Exco and the chairs of other committees of the department to ensure consistent application of the ethics policies across the governance processes.

The Committee shall ensure that all ethics and anti-corruption functions are fully implemented and facilitate availability of necessary resource to that effect, including human resources (custodianship).

8.7 Intervening responsibilities

8.7.1 Asses the capacity of the ethics and anti-corruption custodianship and departmental ethics risks

The committee should ensure that a proper audit of custodianship and the ethical risks facing the department is conducted. The DPSA can provide guidance on how to go about conducting an *internal capacity audit* and departmental *ethics risk assessment*.

The report of the capacity audit and its recommendations should be discussed at the Ethics Committee for further actions. The Committee should prioritise implementation of certain or all of the recommendations from the assessment. Given the seniority of the members of the Ethics Committee, the decision making process to facilitate the implementation of the recommendation/s should be efficient and effective. Similarly, the same procedure should be followed concerning the departmental Ethics and corruption Risk assessment.

8.7.2 Meet regularly to provide the strategic direction to the Ethics Management programme

Once the Ethics Risk Assessment and the Capacity Audit is complete, the Ethics Committee can decide on its work plan for the year. The work plan will have to match the mandate of the committee with the number of meetings scheduled per year.

The work plan should ensure that the committee meets all its responsibilities within an annual cycle. In this regard, the committee might decide to attend to all aspects within its mandate at each of its meetings, or it might opt for a rolling agenda approach. In the case of a rolling

agenda, the committee will not address all aspects of its mandate at each of its meetings. Instead, it will spread the various aspects of its mandate over two or more meetings and only address specific aspects of its mandate at specific meetings of the committee. A committee might, for example, decide to devote every second meeting to prevention and detection aspects of its mandate, while the alternate meetings are devoted to investigations and resolution. Should a department take the rolling agenda approach; not all invitees of the Ethics Committee need attend all committee meetings. Only those invitees who have to make an input on the matters discussed at a specific meeting will need to attend.

8.7.3 Mobilize resources for the implementation of the Ethics and Anti-corruption programme

When the Ethics Office requires any necessary resources to fulfil its functions, it is the responsibility of the Ethics Committee to mobilize for the provision of the resources as required. This is often a pre-condition for a successful ethics and anti-corruption programme. It is not possible to achieve an ethical organizational culture within the department without resource investment into the Ethics Office. The resources referred herein are primarily human and financial.

8.7.4 Communicate ethics and anti-corruption messages to the rest of the staff

It is necessary that from time to time, the Ethics Committee, either collectively or through the Ethics Champion, communicate ethics related messages to the rest of the staff in order to encourage or discourage specific conducts. Therefore, the messages are aimed at two objectives --to discourage unethical conduct and to encourage ethical conduct! This responsibility does not take away the role of the Ethics Office to communicate ethics messages and to raise awareness. It is communication from the leadership point of view- tone from the top, but the Ethics Office continues to be responsible for day to day communication responsibilities.

For example, a poster with the face of the Ethics Champion could be printed out and pasted over departmental walls in targeted areas to spread the message about internal Whistle-blowing mechanisms. Another method could be an email from the Ethics Committee, collectively highlighting key policies issue/s in respect to Ethics. If possible, the Ethics

Committee should be seen rewarding reporters (whistle-blowers) and officials who displays high standards of integrity. Internal Communication mechanisms should be fully exploited in pursuit to communicate messages that discourages unethical conduct and encourages ethical conduct.

8.7.5 Amend the ethics policy when necessary

As and when the Committees deems it necessary due to its monitoring observations and recommendation from the Ethics Office, it may initiate policy amendments to mitigate a risk from reoccurring or as a proactive measure to prevent a possible exposure to ethics risk. The policy amendment process should still abide to the entire process of the departmental policy formulation and go through all the necessary stages of approval, including consultation with the staff members in order to gain legitimacy and awareness as necessary for its successful implementation.

8.8 Reporting responsibilities

The Committee needs to draw matters within its mandate to the attention of the Committee (Exco), as and when the committee deems it necessary for the Exco to consider such matters. This reporting responsibility is thus left to the discretion of the Ethics Committee and is therefore likely to happen on an *ad-hoc* basis.

The Ethics Committee will keep Exco informed of the ethics performance of the department. It will formally report to the HoD through the Ethics Champion, who is the chair of the Ethics Committee. The committee will also prepare the report on the department's ethics performance to the relevant portfolio committee. This report must be included in the department's annual report submission.

9. The role of the Ethics Office

The Ethics office is crucial to the agenda of the Ethics Committee as a custodianship of ethics and anti-corruption programmes within the department. It is responsible for the day-to-day ethics management functions in the department. Due to these responsibilities, it is a secretariat to the Ethics Committee responsible for the following functions:

- Implementation of ethics and anti-corruption programmes/measures;
- Provide reports on all ethics and anti-corruption functions to the Ethics Committee;
- Advise the Ethics Committee on matters before its agenda for informed decision-making;
- Keep the diary of the Ethics Committee;
- Organise and attend meetings and other important events; and
- Escalate ethics matters to the Ethics Committee.

The Ethics Committee is established to allow for effective oversight of the Ethics Office. The relationship between the Ethics Office and the Ethics Committee is inextricably interdependent. The Ethics Committee can be as effective as the Ethics Office and vice-versa.

The Ethics Office escalates issues that are beyond its control/power to the attention of the Ethics Committee. The Ethics Office should have a formal mechanism through which matters could be escalated to the Ethics Committee. Matters escalated should be aligned to the agenda of the Ethics Committee if the agenda is predetermined unless the matter needing escalation is urgent. For example, if there are issues from the Ethics Office about detection of unethical conduct, the Ethics Office should wait until such time that the Ethics Office have a setting on the same or similar agenda to escalate the matter, unless it is urgent.

In turn, the Ethics Committee recommend to the Ethics Office all other decisions for implementation in a given period. For example, the Ethics Committee may take a decision for policy amendments, the Ethics Office will have to carry out the process of policy amendment to its conclusion.

10. The Ethics office vs. the Ethics Committee



There is sometimes a confusion between the roles of the Ethics Office and Ethics Committee. The roles can get confused because both are responsible for Ethics Management in the department.

The Ethics Office performs specific ethics functions as contemplated in chapter 2 of the Public Service Regulations, 2016 while the Ethics Committee **oversees** the implementation of the same in the department. For example, the Ethics Committee may not conduct an Ethics Risk Assessment but may recommend that the Ethics Office conduct such an assessment and be provided with the report for discussion within the committee. This report may highlight issues that needs immediate, medium and long-term attention. The report may recommend that the Ethics Committee take a specific action at its level such as designating full-time ethics officers. The Ethics Committee will have to influence the relevant decision makers to designate Ethics Officers.

11. Relationship with other committees and operational structures

In fulfilling its mandate, the Ethics committee should ensure that there is synergy and synchronisation between its activities and those of the department's committees and operational structures. What should be avoided at all cost is duplication and silos in the department where the same ethics matters are attended to by more than one committee, or where the committee is unaware that other committees or operational structures already addresses matters within its mandate.

In selecting its information providers, the committee should ensure that it has access to all the departmental operational structures that deal in some or other way with the matters within its mandate. Such operational structures might include, for example, the Internal Audit, Human Resources, Legal Service, Ethics Office, or Security. It also might include specific operational committees, such as Risk and Audit Committee.

There are also synergies between the mandate of the Ethics Committee, the Audit Committee and the Risk Committee. The Risk Committee will have to follow up on ethics risks that the Ethics committee might uncover as part of their monitoring responsibilities. When such risks are exposed, the Risk Committee will have to advise the Exco on how those risks should be mitigated. The Audit Committee is linked to the Ethics Committee by the Audit Committee's responsibility to uncovering fraud, corruption and other related transgressions. For this reason, it is suggested that it would make sense to have a member of the Risk Committee and a member of the Audit Committee as either *ex-officio* members or standing invitees of the Ethics Committee.

This link between the Ethics Committee and the Risk Committee has implications for the scheduling of the meetings of these committees. For example, the fact that the Risk Committee will follow up on Ethics risks identified by the Ethics Committee, implies that the meetings of the Risk Committee should be scheduled to follow after the meetings of the Ethics Committee.

There might also be other Committees with a direct interest in the work of the Ethics Committee and similar arrangements need to be made in such cases to ensure synergy and synchronisation between the Ethics Committee and other committees.

12. Conclusion

The call to an establish ethical culture underpinned by high standards of professional ethics is not a mere question of compliance but rather an indispensable pillar of good governance. For that reason, it has found its way in to the Constitution of the Republic. Departments are therefore required by the Constitution to establish a strong ethical culture. Necessary structures such as the Ethics Committee and the Ethics Office are mandatory in each department as contemplated in the PSR, 2016.

The chapter 2 of the PSR, 2016 provides the basis and mandate to implement ethics and anti-corruption functions in the departments, including the designation of the Ethics Officers. To this end, the establishment of the Ethics Committee composed of senior management is crucial to the creation of an ethical Public Service. The Ethics Committee serves as an oversight body providing a linkage between practice and the executive committee of the department.

ANNEXURE A

Terms of Reference for Ethics Committee

A. PURPOSE

The purpose of the Committee is to provide oversight and leadership on ethics management in the department. The Committee provides leadership and guidance to the Ethics Office, so that they are able to implement their responsibilities in regards to ethics and anti-corruption.

B. SCOPE

1. Size:

The Committee shall consist of around 10 members depending on the size and needs of a specific department. The regulations do not provide for a specific number.

2. Nomination of the Constituencies:

The Committee membership may include persons nominated from all the branches/divisions of the departments, preferably senior management. Since there inevitably will be some cross-functional interests between the Ethics Committee and other committees of the department, such as the legal or risk committee, it will make sense to have a member of such other committee(s) also as an ex officio member of the Ethics Committee. The relevant committees are responsible to elect an ex officio to the Ethics Committee.

Besides the members of the committee, the Ethics Committee should also determine whether there would be standing or ad hoc invitees of the committee. In deciding on such invitees, ethics committee needs to look at its informational needs. Which operational committees or functional areas in the department have the information that the Ethics Committee needs to perform its oversight role?

Invitees of the committee will be able to participate in the deliberations of the Ethics Committee, but will have no voting rights.

3. Ratification by the Executive Committee (Exco):

The Chair of the Exco shall present the Committee membership, including its Chair to the Exco for its ratification.

4. Individual Capacity:

The Committee members, including the Chair, shall act in their individual capacity. Due to sensitivity of the areas of work of the Committee, members are not expected to consult with their constituencies when contributing to the work of the Committee. In addition, they shall maintain confidentiality of the committee's deliberations as appropriate.

5. Chair:

In order to ensure that the Chair can lead the Ethics committee without prejudice, the Chair shall be a non-voting member of the Ethics Committee.

C. SELECTION OF MEMBERSHIP AND TERMS OF SERVICE

1. Nominations Process:

The Chair of Exco shall propose membership of the Ethics Committee, including the Chair, based on nominations made by branches based on the skills requirements of the Committee.

2. Ratification by the Exco:

The Chair of Exco shall present the Committee membership for its ratification by the Exco.

3. Terms of Service:

Members of the Committee shall serve for the period determined by the Exco.

4. Vacancies:

A vacancy in the Ethics Committee membership seat, including the Chair, resulting from death, resignation, disqualification or other reason, shall be filled in the same manner in which the previous member was appointed. Individuals appointed to fill a vacancy in the position shall hold such position for the unexpired term of his or her predecessor.

D. ROLES AND RESPONSIBILITIES

The Ethics Committee has delegated authority from Exco to:

1. Provide oversight and support to the custodians of the ethics and anti-corruption programme
2. Meet regularly to assess the strategic plan and direction to the programme
3. Mobilize resources for the implementation of ethics and anti-corruption programme
4. Communicate ethics and anti-corruption messages to the rest of the staff
5. Take resolution of an instance of violation of the ethics policy, including possible recommendation of sanctions to labour relations
6. Elaborate further on policies regarding ethical standards of department
7. Take possible remedial actions due to deficiencies in ethical standards
8. Amend the ethics policy when necessary
9. The Chair of the Committee shall consult on a regular basis with the Exco and the chair(s) of other committees of the department to ensure consistent application of the ethics policies across the governance processes.

E. MEETINGS

The chairperson will be responsible for chairing meetings of the Ethics Committee. S/he will also be responsible for bringing ethics matters of material relevance to the attention of the Exco.

The Committee shall meet when necessary but not less than four times a year.

G. ATTENDANCE AT MEETINGS

1. Only members of the Committee have the right to attend Committee Meetings
2. If the Chairperson is unavailable for a meeting, the members of the Committee present shall elect a Chairperson for that meeting
3. Other Department employees and external advisers may be invited to attend all or part of any meeting, as appropriate.

F. DECISION-MAKING

1. Consensus:

The Committee shall use its best efforts to reach all decisions and recommendations for decisions by the Exco by consensus.

2. Voting:

If all practical efforts by the Committee have not led to consensus, any member of the Committee may call for a vote. In order to pass, a majority of the Committee members present (excluding the Chair, who is nonvoting) must vote affirmatively.

H. POWERS OF THE ETHICS COMMITTEE

For the committee to be effective, certain powers needs to be ascribed to it. The powers enables the committee to fulfil its functions. The Ethics Committee is entitled to:

- Require from any employee of the organization any information or explanation that is needed for the committee to fulfil its prescribed functions;
- Address any meeting of the department that is related to the functions of the ethics committee;
- To have access to all reports and documents needed for its work; and
- To attend any meeting which relates to the functions of the committee.

H. REPORTING TO THE EXCO

1. Report at Exco Meetings

The Committee Chair shall report to the Exco on its deliberations and activities at least quarterly.

2. Ethics Committee Reports

Reports of the Committee shall include draft decision language for consideration by the Exco when appropriate. The Committee Chair shall provide Ethics Committee members of a draft of the report of the Committee for its approval prior to its delivery to the Exco. The Committee Chair shall provide committee members no less than two weeks for such approval.

I. CONFLICTS OF INTEREST

In the event that a matter arises in which a Committee member is implicated, the Committee member shall recuse him/herself from the meeting.

J. ASSESSMENT

The Chair of Exco (the Accounting Officer) shall conduct an annual assessment of the functioning of the Ethics Committee, in consultation with the Ethics Committee Chair. Such assessment may result in recommendations for changes to the terms of reference, replacement of the Ethics Committee Chair and/or individuals acting in the role of Ethics Committee member. In the case where an Ethics Committee member is assessed as not fulfilling his/her responsibilities, including failing to attend required meetings and discussions, the Ethics Committee Chair or the Chair of the Exco, as appropriate may approach the relevant constituency groups indicated in Section C.1 to provide them with an opportunity to present an alternative nominee. The Exco shall approve the replacement of the Ethics Committee Chair or any Ethics Committee member.

K. ROLE OF THE SECRETARIAT

1. Role

The Secretariat shall be appointed to coordinate and facilitate the work of the Ethics Committee, providing support to the Committee Chair and members.

2. Secretariat Focal Point

The Secretariat will appoint one qualified individual to be the Ethics Committee focal point. The focal point will provide secretarial assistance to the Committee meetings, and assist the Ethics Committee Chair in preparing, facilitating, and coordinating the work plan. The Secretariat focal point will maintain an official list of all Ethics Committee members and their contact information.