

QUALITY MANAGEMENT SYSTEM

<p>TR-002A-CCT Ethics terms of reference</p>

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Book design by Andrew J. Winks

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TR-002A-CCT

ETHICS TERMS OF REFERENCE

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1. LEGISLATIVE FRAMEWORK AND BEST PRACTICE REGULATIONS

Key principles contained in the following legislation and best practices were applied to develop this terms of reference:

- a) CET Colleges Act No.16 of 2006, (as amended) (the “Act”) (formerly the FET Act);
- b) Public Finance Management Act, 1999 (Act No 1 of 1999 as amended by Act 29 of 1999)(PFMA);
- c) National Treasury Regulations of March 2005;
- d) Constitution of the Republic of South Africa, 1996;
- e) Public Service Act, 1994;
- f) Public Service Regulations, 2001;
- g) Labour Relations Act No. 66 of 1995; and
- h) King III Code of Governance Principles of 2009.
- i) Batho Pele Principles.

2. PURPOSE

This Ethics terms of reference which incorporates the “Batho Pele” principles is a comprehensive statement of the values that should guide the daily work of Employees and members of Council. It provides guidance to staff and members of Council with regard to their day to day personal conduct and thus aims to raise awareness of appropriate ethical standards of work performance.

All Employees (of the College and DHET) and members of Council of the College must ensure that their conduct protects and promotes the reputation and image of the College. It is a requirement that all Employees and members of Council act ethically and in accordance with this Ethics Charter.

3. DEFINITIONS, ACRONYMS AND ABBREVIATIONS

For the purpose of this charter, unless the context indicates otherwise, the following definitions, acronyms and abbreviations are set out for the terms indicated:

- 3.1 **“Accounting Officer”** – is the College Principal.
- 3.2 **“Act”** – is the CET Colleges Act No.16 of 2006, as amended.
- 3.3 **“College”** – is the College of Cape Town.
- 3.4 **“Council”** – is the Council of the College established in terms of the Act.
- 3.5 **“Department”; “DHET”** – is the Department of Higher Education and Training.
- 3.6 **“Employee”** – is any official, employed by the College, irrespective of grade, full-time or part-time, Council or Departmental appointed, or paid on a salaried or an hourly/daily individual basis.
- 3.7 **“Minister”** – is the Minister of the Department of Higher Education and Training.
- 3.8 **“PFMA”** – Public Finance and Management Act.
- 3.9 **“SMS”** – is Senior Management Service.
- 3.10 **“TVET”** – is Technical and Vocational Education and Training.
- 3.11 **“VCET”** – is Vocational and Continuing Education and Training.

4. APPLICATION

This charter is issued under the authority of the Council of the College and is applicable to all Employees and members of Council. This charter should also be read in conjunction with the Human Resources Manual, Chapter 2 of Public Service Regulations, 2001 and the Code of Good Practice contained under schedule 8 of the Labour Relations Act of 1995.

5. GENERAL PRINCIPLES

- 5.1 The Public Service Regulations, Chapter 2: Code of Conduct for the Public Service acts as a guideline to Employees (of the College and DHET) and members of Council as to what is expected of them from an ethical point of view, both in their individual conduct and in their relationship with

others. It is applicable to all Employees and members of Council. Compliance with the code of conduct is necessary to enhance professionalism thereby ensuring confidence in the public service.

- 5.2 Chapter 4: Senior Management Service (SMS), Part VII of the Public Service Regulations, addresses *Ethics and Conduct*; it states that, members of the SMS shall:
- a) display the highest possible standards of ethical conduct;
 - b) set an example to their subordinates and maintain high levels of professionalism and integrity in their interaction with political office-bearers and the public; and
 - c) ensure that they minimise conflicts of interest and that they put the public interest first in the performance of their functions.
- 5.3 College Employees and members of Council should act ethically when they conduct themselves in the workplace in executing their duties and making decisions. The PFMA refers to committing wrongful acts “...willfully or negligently...” The consequences are facing disciplinary action, suspension, dismissal, having to pay back monies in the event of an official misappropriating funds and criminal proceedings. Employees and members of Council are required to act responsibly and to exercise good judgement when executing their duties.
- 5.4 Chapter 10 of The Constitution, section 195, describes the democratic values and principles applicable to all spheres of government, organs of state and public enterprises, as to:
- a) a high standard of professional ethics must be promoted and maintained;
 - b) efficient, economic and effective use of resources must be promoted;
 - c) public administration must be development-oriented;
 - d) services must be provided impartially, fairly, equitably and without bias;
 - e) people's needs must be responded to, and the public must be encouraged to participate in policy-making;
 - f) public administration must be accountable;
 - g) transparency must be fostered by providing the public with timely, accessible and accurate information;
 - h) good human-resource management and career-development practices, to maximise human potential, must be cultivated; and
 - i) public administration must be broadly representative of the South African people, with employment and personnel management practices based on ability, objectivity, fairness, and the need to redress the imbalances of the past to achieve broad representation.

All Employees and members of Council must uphold the principles of the Constitution when performing their respective responsibilities

6. PROFESSIONAL BEHAVIOR

All Employees and members of Council shall comply with relevant laws and regulations and avoid any action that discredits the College when executing their duties.

6.1 Relationship with the legislature and the executive

An Employee and a Member of Council:

- a) honours the Constitution and abides thereby in the execution of his or her daily tasks;
- b) puts the public interest first in the execution of his or her duties;

- c) loyally executes the policies of the Government in the performance of his or her official duties as contained in all statutory and other prescripts;
- d) strives to be familiar with and abides by all statutory and other instructions applicable to his or her conduct and duties; and
- e) co-operates with public institutions established under legislation and the Constitution in promoting the public interest.

6.2 Relationship with the Public

An Employee and member of Council:

- a) promotes the unity and well-being of the South African nation in performing his or her official duties;
- b) will serve the public in an unbiased and impartial manner in order to create confidence in the Public Service;
- c) is polite, helpful and reasonably accessible in his or her dealings with the public, at all times treating members of the public as customers who are entitled to receive high standards of service;
- d) has regard for the circumstances and concerns of the public in performing his or her official duties and in the making of decisions affecting them;
- e) is committed through timely service to the development and upliftment of all South Africans;
- f) does not unfairly discriminate against any member of the public on account of race, gender, ethnic or social origin, colour, sexual orientation, age, disability, religion, political persuasion, conscience, belief, culture or language;
- g) does not abuse his or her position in the Public Service to promote or prejudice the interest of any political party or interest group;
- h) respects and protects every person's dignity and his or her rights as contained in the Constitution; and
- i) recognises the public's right of access to information, excluding information that is specifically protected by law.

6.3 Relationship among Employees and members of Council

An Employee and member of Council:

- a) co-operates fully with other Employees and members of Council to advance the public interest;
- b) executes all reasonable instructions by persons officially assigned to give them, provided these are not contrary to the provisions of the Constitution and/or any other law;
- c) refrains from favouring relatives and friends in work-related activities and never abuses his or her authority or influences another Employee or member of Council, nor is influenced to abuse his or her authority;
- d) uses the appropriate channels to air his or her grievances or to direct representations;
- e) is committed to the optimal development, motivation and utilisation of his or her staff and members of Council and the promotion of sound labour and interpersonal relations;
- f) deals fairly, professionally and equitably with other Employees, irrespective of race, gender, ethnic or social origin, colour, sexual orientation, age, disability, religion, political persuasion, conscience, belief, culture or language; and
- g) refrains from party political activities in the workplace.

7. PERFORMANCE OF DUTIES

An Employee or member of Council should:

- a) strive to achieve the objectives of the College cost-effectively and in the public's interest;
- b) be creative in thought and in the execution of his or her duties and should seek innovative ways to solve problems and enhances effectiveness and efficiency within the context of the law;
- c) be punctual in the execution of his or her duties;
- d) execute his or her duties in a professional and competent manner;
- e) not engage in any transaction or action that is in conflict with or infringes on the execution of his or her official duties;
- f) recuse himself or herself from any official action or decision-making process which may result in improper personal gain, and this should be properly declared by the Employee or member of Council;
- g) accept the responsibility to avail himself or herself of ongoing training and self-development throughout his or her career;
- h) be honest and accountable in dealing with public funds and uses the public services' property and other resources effectively, efficiently, and only for authorised official purposes;
- i) promote sound, efficient, effective, transparent and accountable administration;
- j) in the course of his or her official duties, report to the appropriate authorities, fraud, corruption, nepotism, mal-administration and any other act which constitutes an offence, or which is prejudicial to the public interest;
- k) give honest and impartial advice, based on all available relevant information, to higher authority when asked for assistance of this kind; and
- l) honour the confidentiality of matters, documents and discussions, classified or implied as being confidential or secret.

8. PERSONAL CONDUCT AND PRIVATE INTERESTS

An Employee or member of Council should:

- a) during official duties, dress and behave in a manner that enhances the reputation of the Public Service;
- b) act with integrity i.e. to be straightforward and honest in all professional and business relationships when executing their duties;
- c) act responsibly as far as the use of alcoholic beverages or any other substance with an intoxicating effect is concerned;
- d) not use his or her official position to obtain private gifts or benefits for himself or herself during the performance of his or her official duties nor does he or she accept any gifts or benefits when offered as these may be construed as bribes.
- e) not use or disclose any official information for personal gain or the gain of others; and
- f) not without approval, undertake remunerative work outside his or her official duties or use office equipment for such work. This does not apply to external members of Council as they are not in the employ of the College.

9. ADOPTION OF TERMS OF REFERENCE

This Terms of Reference is effective from the date on which it is adopted by the Council.

10. AVAILABILITY OF ETHICS CHARTER

A copy of this Charter and other relevant documentation should be made available on the College website.

11. ANNUAL REVISION OF CHARTER

This Charter will be subject to an annual review by College management to ensure its relevance. Colleges should forward any inputs and recommendations to the VCET Branch of the Department for possible consideration during the annual review process.

Any recommended changes agreed to by the VCET Branch of DHET to the Ethics Charter should be presented to the College Council for adoption.