

51. CODE OF PROFESSIONAL ETHICS

In order to regulate the expected behaviour of members of the Institute and standardise the procedure to be followed in cases of alleged non-compliance with the expected behaviour, the Guide on Code of Ethics shall be used in all cases of such nature.

The Guide on Code of Ethics, which is Part A of the Constitution, shall be accepted by every member of the Institution by virtue of becoming such a member.

52. AMENDMENT

This Constitution shall not be repealed or amended except by a resolution by not less than two thirds of the members having cast their votes at a meeting called in terms of this Constitution.

PART A

GUIDE ON PROFESSIONAL ETHICS

1. BACKGROUND

Recent spate of conflicts between managers and councillors at many municipalities has prompted the Institute for Local Government Management of South Africa (“the iLGM” or “the Institute”) to review its Code of Ethics. It is clear that there has been an increase in expectations for members of the iLGM to behave in a certain manner that is acceptable in a normal society.

The ethical issues in public office and local government area have been elevated by the need for local managers to become agents for change of people’s lives. In response to this challenge the iLGM decided to make public a robust ethical standard with a belief that that will have considerable influence on the public perception of local government practitioners, and members of the iLGM in particular.

The iLGM is a voluntary, professional association of local government practitioners. It is expected that members of the Institute must conform to its values and rules. Each member has a stake in maintaining general compliance with the values of the Institute.

In this Guide, we only cover matters related to ethics that we believe should influence members of the Institute in their work environment. Other behaviour, like personal and religious beliefs have been left out. That behaviour cannot be regulated by this Code of Ethics in as far as it does not impact on the expected ethical behaviour as a result of being a member of the Institute.

As an organisation, the iLGM believes:

- 1.1 That professional ethics is a process and subject to review at an appropriate time,
- 1.2 There is a motive for all human behaviour, like power, financial gain, etc.
- 1.3 Actions have consequences, 1.4 Ethics are perceived,
- 1.5 We are each susceptible to the actions of others,

1.6 Respect is not a right but must be earned.

2. ACCEPTANCE OF THE CODE OF ETHICS

Each person assuming membership of the iLGM must sign the Code of Ethics as an indication of their acceptance of the values of the Institute.

3. ENFORCEMENT OF THE CODE OF ETHICS

It is expected of members of the Institute to behave in a manner consistent with the values of the Institute. However, it could be found that a member does not adhere to the standards expected from them. The Institute must therefore reserve disciplinary powers to persuade members to comply with the values of the Institute.

4. ESTABLISHMENT OF A COMMITTEE TO ENFORCE THE CODE OF ETHICS

It is generally accepted that matters of discipline must be expeditiously carried out. The iLGM commits itself to handling matters of discipline both carefully and swiftly. For that reason a standing **Committee on Professional Conduct (CPC)** is established.

The CPC will have three (3) members:

4.1 a practising lawyer of at least five years experience as an attorney (as chairperson),

4.2 a retired local government practitioner and

4.3 an appointee of the South African Local Government Association.

The CPC makes the final decision with regard to the sanction and reports its decision to the National Executive Committee (NEC) of the iLGM. The decision of the CPC can be appealed, as a review, using the South African Mediation Services.

5. COMMITMENT BY INDIVIDUAL MEMBERS

Each member commits him/herself to -

5.1 Uphold the Constitutions of the Republic of South Africa and the Institute and all other legislation,

5.2 Efficient, effective and democratic local governance, believing in the worth of local government and a sense of community responsibility,

5.3 Belief that local governments exist to serve the best interests of their communities,

5.4 Ensure that the roles of elected representatives and officials do not overlap,

5.5 Separate but complementary roles of elected representatives and management and

5.6 A high standard of professionalism.

6. FUNDAMENTAL PRINCIPLES APPLICABLE TO ALL MEMBERS

6.1 The public interest

Members must at all times safeguard the interests of their employers, provided that these interests do not conflict with the duties and loyalties they owe to the community, its laws, social and political institutions.

6.2 Honesty, propriety and integrity

Members must act with honesty, propriety and integrity in the pursuit of their professional duties. Honesty includes acting with sincerity and not lying, cheating or stealing. Propriety is to behave correctly as befits the duties of a member's professional responsibilities and role. Integrity refers not only to knowing what the right thing to do is but having the moral strength and courage to act on one's convictions and on principle rather than expediency.

6.3 Competence and duty of care

Members must strive continually to maintain and improve their professional knowledge and skills. They must not undertake work which they are not competent to handle. This work should be allocated to others who are better qualified to undertake the tasks competently. Members must discharge their duties with due care and diligence.

6.4 Confidentiality and respect for privacy

Members must respect the rights of individuals concerning confidentiality and privacy. Members must not disclose confidential and private information gained in the course of their professional work unless consent to do so is obtained from the person or persons concerned or when it is in the public interest to do so or if required to do so by any Statute.

6.5 Conflict of interest

Members must avoid conflicts of interest in fact and conflicts of interest in appearance. Members should conduct their official and personal affairs in such a manner as to give the clear impression that they cannot be improperly influenced in the performance of their official duties.

6.6 Objectivity and independence

Members must be objective in undertaking their professional duties. Objectivity is a state of mind which imposes on an individual the obligation to be impartial, intellectually honest, and free of conflicts of interest. There are two aspects of objectivity and independence; these are the judgment which comes from being mentally independent and the freedom from personal relationships which avoid impairing or appearing to impair the ability of the member to exercise objectivity and independence. Safeguarding professional objectivity and independence is a matter of integrity.

6.7 Duties of non malfeasance (non injury)

Members must not cause harm and must prevent harm from being done to their employer, clients, profession, community, and the Institute. Engagement in incompatible business or activities, even if it is not a conflict of interest, may bring the status and recognition of the profession into disrepute. This does not preclude serving on legitimate Boards or Committees which contribute to the wider good of the community and/or economic development of the member.

6.8 Appointment Commitment

Members who accept an appointment to a position should not fail to report for that position. This does not preclude the possibility of a member considering several offers or seeking several positions at the same time, but once a bona fide offer of a position has been accepted, that commitment should be honoured. Oral acceptance of an employment offer is considered binding unless the employer makes fundamental changes in terms of employment.

6.9 Whistle Blowing

Members should ensure that there are suitable arrangements for the internal review of decisions, policies and actions in the event that a member of their organisations raises concerns of unethical behaviour. Individuals should be encouraged to raise matters for review. Employees should not be penalised for raising matters of ethical concern even if this results in a loss to the organisation, a client or another individual unless it is done with malicious intent.

7. MEMBER'S RESPONSIBILITY

In order to maintain an ethical dimension to their professional work, individuals have a responsibility to:

7.1 keep their own actions under review,

7.2 maintain their level of knowledge and training appropriate to their area of work,

7.3 conform to advice given by iLGM on ethical behaviour and

7.4 assist their own local governments to develop ethical ways of working.

8. ASSISTANCE FROM iLGM

The iLGM undertakes to:

8.1 incorporate ethical dilemma management into accredited courses,

8.2 keep under review existing codes of ethical practice and develop programmes to educate members of their responsibilities,

8.3 explore ways to require current practising members to participate in ethics training and testing programmes and

8.4 provide mechanisms to support members in managing ethical dilemmas.

9. SANCTIONS

9.1 Sanctions may be imposed in accordance with these rules upon members who are found to have violated the code. In determining the kind of sanction to be imposed, the following factors may be considered:

9.1.1 the nature of the violation,

9.1.2 prior violations by the same individual,

9.1.3 the willfulness of the violation,

9.1.4 the level of professional or public responsibility of the individual,

9.1.5 and any other factors which bear upon the seriousness of the violation.

9.2 The following sanctions may be imposed singly or in combination at the conclusion of an investigation and/or hearing under these rules:

9.2.1 Private Censure: A letter to the respondent, the complainant and the Provincial Executive Committee (PEC) indicating that the respondent has been found to have violated the Code of Ethics, that iLGM disapproves of such conduct, and that, if it is repeated in the future, it may be cause for more serious sanctions. If the complainant is a nonmember, he or she shall be notified that the case was considered and resolved, and that no public action was taken.

9.2.2 Public Censure: Notification to the respondent, complainant, the PEC and appropriate local government body indicating that a violation of the code took place and that iLGM strongly disapproves of such conduct and the nature of the sanction(s) imposed.

9.2.3 Expulsion: A revocation of the respondent's membership privileges.

9.2.4 Membership Bar: A prohibition against reinstatement of the respondent's membership in iLGM.

9.3 Upon receiving documented evidence that a member has been found guilty after trial by a judge or a jury of criminal conduct, which constitutes a violation of the iLGM Code of Ethics and which occurred while the person was a member of iLGM, the CEO shall immediately issue a notice of suspension of membership to that person by registered mail and that person's membership shall be suspended as of the date of that notice. The CEO shall advise the CPC of any such action and shall refer the case to the CPC. The CPC may commence an investigation or it may defer proceedings until the person has exhausted all appeals or the time for appeal has expired. The suspension shall continue in effect until such time as sanctions provided for in these Rules are imposed, or the case is dismissed, in accordance with these Rules.

9.4 A member who has been barred or expelled from membership under these rules may apply for reinstatement to iLGM membership only after a period of at least five (5) years from the date of the bar or expulsion, or from the date of the last review of a request for reinstatement. The barred or expelled former member must submit a written request to the National Executive Committee (NEC) for a reinstatement review and include the reasons why he or she believes it should be considered. Such requests shall automatically be referred to the CPC.

The CPC may ask PECs to provide additional information through a fact-finding process. The CPC will review all the information provided, including any PEC reports, and make a recommendation to the NEC. The former member requesting reinstatement review is entitled to a hearing before the NEC.

10. INITIATION OF PROCEDURES

10.1 Proceedings against an individual for an alleged violation of the Code of Ethics may be initiated by the CEO upon receiving a written complaint or other written information from any source indicating that a violation may have occurred.

10.2 Upon receiving such a written complaint or information, the CEO must ascertain whether it is sufficiently clear and complete to initiate proceedings, and, if so, whether it alleges conduct that may be a violation of the Code of Ethics. If the CEO concludes that the complaint is not sufficiently clear or complete to initiate proceedings, he or she shall

seek further clarification from the complainant or other source before taking any further action.

10.2.1 If the CEO cannot determine whether the conduct alleged, if proven, might violate the Code of Ethics, he or she shall refer the question to the CPC for a ruling. No further action shall be taken with respect to the complaint or information unless the CPC rules that the conduct alleged, if true, may constitute a violation of the code.

10.2.2 If the CEO concludes that the complaint is sufficiently clear and complete to initiate proceedings, and may, if proven, indicate a violation of the code, a copy of the complaint or information shall be forwarded by registered mail to the respondent named in the complaint or information. The respondent shall be informed at the time of the provisions of the code which he or she is alleged to have violated. The CEO may also request that the respondent answer specific questions pertaining to the alleged violation.

10.2.3 The respondent shall be given thirty (30) days within which to respond in writing to the complaint or information, to provide any further information or material he or she considers relevant to the allegations, and to answer any specific questions asked by the CEO.

10.2.4 As soon as the respondent's response is received, but in no event more than thirty (30) days after written notice of the alleged violation has been given to the respondent, the CEO shall refer the case to the CPC for proceedings in accordance with these rules.

11. INVESTIGATIONS

11.1 Upon receiving a case of an alleged violation of the Code of Ethics from the CEO, the CPC shall commence an investigation into the allegations.

However, no investigation shall be required if:

11.1.1 the respondent admits to the violation in his or her initial response, or

11.1.2 the respondent has already entered a guilty plea, or has been found guilty and has exhausted all appeals, in a criminal case involving the same conduct.

11.2 In all cases other than those in which an investigation is not required, the CEO, at the request of the CPC, shall request the PEC for the province in which the violation is alleged to have occurred to appoint an iLGM fact-finding committee to conduct the investigation. If the violation is alleged to have occurred in more than one province, at least one member of the committee shall be from the province involved.

In the event that there is no active PEC in a province, the CPC shall appoint an iLGM fact-finding committee from one or more province(s) for this purpose.

11.2.1 The fact-finding committee shall consist of not less than three (3) iLGM members. No one other than an iLGM member may serve on the iLGM fact-finding committee.

11.2.2 A fact-finding committee must be appointed within fifteen (15) days of the request being made.

11.2.3 The fact-finding committee shall afford the respondent an opportunity to meet with the committee in person and may, at its discretion, afford such an opportunity to the complainant as well. The respondent may appear at such a meeting personally and

be accompanied by a representative. Alternatively, the respondent may appear through a representative.

11.2.4 The fact-finding committee shall prepare and maintain notes of all meetings and interviews with the respondent, the complainant, and any witnesses, and may request any such person to sign a statement prepared on the basis of those notes. The respondent shall be entitled to review these notes and statements, and any other documentary evidence gathered in the course of the investigation, and shall be afforded the opportunity to respond in writing thereto.

11.2.5 The fact-finding committee shall take all reasonable steps to ascertain the facts relevant to the case, including, but not limited to, interviews with witnesses, review of the respondent's submission(s), and examination of all published material judged to be relevant and reliable.

11.2.6 Within sixty (60) days of the appointment of the fact-finding committee, the investigation shall be concluded, and a written report of the committee's proposed findings of fact shall be sent to the CEO and the respondent. Each finding must be supported by reliable and relevant evidence which has been made available to the respondent for review.

12. DECISIONS

12.1 The CPC shall promptly review the fact-finding committee's proposed findings of fact and shall ascertain whether they are supported by sufficient reliable and relevant evidence.

12.1.1 If the evidence is not sufficient, the CPC may either

12.1.1.1 dismiss the case; or

12.1.1.2. return it to the fact-finding committee for further investigation in accordance with these rules; or

12.1.1.3 set the case for a hearing in accordance with these rules.

12.1.2 If the CPC determines that the proposed findings are supported by the evidence, it shall determine whether they demonstrate that a violation of the Code of Ethics has occurred. If not, it shall dismiss the case and so advise the respondent, the fact-finding committee, the PEC, and the CEO.

12.1.3 If the CPC concludes on the basis of the fact-finding committee's report that a violation has occurred, it shall determine the appropriate sanction(s). The CPC shall then notify the respondent of its intent to adopt the fact-finding committee's report as final, and to impose the specified sanction(s) for the reasons stated, unless the respondent can show that the findings of facts are erroneous, or that the proposed sanctions(s) should not be imposed in light of certain mitigating factors which the CPC did not previously consider. The respondent shall have fifteen (15) days in which to submit a written response to the CPC and/or to request a hearing.

12.1.4 In the event that the respondent makes no submission, and does not request a hearing, the CPC shall promptly adopt the proposed findings and sanction(s) as final and so inform the CEO.

12.1.5 In the event that the respondent makes a written submission, but does not request a hearing, the CPC shall review the submission and may either adopt, or revise

and adopt as revised, the proposed findings and/or sanction(s), as it deems appropriate. The CPC shall promptly notify the CEO of its decision.

12.1.6 In the event that the respondent requests a hearing, the CPC shall refer the case, including its recommended sanction(s), for a hearing before the NEC. Hearings shall be conducted in accordance with these rules. No sanction(s) shall be imposed before the hearing is concluded.

12.2 Upon receiving notice from the CPC of its determination that a private censure is the appropriate sanction, and that the respondent has not requested a hearing, the CEO shall send a letter of private censure to the respondent, with copies to the complainant and the PEC. The case shall then be closed.

12.2.1 No other notification of a private censure shall be made. However, the iLGM may publish the fact that certain kinds of conduct have resulted in the issuance of private censures, provided that no names or identifying details are disclosed.

12.3 Upon receiving notice from the CPC of its determination that a public censure, expulsion, or membership bar is the appropriate sanction, and that the respondent has not requested a hearing, the NEC may vote to adopt the recommended decision of the CPC, to modify said decision, or to dismiss the case without imposing sanctions. The respondent shall be immediately notified of the decision of the NEC and the sanction, if any, shall be implemented.

13. HEARINGS

13.1 These procedures shall govern all hearings conducted pursuant to these rules.

13.2 No NEC member may hear any case if his or her participation in that case would create an actual or apparent conflict of interest.

13.3 Within ten (10) days of receiving a request for a hearing, the CEO shall notify the respondent by registered or certified mail that a hearing has been scheduled before the NEC. The hearing date shall be at least fifteen (15) days after the date the notice is postmarked.

The notice shall also state that the respondent has the following rights:

13.3.1 To appear personally at the hearing;

13.3.2 To be accompanied and represented at the hearing by an attorney or other representative;

13.3.3 To review all documentary evidence, if any, against him or her in advance of the hearing;

13.3.4 To cross-examine any witness who testifies against him or her at the hearing; and

13.3.5 To submit documentary evidence and to present testimony, including the respondent's, in his or her defence at the hearing.

13.4 The NEC shall not be bound by any formal rules of evidence but may accord appropriate weight to the evidence based on its relevance and reliability.

13.4.1 The fact-finding committee's report shall be admissible evidence at the hearing.

13.4.2 The NEC may not hear evidence of any alleged ethics' violation by the respondent that was not the subject of the initial investigation.

13.5 At any hearing conducted under these rules, the CPC shall first present evidence in support of its recommended decision. Upon conclusion of its presentation, the respondent shall have the opportunity to present evidence in his or her defense.

13.6 Within five (5) working days of the conclusion of the hearing, the NEC shall render a decision in the case.

13.6.1 The decision shall be in writing and shall include a statement of the reasons therefore. Only evidence which was put before the NEC may be considered as a basis for the decision.

13.6.2 The NEC's decision may be to:

13.6.2.1 Dismiss the case;

13.6.2.2 Adopt the findings and sanction(s) recommended by the CPC; or

13.6.2.3 Revise, and adopt as revised, the findings and/or sanction(s) recommended by the CPC.

However, the NEC may not increase the sanction(s) recommended by the CPC unless new evidence, not previously available to the CPC, is disclosed at the hearing, which indicates that the respondent's violation was more serious. No sanction may be imposed for any violation of which the respondent had no prior notice.

13.6.3 A copy of the written decision of the NEC shall be sent immediately by registered mail to the respondent, the CPC, the PEC, and the CEO.

13.6.4 Promptly after receiving a copy of the written decision, the CEO shall implement the sanction(s), if any, imposed by the NEC in accordance with the rules.

INSTITUTE FOR LOCAL GOVERNMENT MANAGEMENT
DESIGNATIONS ACCREDITATION FRAMEWORK
JUNE 2013

Introduction: The objectives of this framework are to set the rules and parameters whereby the association accredits members professionally to use certain professional designations. The framework is based on the competency profile for Municipal Managers published by the department of cooperative governance, as required by regulations in terms of the Municipal Systems Amendment Act of 2011.

Designations: The association accredits members with the designation “accredited municipal manager”, abbreviated as “AMM”, using the competency profile as the benchmark for this designation and a peer review process.

Application process: Members apply for accreditation by completing the application form provided on the website of the association and forwarding to the secretariat complete with evidence of academic qualifications, work experience and industry testimonials. Evidence to be provided accordingly and ordered according to the sections of the competency profile as gazetted from time to time.

Accreditation committee: The applications for accreditation are evaluated on a quarterly basis at sittings of the accreditation committee and applicants are advised of the outcome of the application process no later than one week after the sitting of the accreditation committee.

Peer interview: The applicant will attend meetings of the accreditation committee at own expense and will make him or herself available for an interview based on the evidence provided.

Candidate AMM: Applicants that meet the academic and affiliations requirements of the skills profile, but who cannot demonstrate competence in all the categories of experience and expertise, may be classified as “Candidate Accredited Municipal Managers” abbreviated as “CAMM” if the accreditation committee is of the opinion that the candidate is in a suitable work situation to acquire the required competencies in the following three years. The CAMM candidate will need to re-apply again when a stronger body of evidence is on hand.

Fees: The board will from time to time set a fee for members to apply for accreditation, at a level suitable to recover the costs of the accreditation committee members and the estimated administrative costs of the process.

Composition of the accreditation committee: The board appoints an accreditation committee consisting of four members, of whom two must be well experienced municipal managers in good standing and two members must be independent and suitable academics in the field of municipal management, who are not members of the association. Members of the board are not permitted to serve on the accreditation committee.

**INSTITUTE FOR LOCAL GOVERNMENT MANAGEMENT
CONTINUOUS PROFESSIONAL DEVELOPMENT POLICY
JUNE 2013**

Introduction: The objectives of this policy are to set the standards and requirements for members to uphold an appropriate level of knowledge and expertise associated with their respective professional designations, after accreditation.

Standards: The expectation is that members, who have been accredited by the association for a particular professional designation, maintain their level of knowledge and expertise at a level that employers and the public can rely on and to protect the reputation of the designation and the profession.

Compliance: This policy will in the first instance be the responsibility of the member and in the second instance that of the members' employer organisation, who will be expected to develop and maintain their competencies on an on-going basis.

Monitoring: Accredited members will, during each and every calendar year, participate in professional developmental activities in the classes as indicated below, for which a number of so called CPD points will be accumulated to a total of no less than forty points.

Reporting: Members will be required to report to the association, annually, by the end of March on qualifying activities that the member participated in, using a form made available on the website of the association.

Deferment: Members who do not comply with the required level of CPD points may apply for deferment of the requirements, failing which the management board may downgrade or suspend accreditations previously awarded.

Type of CPD activity	Description	Points Awarded
Conferences and workshops	iLGM,SALGA,IMFO,DoF,COGTA,SOLACE,similar	One point per hour
Committees and workgroups	iLGM,SALGA,IMFO,DoF,COGTA,SOLACE,similar	One point per hour
Other Activities	Industry papers, research, projects	board discretion
Formal training courses	Must relate to work environment	One point per hour

While there is no formal accreditation processes of events prescribed, the NEC will annually audit the scope of events and activities claimed for points by members and may disallow points that are deemed irrelevant to particular accredited designations.