

*Professionalisation as an intervention to
achieving stability within local government:
Advocating the need for legislative reform*



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PROPOSED LOCAL GOVERNMENT: PROFESSIONAL MANAGEMENT ACT



- ❧ The SALGA Human Resources Policy Conference held in Limpopo in 2010 fully endorsed the professionalisation of local government management at all levels.
- ❧ Special ILGM Strategy Conference held in Durban in June 2011 provided an overwhelming mandate for the professionalisation of local government management agenda to be vigorously pursued.
- ❧ At the ILGM Strategy Conference, a tri-partite relationship between ILGM, SALGA and the National Department of Cooperative Governance was established and affirmed to collectively drive the **professionalisation of local government management in the RSA.**
- ❧ Various consultations with SALGA, the National Department of Cooperative Governance and the Parliamentary Committee have taken place subsequently.
- ❧ The ILGM has now completed drafting the proposed Legislation & Ministerial Regulations and is ready to be submitted to Parliament via the processes of the National Department of Cooperative Governance.

DEFINITION OF A PROFESSION



- ❧ While there is no agreed definition of a profession, the Australian Council of Professions (Professions Australia) defines a profession as:
- ❧ *'A disciplined group of individuals who adhere to high ethical standards and uphold themselves to, and are accepted by, the public as possessing special knowledge and skills in a widely recognised, organised body of learning derived from education and training at a high level, and who are prepared to exercise this knowledge and these skills in the interest of others'.*
- ❧ Inherent in this definition is the concept that the responsibility for the welfare, health and safety of the community shall take precedence over other considerations.'
- ❧ (Dr John Southwick, 'Australian Council of Professions' view', during proceedings of a joint conference on competition law and the professions, Perth, April 1997)

EXAMPLES OF PROFESSIONS INCLUDE:



❧ DOCTORS, DENTISTS, PHYSIOTHERAPISTS, PODIATRISTS, PHARMACISTS , NURSES, ARCHITECTS, ENGINEERS, VETERINARIANS, SURVEYORS, CITY & REGIONAL PLANNERS, LAWYERS, TEACHERS, SOCIAL WORKERS, CHARTERED ACCOUNTANTS.

LOCAL GOVERNMENT: PROFESSIONAL MANAGEMENT ACT



- ❧ To provide for the establishment of the South African Professional Local Government Management Council (**SAPLGMC**) for the purposes of registration of Certified Municipal Managers, Professional Municipal Managers, Practicing Local Government Managers, Auxillary Local Government Managers, Community Service Local Government Management Interns , Non-practing Local Government Managers & Learner Local Government Managers, & for matters connected therewith; & for the statutory recognition of the Institute For Local Management Management of South Africa (ILGM) as a Professional Institute for the purposes of professional development, education & training of Local Government Managers in General.

REGISTRATION OF PRACTITIONERS



- ❧ It would be compulsory for all Municipal Managers and local government managers to register with the proposed South African Local Government Management Council (SAPLGMC);
- ❧ There are seven (07) categories of registration which will be discussed hereunder;
- ❧ Each category has its own specific requirements;
- ❧ The intention is to be inclusive of all local government officials rather than being exclusive;
- ❧ This inclusive approach would ensure that professionalism is mainstreamed throughout local government.

Categories of Registration: 01



❧ CERTIFIED MUNICIPAL MANAGER (CMM)

- ❧ A Certified Municipal Manager means a currently employed municipal manager who has passed the professional practice examinations of the South African Professional Local Government Management Council (SAPLGMC) and is a person who is qualified and competent to practice comprehensive senior executive local government management in the manner and to the level prescribed and who is capable of assuming responsibility and accountability for such practice.

Categories of Registration: 02



❧ Professional Municipal Manager (PMM)

❧ A Professional Municipal Manager means a currently employed municipal manager who possess the minimum prescribed qualifications and who is qualified and competent to practice executive local government management in the manner and to the level prescribed and who is capable of assuming responsibility and accountability for such practice.

Categories of Registration: 03



❧ Practicing Local Government Manager (PLGM)

- ❧ A practicing local government manager means a person holding a senior, middle and junior local government management position in a municipality and who is educated to practice local government management in the manner and to the level prescribed.

Categories of Registration: 04



❧ Auxillary Local Government Manager (ALGM)

- ❧ An auxillary local government manager means –
- ❧ (a) a local government official who does not hold a management position but who reports to a local government manager and who is educated to assist local government managers in the administration and management of municipal service delivery; or
- ❧ (b) a person who provides consultancy services to local government management at all levels within a municipality.

Categories of Registration: 05



❧ Community Service Local Government Management Intern (CSLGMP)

- ❧ A community service local government management intern is a person who has completed a prescribed qualification in local government management and who serves a prescribed period of service within a municipality.

Categories of Registration: 06



❧ Non-practicing local government manager (NPLGM)

❧ A non-practicing local government manager is a person who is retired from actively practicing local government management in a salaried or consulting capacity.

Categories of Registration: 07



❧ Learner local government manager (LLGM)

- ❧ A learner local government manager is a person who is registered as a post-graduate student at an institution of higher learning pursuing a course in local government management or public management with a specialisation in local government management.

South African Professional Local Government Management Council (SAPLGMC)



❧ OBJECTIVES

- ❧ Protect the public in matters involving local government management generally and the management of municipal service delivery in particular;
- ❧ Promote the professional administration and management of municipal services;
- ❧ Establish, improve, control conditions, standards and quality of local government education and training;
- ❧ Maintain professional conduct and practice standards for local government management practitioners

SAPLGMC



- ❧ The SAPLGMC would consist of 20 members appointed by the Minister.
- ❧ 12 members will be appointed by the Minister upon recommendation by the ILGM;
- ❧ 1 person must be an officer of the National Department of Cooperative Governance;
- ❧ 1 person must have special knowledge of the Law;
- ❧ 1 person must have special knowledge of financial matters;
- ❧ 2 persons must represent organized labour; and
- ❧ 3 persons must represent organized local government

SAPLGMC



- ❧ The SAPLGMC is a juristic persona;
- ❧ Minister appoints:
 - ❧ Chairperson,
 - ❧ Vice-Chairperson
 - ❧ Registrar (CEO & Accounting Officer)
- ❧ The SAPLGMC will be audited by the Auditor-General of South Africa.

SAPLGMC



- ❧ The SAPLGMC will have powers with regards to unprofessional conduct and establish procedures of inquiry, disciplinary hearings, suspensions, removing of registered members from the Roll of Local Government Management Practitioners;
- ❧ It is important to note that the Employer Municipality reserves its right to discipline its employees;
- ❧ The SAPLGMC's role is to protect the dignity and image of the Local Government Management Profession;
- ❧ The SAPLGMC will enforce its Code of Professional Conduct & Ethics and if there are any breaches thereto the appropriate corrective and disciplinary action will be taken.

SAPLGMC



- ❧ Code of Professional Conduct & Ethics Regulations
- ❧ Disciplinary Regulations;
- ❧ Continuing Professional Development (CPD) Regulations;
- ❧ Nomination of Council Members Regulations;
- ❧ Registration Regulations

PROPOSED MINISTERIAL REGULATION ON THE CODE OF PROFESSIONAL CONDUCT & DISCIPLINARY PROCEDURES IN TERMS OF THE LOCAL GOVERNMENT: PROFESSIONAL MANAGEMENT ACT



- ❧ The Principles of the Code is derived from the general values of society and from the Local Government Management's special responsibility to serve the public interest;
- ❧ The Code will be:
 - ❧ - A measure of attainment of societal values in pursuit of the public interest goal;
 - ❧ - A measure of good or bad behaviour;
 - ❧ - A measure of our commitment to the Local Government Management Profession;
 - ❧ - A measure of our accountability to the public we serve.

PROPOSED MINISTERIAL REGULATION ON THE CODE OF PROFESSIONAL CONDUCT & DISCIPLINARY PROCEDURES IN TERMS OF THE LOCAL GOVERNMENT: PROFESSIONAL MANAGEMENT ACT



- ❧ The Profession of Local Government Management requires that we commit ourselves as members of this profession to doing what is correct and honourable. The purpose of this Code is to:
 - ❧ - Set high standards for ourselves and aspire to meet these standards in all aspects of our lives – at work, at home, and in the service to our profession;
 - ❧ - Describe the expectations that we have of ourselves and our fellow professionals in the global village of managers in the local government community;

PROPOSED MINISTERIAL REGULATION ON THE CODE OF PROFESSIONAL CONDUCT & DISCIPLINARY PROCEDURES IN TERMS OF THE LOCAL GOVERNMENT: PROFESSIONAL MANAGEMENT ACT



- ❧ - Articulate the ideals to which we aspire as well as the behaviours that are mandatory in our professional and volunteer roles;
- ❧ - Instill confidence in the Local Government Management Profession and to help us become better professionals. We do this by establishing a profession-wide understanding of what is collectively agreed upon as appropriate behaviour;
- ❧ - Promote collective rational interest as opposed to rational self-interest;

PROPOSED MINISTERIAL REGULATION ON THE CODE OF PROFESSIONAL CONDUCT & DISCIPLINARY PROCEDURES IN TERMS OF THE LOCAL GOVERNMENT: PROFESSIONAL MANAGEMENT ACT



- ❧ - Assist Local Government Managers to make appropriate decisions when confronted with difficult situations where we may be tempted to compromise our integrity or our values;
- ❧ - Create a model that will serve as a catalyst for others to study, deliberate and write about ethics and values;
- ❧ - Build a strong foundation that will grow our profession.

PROPOSED MINISTERIAL REGULATION ON THE CODE OF PROFESSIONAL CONDUCT & DISCIPLINARY PROCEDURES IN TERMS OF THE LOCAL GOVERNMENT: PROFESSIONAL MANAGEMENT ACT



❧ KEY PRINCIPLES FOR ETHICAL BEHAVIOUR

- ❧ 1. INTEGRITY
 - ❧ 2. RESPONSIBILITY
 - ❧ 3. RESPECT
 - ❧ 4. FAIRNESS
 - ❧ 5. HONESTY
- ❧ Each of the above-mentioned principle will have an 'Aspirational Standard' & a 'Mandatory Standard' linked to it.

PROPOSED MINISTERIAL REGULATION ON THE CODE OF PROFESSIONAL CONDUCT & DISCIPLINARY PROCEDURES IN TERMS OF THE LOCAL GOVERNMENT: PROFESSIONAL MANAGEMENT ACT



❧ DISCIPLINARY PROCEDURES

❧ The SAPLGMC has to ensure that municipal managers and local government managers do not breach the Code of Professional Conduct & Ethics; to protect the dignity of the profession and to revise the Code on a continuous basis. Its core objectives are:

❧ To enforce, maintain and implement the Code of Professional Conduct & Ethics for municipal managers and local government managers in South Africa.

PROPOSED MINISTERIAL REGULATION ON THE CODE OF PROFESSIONAL CONDUCT & DISCIPLINARY PROCEDURES IN TERMS OF THE LOCAL GOVERNMENT: PROFESSIONAL MANAGEMENT ACT



- ❧ The proposed Ministerial Regulation also covers the procedures of an alleged breach of the Code and outlines the procedure in terms of the Rules of Natural Justice on how the SAPLGMC should act:
 - ❧ - Investigation of alleged breach of the Code
 - ❧ - Opportunity for member to make submissions to Panel
 - ❧ - Recommendations of the Panel;
 - ❧ - Decisions of the SAPLGMC
 - ❧ - Appeals against the recommendations of the Panel
 - ❧ - The Appeal.

PROPOSED MINISTERIAL REGULATION ON CONTINUOUS PROFESSIONAL DEVELOPMENT (CPD) IN TERMS OF THE LOCAL GOVERNMENT: PROFESSIONAL MANAGEMENT ACT



❧ OBJECTIVES OF THE CPD SYSTEM

- ❧ CPD is introduced for all registered persons in order to:
 - ❧ - ensure, through the creation of a culture of CPD, that all registered persons maintain their competence throughout their period of registration;
 - ❧ - meet the requirements of the Act;
 - ❧ - be the acceptable means for renewal of registration;
 - ❧ - meet the requirements for recognition of the SAPLGMC's assessment process with regard to international agreements; and
 - ❧ - ensure that those South African registered persons meet the requirements for their continued international registration.

PROPOSED MINISTERIAL REGULATION ON CONTINUOUS PROFESSIONAL DEVELOPMENT (CPD) IN TERMS OF THE LOCAL GOVERNMENT: PROFESSIONAL MANAGEMENT ACT



❧ WHAT IS CPD?

- ❧ CPD can be defined as the systematic maintenance, improvement and broadening of knowledge and skills, and the development of personal qualities necessary for the execution of professional and technical duties throughout a person's local government management career.
- ❧ The SAPLGMC's definition is widely drawn and not prescriptive so as to remain flexible enough to be relevant to all registered persons at all stages of their careers. The emphasis for meeting CPD requirements is not on the acquisition of credits for the attendance of academic or theoretical courses alone, but has been spread over 3 categories of activities, which would contribute to meeting the minimum CPD credits needed for renewal of registration.

PROPOSED MINISTERIAL REGULATION ON CONTINUOUS
PROFESSIONAL DEVELOPMENT (CPD) IN TERMS OF THE
LOCAL GOVERNMENT: PROFESSIONAL MANAGEMENT
ACT



❧ CATEGORIES OF ACTIVITIES FOR CPD
CREDITS

- ❧ Category 01: Developmental Activities
- ❧ Category 02: Work-based Activities
- ❧ Category 03: Individual Activities

PROPOSED MINISTERIAL REGULATION ON CONTINUOUS PROFESSIONAL DEVELOPMENT (CPD) IN TERMS OF THE LOCAL GOVERNMENT: PROFESSIONAL MANAGEMENT ACT



☞ CATEGORY 01: DEVELOPMENTAL ACTIVITIES

☞ Attendance of structured educational / developmental meetings will be credited with one credit per 10 hours of attendance (an example). A full day activity will be regarded as being for 10 hours and a half-day activity will be regarded as 5 hours and hence a half credit. A maximum of 4 credits (40 hours) may be accumulated annually under this category:

- ☞ - Conferences
- ☞ - Congresses
- ☞ - Large group workshops;
- ☞ - Lectures
- ☞ - Seminars
- ☞ - Refresher courses
- ☞ - Colloquiums

PROPOSED MINISTERIAL REGULATION ON CONTINUOUS PROFESSIONAL DEVELOPMENT (CPD) IN TERMS OF THE LOCAL GOVERNMENT: PROFESSIONAL MANAGEMENT ACT



❧ CATEGORY 2: WORK-BASED ACTIVITIES

- ❧ A different formula is used to calculate credits in this category. Since registered persons also remain current by performing their day-to-day local government management responsibilities, a weighting of 1 credit for every 400 hours per year for local government related work (including management) is awarded for this category. A maximum of 2 credits for 800 hours per year may be earned in respect of this activity.
- ❧ In addition, the mentoring of candidate persons in the workplace will be recognized as CPD with a maximum of 1 credit for 50 hours of mentoring per year. In-house skills training sessions organized by the employer municipality and career guidance for candidates may also be presented under this sub-category.

PROPOSED MINISTERIAL REGULATION ON CONTINUOUS PROFESSIONAL DEVELOPMENT (CPD) IN TERMS OF THE LOCAL GOVERNMENT: PROFESSIONAL MANAGEMENT ACT



☞ CATEGORY 03: INDIVIDUAL ACTIVITIES

- ☞ Membership of a SAPLGMC recognized voluntary association (local government management / municipal society / institution or institute) will result in a maximum of one credit per annum.
- ☞ Other activities include and will be credited as follows:
 - ☞ - Part-time lecturing to under-graduate and post-graduate students; 1 credit for every 10 hours of lecturing;
 - ☞ - Supervision of students undertaking postgraduate studies: 2 credits per year;
 - ☞ - Evaluation of Masters and Doctoral Students dissertations and theses by external examiners: 2 credits per year;
 - ☞ - Evaluation of final year students by external examiners by external examiners: 1 credit per year;

PROPOSED MINISTERIAL REGULATION ON CONTINUOUS PROFESSIONAL DEVELOPMENT (CPD) IN TERMS OF THE LOCAL GOVERNMENT: PROFESSIONAL MANAGEMENT ACT



- ❧ - Publication of research in peer reviewed journals: a single author: 2 credits per publication; where a paper has a number of authors: 1 credit per publication per author;
- ❧ - Publication of technical articles: 1 credit per article published;
- ❧ - Papers presented at conferences or congresses : 1 credit each;
- ❧ - Participation in statutory, professional, institutional, technical or non-technical committees or task groups: 1 credit for every 10 hours of active participation;
- ❧ - Evaluation of educational programmes at Universities for accreditation purposes: 1 credit for every 10 hours of active involvement;
- ❧ - Evaluation of educational qualifications for the SAPLGMC's qualifications Examination Committee: 1 credit for every 10 hours of active involvement.

PROPOSED MINISTERIAL REGULATION ON CONTINUOUS PROFESSIONAL DEVELOPMENT (CPD) IN TERMS OF THE LOCAL GOVERNMENT: PROFESSIONAL MANAGEMENT ACT



- ❧ - Evaluation of competence and applications for registration for the SAPLGMC's Registration Committees and Professional Advisory Committees: 1 credit for every 10 hours of active involvement;
 - Relevant additional qualifications (these are exceptional allocations):
A completed post-graduate qualification: 5 credits;
- ❧ - Self-study which includes, but is not restricted to studying of journals or electronic or computerized material: 1 credit for every 10 hours of study. All activities under this item must be verified.
- ❧ A maximum of 3 credits (30) hours may be accumulated under this portion of this category, with the exception stated above for post-graduate studies.

PROPOSED MINISTERIAL REGULATION ON CONTINUOUS PROFESSIONAL DEVELOPMENT (CPD) IN TERMS OF THE LOCAL GOVERNMENT: PROFESSIONAL MANAGEMENT ACT

☞ CPD POLICY

- ☞ The CPD Policy consists of 14 sections, namely:
 - ☞ - Background
 - ☞ - Objective of the CPD System
 - ☞ - What is the CPD
 - ☞ - Administration
 - ☞ - Role of Employer Municipalities of Registered Municipal Managers & Local Government Managers
 - ☞ - Application of Policy for various categories of registration
 - ☞ - Possible exemptions from CPD Requirements
 - ☞ - CPD Requirements
 - ☞ - Categories of Activities for CPD Credits
 - ☞ - Role of recognised voluntary associations and accredited tertiary educational institutions
 - ☞ - Approval of providers of CPD activities
 - ☞ - Process of renewal of registration
 - ☞ - Audit
 - ☞ - Non-Compliance

PROPOSED MINISTERIAL REGULATION PERTAINING TO REGISTRATION OF LOCAL GOVERNMENT MANAGEMENT PRACTITIONERS IN TERMS OF THE LOCAL GOVERNMENT: PROFESSIONAL MANAGEMENT ACT



- ❧ - Particulars to be kept in the Register for local government management practitioners;
 - ❧ - Categories of registration for practitioners;
 - ❧ - Application for registration;
 - ❧ - Application for Registration based on a foreign qualification;
 - ❧ - Change of particulars entered in the Register;
 - ❧ - Correction of errors in the registers;
 - ❧ - Removal from the Register;
 - ❧ - Restoration to the Register;
 - ❧ - Suspension from practicing;
 - ❧ - Annual Practicing Certificate;
 - ❧ - Duplicate Certificate of Registration;
 - ❧ - Certificate of Status.
- ❧ **VARIOUS PRO FORMA REGISTRATION DOCUMENTS HAVE BEEN COMPILED.**

PROPOSED MINISTERIAL REGULATION ON NOMINATION OF COUNCIL MEMBERS TO THE SAPLGMC IN TERMS OF THE LOCAL GOVERNMENT: PROFESSIONAL MANAGEMENT ACT



- ❧ - Nomination of Members of Council
- ❧ - Nomination Requirements
- ❧ - Returning Officer
- ❧ - Selection Process
- ❧ - Appointment of Members of the Council
- ❧ - Pro Forma Nomination Form



THANK
YOU.