Developing an ethics strategy for the National Department of Human Settlements

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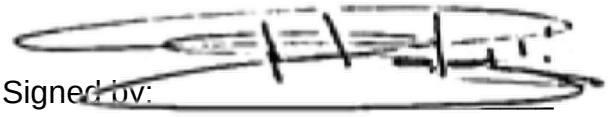
DECLARATION

I, Ledile Evah Malatji, hereby declare that this dissertation titled ***"Developing an ethics strategy for the National Department of Human Settlements (NDHS)***", submitted in fulfilment of the requirements of the degree Master of Arts in Public Administration at the North-West University, Potchefstroom Campus, is my own work and has not previously been submitted by me to any other University. I understand that copies of this dissertation submitted for examination will remain the property of the North-West University.

Signed by:  Date: 17 February 2025

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"It always seems impossible until and unless you have actually been able to achieve it. We often refuse to do things only because we think that we are not capable of achieving the goal that we have set for ourselves."- Nelson Mandela,

ABSTRACT

The study on ethics and/or integrity management seeks to develop an ethics strategy for the National Department of Human Settlements. In recent reports by the Auditor General South Africa (2024), “there were 266 material irregularities on non-compliance and suspected fraud. This had resulted in 240 material financial losses amounting to R14.34 billion; 09 nine instances of misuse of a material public resource, 03 causing substantial harm to the general public, and 14 causing substantial harm to public sector institutions. So far, 79 of the material irregularities have been resolved. 75 appropriate actions had been taken, and 32 appropriate actions had not been taken. There were 23 recommendations included in the audit report, with eight referrals to other investigating bodies.”

The report to the Portfolio Committee on Human Settlements “highlighted a call to action, which was the accountability ecosystem for role players and human settlement.” (AGSA report to the Portfolio Committee on Human Settlements: 2024)

Therefore, the main objective of the study is to develop an ethics strategy for the National Department of Human Settlements (NDHS). The study has identified three ethics and/or integrity management strategies developed and implemented by the National Department of Corporative Governance, the Department of Public Works and the Department of Planning, Monitoring and Evaluation. The ethics strategies of the three Departments are analysed by utilising the Organisation for Economic Co-operation and Development (OECD) Ethics Management framework.

A comparative analysis assesses the existence of the instruments and processes such as the internal policies, rules, code of conduct and training as an ethics management instrument, and the integration of ethics in respect of the Departments and management processes covers the assessment of the institutionalisation and the integration of ethics management in the culture of the organisation.

Furthermore, in relation to the structures, the study assesses the presence of designated internal structure, personnel or committees, such as the Ethics or Integrity Management Committee, Audit Committee, Risk Management Committee, amongst the others responsible for ethics management. Overall, the study proposes an ethics strategy for the National Department of Human Settlements.

Keywords: Corruption, Ethics, Ethical Leadership, Integrity, Morals, Norms, Strategies, Values.

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CHAPTER ONE

INTRODUCTION AND BACKGROUND OF THE STUDY

1.1. INTRODUCTION

According to Talbot, Perrin and Meakin (2014:109), public institutions are, from time to time, confronted with ethics-related risks that could lead to financial losses and reputational damage. The directive on the disclosure of financial interest by the Department of Public Service and Administration (hereafter referred to as DPSA) acknowledges the need to implement measures to limit the scope of conflict of interest and other forms of unethical conduct in the public service. This is mainly due to a growing expectation on the government to implement measures that foster integrity and ethics in the public service and further prevent corruption (DPSA, 2018:2).

The government has introduced several policies, frameworks and mechanisms to deal with different forms of unethical conduct in the public service. These frameworks, policies and systems include the following: Financial Disclosure Framework, Public Service Regulations, and the Public Service Code of Conduct, amongst other administrative instruments. Despite all these, some public servants continue to engage in different forms of unethical conduct.

A report by the Department of Planning, Monitoring and Evaluation (hereafter referred to as DPME) titled: The Outcome of the Management Performance Assessment Tool (MPAT), issued in 2013, identified a need for government departments to develop an ethics strategy, which will clearly define ethical standards in state departments (DPME, 2019:3). The ethics strategy will further assist in curbing unethical conduct such as fraud, corruption, conflict of interest, maladministration and other forms of unethical conduct, and in the case of this study, the National Department of Human Settlements (hereafter referred to as NDHS). *EthicsSA* (2014:5) argues that an ethics management strategy and an ethics plan that ensures that employees in public organisations understand and comply with the ethical standards should be developed and implemented.

Therefore, this research investigated the extent and manifestation of unethical conduct, such as corruption, by reviewing relevant literature. The researcher outlined the importance of curbing unethical conduct in the NDHS. The study also reviewed the anti-fraud and corruption regulatory prescripts such as the Public Service Regulations (PSR, 2016), Public Service Code of Conduct (Explanatory Manual on the Code of Conduct for Public Service) (DPSA, 2002:8-62), utilised by the NDHS to curb unethical conduct. The study furthermore provides a

brief overview of the findings and recommendations. The outcome of the study proposed a comprehensive ethics strategy for the NDHS.

1.2. DEFINITION OF THE KEY CONCEPTS

1.2.1. Corruption

According to Amundsen (1997:1), “corruption is a disease, a cancer that eats into the cultural, political and economic fabric of society, and destroys the functioning of vital organs.” Transparency International contended that corruption is one of the biggest concerns of contemporary society. It erodes good government, fundamentally bends public policy, results in the misallocation of government resources, harms the private sector and private sector development and has a serious negative impact on the poor (Transparency International, 2010).

Underkuffler (2005:13), as well as Andvig and Fjeldstad (2001:7), reasoned that “[c]orruption is a complex and multifaceted phenomenon with multiple causes and effects, as it takes on various forms and functions in different contexts. The phenomenon of corruption ranges from the single act of payment contradicted by law to an endemic malfunction of a political and economic system. The problem of corruption has been seen either as a structural problem of politics or economics or as a cultural and individual moral problem. The definition of corruption consequently ranges from the broad terms such as: ‘misuse of public power’ and ‘moral decay’ to strict legal definitions of corruption as bribery involving a public servant and a transfer of tangible resources.”

Based on the definition of corruption, it can be stated that corruption could ultimately lead to the collapse of a government and further have an adverse effect on the provision of service delivery. Therefore, developing the (public) ethics management strategy would be helpful in terms of documenting the measures for mitigating such risks and as such, ensuring that the public funds are utilised and/or directed purely for purposes of service delivery.

1.2.2. Integrity

The literature describes integrity as “wholeness, consistency, conscientiousness, identity, honesty and moral commitment”, which these concepts are mostly used to describe integrity and are often used interchangeably (Pillay, 2014:33-34). The United Nation Development Programme (hereafter referred to as UNDP) (UNDP, 2015:5) asserted that a “person of integrity”, must be “honest, brave, moral, fair, professional and positive, as virtues formulating a person of integrity.” For example, a public servant with integrity will be honest in executing

his or her daily public duties. He or she will not engage in any form of unethical conduct, such as receiving bribes for rendering public service delivery, in which he or she will put a priority on rendering public service delivery such as the provision of housing.

It can be deducted from the aforementioned definitions that integrity is about being honest, fair, having a moral conscience, or being committed in one's actions and words, even when confronted with an ethical dilemma, or when an act of unethical and immoral conduct prevails. Pillay (2014:33) stated that this type of integrity requires one to choose his or her profession based on his or her capabilities and not based on pressure or financial considerations. Subsequently, public service employees with integrity must focus more on achieving the strategic objectives of the public institution in which they are employed. The latter is a stark reminder of Henri Fayol's 14 Principles of Management, in which public servants are advised of the principle of "subordination of individual interest to general interest" (Fayol, 2016). In the context of this study, this principle, in essence, confirms that citizens' and institutional interests take precedence over a public servant's interest. The interests of citizens, and the public institution should thus not be sabotaged by the interest of an individual public servant. "If anyone goes rogue, the institution will collapse" (Fayol, 2016). Within government institutions, the focus is therefore firstly on citizens' needs, thereafter on the preservation of the public institution and how public institutions can efficiently, effectively and economically provide for citizens' basic needs rather than engaging in fraudulent activities.

The (public) ethics management strategy would, therefore, advocate for issues of integrity management within the NDHS as a public institution and to ensure that the employees act with integrity by being honest, fair, having a moral conscience, consistently or being committed in one's actions and words and raising awareness on such moral values.

1.2.3. Ethics

The six connected words such as "ethics, virtues, morals, values, integrity and principles" are often mentioned when researching a topic on ethics (Waggoner, 2010:5, Maape, 2017:13). Waggoner (2015:5) argues that although the aforementioned appear to be interchangeable, each term builds on the other to develop good ethics. Climbing the stairwell of a five-story building is the easiest way to understand how the terms "ethics", "morals", "values" and "integrity" build on each other. It will be required of a person to "begin at the first floor and further continue the climb after reaching each floor" (Waggoner, 2010:5). Therefore, the researcher will briefly outline these terms mentioned above and clarify their respective meanings in the context of this study.

The words "ethics", which in Latin is called "ethic us" and in Greek is called "ethikos" stem from the word "ethos", which means characters or manners (Mahapatra & Paliwal, M, 2018:4). Ethics embodies "honesty, accountability, integrity, empathy and just knowing the difference between what is right and what is wrong" (Johnson, 2019:1). Ethics refers to well-based standards of right and wrong that prescribe what humans ought to do, usually in terms of rights, obligations, benefits to society, fairness, or specific virtues.

Ethics is related to issues of propriety, rightness and wrongness; what is right is ethical, and what is wrong is unethical (Sirswal, 2014:1). For example, an ethical public service employee would utilise state resources, such as municipal funding to the benefit of the citizens of South Africa and the unethical one would engage in unethical conduct such as fraud and conflict of interest, primarily for personal benefit. Therefore, right conduct seeks to benefit the citizens, and unethical conduct entails engaging in corrupt activities, such as receiving bribes, corruption, money laundering etc.

Therefore, ethics in its entirety seeks to resolve the question of human morality by defining right and wrong; however, determining a right from wrong behaviour is not enough, but a commitment to do what is acceptable is critically important. This commitment entails ensuring that the public service delivery obligations, such as the provision of basic services such as housing, water and sanitation, and infrastructure. Furthermore, for the purpose of the study, ethics and integrity management are used interchangeably. According to the Organisation for Economic Cooperation and Development (hereafter referred to as OECD), several previous publications on ethics tend to refer to "ethics"; however, recent publications prefer the term "integrity" instead of ethics. This may indicate "a shift to be more associated with modern styles of integrity management that combine rules-based with values-based approaches" (OECD, 2009:8).

1.2.4. Morals

Waggoner (2010:7) contends that morals are ideas that help individuals decipher between right behaviour and wrong behaviour. According to Anderson Jnr (2013:165), "morality is the hermeneutics of human act and its quality that can be judged as right or wrong in the light of a standardised set of codes"

Therefore, one regards morals as ideas, which differentiate between behaviour, actions and decisions, which could be judged as right or wrong. In the public service, the Public Service Code of Conduct (Explanatory Manual on the Code of Conduct for Public Service) (DPSA, 2002:8-62) clearly outlines and sets out the behavioural standards of public servants. In the

context of the study, the (public) ethics management would, therefore, incorporate the Code of Conduct to ensure that the moral standards of the employees are within the confines of the framework.

1.2.5. Public Values

“Public values are personal beliefs that help guide a person’s life and set the groundwork for ethical development” (Waggoner, 2010:6). Sirswal (2014:2) asserts that “values relate to the norms of a culture, but that such values need to be perceived as more global and abstract than norms. In certain cultural settings, norms reflect the values of respect and support of friends and family. Herein, it is noted that “different cultures reflect different values” (Sirswal, 2014:1). Sirswal (2014:1) further maintains that “when we think of our values, we think of what is important to us in our lives (e.g., security, independence, wisdom, success, kindness, pleasure).” Values thus guide the selection or evaluation of actions, policies, people, and events in which such values serve as standards or criteria (Sirswal, 2014:2).

According to Menzel (2017:39), “viewing [institutional] life through values embedded in its culture has much to offer in leading and building [institutions] of integrity. The ethical culture of a public [institution] then becomes an important subset of the public values that constitute the overall public institutional culture. Public managers who have a firm grasp of this culture understand the importance of (public) ethical values and practices in contributing to the effectiveness of the public institution and are likely to devote time and energy to building and sustaining a public institution of integrity. A cultural perspective, therefore, is among the more promising public institutional perspectives to consider when devising a successful public ethics management strategy.”

In the context of this study, public institutional values should, therefore, be well defined, documented and communicated because what could be regarded as important by one individual, may not be regarded as important by others. Promotion of these public values, such as fairness, transparency, professionalism and others, are important to ensure that common values are shared in the public institution.

1.2.6. Norms

Norms and attitudes, “refer to specific (public) actions, objects, or situations” (Sirswal, 2014:2). Kitts (2008:1) is of the view that “norms are typical patterns of (public) behaviour, and generally accompanied by the expectation that people will behave according to the pattern. Injunctive (public) norms are prescriptive (or proscriptive) rules specifying (public) behaviour that

persons ought (or ought not) to engage in. Such norms are usually informal, emerging from, and operating through everyday social interaction, rather than enforced by the criminal justice system or other formal authority." The typical examples of this pattern of behaviour relate to treating clients or members of the public and others with humility and having respect for others.

Similar to (public) morals and values, the acceptable standard of behaviour in the public service is clearly articulated in the Public Service Code of Conduct. This Code of Conduct sets out the acceptable public official's behavioural standards relating to how public servants in South Africa interact with co-workers, members of the public, stakeholders and other concerned individuals (Explanatory Manual on the Code of Conduct for Public Service), (DPSA, 2002:8-62). However, the researcher is of the view that documenting the Public Service Code of Conduct is not enough, but what is important is that the public servants should be well conversant with the Public Service Code of Conduct (Explanatory Manual on the Code of Conduct for Public Service), (DPSA, 2002:8-62), meaning that the NDHS need to ensure the implementation of the respective Public Service Code of Conduct (Explanatory Manual on the Code of Conduct for Public Service), (DPSA, 2002:8-62), so that public officials are well informed in terms of the set of public behavioural standards. In the context of this study, the (public) ethics management strategy will take cognisance of the normative standards as contained in the Public Service Code of Conduct (Explanatory Manual on the Code of Conduct for Public Service, (DPSA, 2002:8-62) and ensure that the normative standards and values are fully integrated and applied within the systems and procedures of the NDHS (Explanatory Manual on the Code of Conduct for Public Service).

1.2.7. Ethical Public Leadership

Brown, Treviño and Harrison, (2005:120) contend that ethical public leadership is "the demonstration of normatively appropriate conduct through personal actions and interpersonal relationships, and the promotion of such conduct to the followers occurs through two-way communications, reinforcement and decision-making." A leader must be regarded as ethical when his or her moral excellence or righteousness informs the public decision-making process (Cumbo, 2009:76). Heres and Lasthuizen (2010:2) argue that the key element of (public) ethical leadership concerns the quality and the traits of (public) leader-follower relationships. Van Aswegen and Engelbrecht (2009: 228), maintain that (public) ethical leadership "demonstrates the will and ability to strategically position, design, and sustain a (public) institution successfully, to develop (public) employee competence and to direct (public) human and institutional energy in pursuit of public performance and achievement that stand the ethical test of public effectiveness and efficiency."

Therefore, public ethical leadership is a leadership regime that complies with the set public service rules and standards in the execution of day-to-day public duties. Compliance with the set public norms, standards and principles is then observed through the conduct of a public leader, the kind of public decisions he or she keeps and further, having the ability to direct, promote and uphold such public conduct to followers. In simple terms, the researcher holds the view that public ethical leadership is all about doing what is publicly right, therefore, directing the same public ethical beliefs and values to the followers. Leadership ethics would be incorporated into the (public) ethics management strategy, to advocate for a leader who would conduct himself/herself within the confines of the law, leaders who are ethical, accountable and comply with the set public norms, standards and principles as enshrined in the Public Service Code of Conduct (Explanatory Manual on the Code of Conduct for Public Service), (DPSA, 2002:8-62).

1.2.8. Public Institutional Culture

Public institutional culture is "the pattern of basic assumptions that a given group has invented, discovered, or developed in learning to cope with problems of external adaptations and internal integration" (Schein, 1984:3). [Public] culture is a set of common values, norms, beliefs, and ideas shared by members of the same group (Daft, Murphy & Willmott, 2010:374). A [public] culture is often a social phenomenon because cultural items are obtained from individuals living in the same social environment (Hofstede, 2010:3-4).

Based on the above discussions regarding the definition of key concepts, the researcher holds the view that public service norms and standards should be well-defined and documented. However, as the researcher has already indicated, the implementation of the public service norms and standards is important to have common value systems, norms and standards that are shared by the entire public institution. In addressing the main objective of the study, which is to develop a public ethics management strategy, the researcher would therefore take into consideration the standards and values of the NDHS.

1.2.9. Strategy

Nickols (2008:4), defines Strategy as "a general plan of action for achieving one's goals and objectives." Nickols further maintains that "a strategy or general plan of action can be formulated for broad, long-term, corporate goals and objectives, for more specific business unit goals and objectives, or a functional unit, even one as small as a cost centre. Such goals might or might not address the nature of the institution, its culture, the kind of institution its leadership wants it to be, the markets it will or won't enter, the basis on which it will compete,

or any other attribute, quality or characteristic of the institution". As the definition implies, strategy (and tactics) relate to how a given end is to be attained. Together, strategy, tactics as well as legislative and regulatory strictures bridge the gap between ends and means. Resources are allocated or deployed and then employed while executing a given strategy to realise the end in view. "The establishment of the ends to be attained does indeed call for strategic thinking, but it is separate from settling on the strategy that will realise them" (Nickols, 2008:4).

Ungerer *et al*., (2016: 22) assert that "[a] good strategy does more than urge us forward toward a goal or vision; it honestly acknowledges the challenges we face and provides an approach to overcoming them."

Mintzberg and Quinn (1996:3) claim that "a strategy is a pattern or plan that integrates an institution's major goals, policies, and action sequences into a cohesive whole. They posit that a well-formulated strategy helps to marshal and allocate an institution's resources into a unique and viable posture, based on its relative internal competencies and shortcomings, anticipated changes in the environment, and contingent moves by intelligent opponents."

Management expert Henry Mintzberg argued that it can be hard to get a strategy right. To help us think about it in more depth, Henry Mintzberg developed his 5 Ps of Strategy: Five different definitions of (or approaches to) developing the strategy. Therefore, Mintzberg (2009) defines strategy using the "five Ps": plan, pattern, position, perspective and ploy".

The 5 Ps of Strategy were created by Henry Mintzberg in 1987. Each of the 5 Ps represents a different approach to strategy:

"As a Plan, strategy needs to be developed in advance and with purpose. As a Ploy, strategy is a means of outsmarting the competition.

With strategy as a Pattern, we learn to appreciate that what was successful in the past can lead to success in the future.

As for Position, strategy is about how the institution relates to its competitive environment and what it can do to make its products unique in the marketplace.

Perspective emphasises the substantial influence that institutional culture and collective thinking can have on strategic decision-making within an [institution]".

By understanding and applying each of the 5P's, a robust, practical and achievable institutional strategy is developed (Mintzberg, 1987).

1.3. BACKGROUND

Sebola (2018:59) claims that "it is of a very serious concern about the level in which the governments and many non-governmental institutions make noise about improving public administration practice, is that the role players are themselves the ones accused of failing to make an effective public administration possible to function. He further posits that indeed, while politicians and senior public officials are the ones spearheading on public platforms all forms of mechanisms to uproot and reduce unethical practices within the public service, their names feature high in contravening the Constitution, 1996 and promoting unethical conduct in the public administration environment" (Sebola, 2018:59).

The Diagnostic Report of the National Planning Commission (hereafter referred to as the NPC), issued in 2013, reveals that South Africa suffers from high levels of corruption that undermine the rule of law and hinders development and socio-economic transformation (NDP, 2011:466). According to the National Development Plan: Vision for 2030 (hereafter referred to as the NDP) (NDP, 2011), South Africa espouses to be a society in which citizens do not offer bribes and have the confidence and knowledge to hold public and private officials to account. This futuristic ambition may prove to be both ambitious and utopian. Public Service managers are always expected to maintain integrity and high ethical standards, regardless of the prevailing circumstances (NDP,2013:401-410). Furthermore, according to the NDP (2013:467), the vision for 2030 is envisaged to yield positive results in South Africa's public service that ensures zero tolerance for corruption.

Considering the acts of unethical conduct in the public service, the DPSA introduced an e-disclosure system during the year 2001. The e-disclosure system maintains a database of public servants' financial disclosures, a register of designated employees' interests. The primary purpose of the e-disclosure system is to manage conflict of interest and to prevent corruption in the public service. However, with this system in place, there are still some challenges of unethical conduct that are experienced in the NDHS due to several cases of unethical conduct reported to the National Anti-Fraud and Corruption Hotline (NACH:2021). According to the Public Service Commission, NACH Report (2021), between 2020 and 2021, 337 cases were reported via the hotline, thirty-five of these involving appointment and procurement irregularities that the PSC is investigating. The remaining cases were referred to other government departments or law enforcement agencies for investigation. The

Reconstruction and Development Programme (RDP) housing, tender, and social grant irregularities are among the most common allegations made (NACH Report: 2021) and an (Annual Report by the National Department of Human Settlements, 2019:77).

Thus, this calls for developing an ethics strategy for curbing the unethical conduct in the NDHS. Section 195 of the Constitution of the Republic of South Africa, 1996, presents a directive on the basic values and principles governing public administration. Subsection (1) of the Constitution, 1996 (RSA, 1996) stipulates that public administration must be governed by the democratic values and principles that are enshrined in the Constitution, 1996, including the following principle: - "Promotion of a high standard of professional ethics" (RSA, 1996:116).

The Constitution further presents the following values and principles that underpin the ethical behaviour of public servants:

- Efficient, economical, and effective use of resources must be promoted;
- Public administration must be development-oriented;
- Services must be provided impartially, fairly, equitably and without bias;
- People's needs must be responded to, and the public must be encouraged participate in policy-making;
- Public administration must be accountable;
- Transparency must be fostered by providing the public with timely, accessible an accurate information;
- Good human-resource management and career-development practices to maximise human potential must be cultivated; and
- 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 (RSA, 1996:116).

According to Sayeed (2016:46), "Improving public ethics is a fundamental component in enhancing accountability and vice versa. Integrity, probity, impartiality, and frugality form part of the ethical values that embody public officials' behaviour and, consequently, what actions they should perform (Sayeed: 2016:46). Such ethical values can impact performance and the extent to which public officials are willing or unwilling to be accountable for their performance." Ethics and a culture of ethics are needed to resist the abuse of entrusted power for private gain, as well as potential interference, and to protect the anti-corruption agencies' operational independence, thus enabling good governance (Naidoo 2012:26).

Consequently, the Constitution, 1996 (RSA, 1996:72), mandates the public service to uphold high ethical standards. In addition, the departmental ethics strategy is developed to promote high standards of professional ethics and, therefore, assist in preventing unethical conduct in the NDHS.

1.4. PROBLEM STATEMENT

According to section 195(1) of the Constitution of the Republic of South Africa, 1996 (RSA,1996:72), public administration must be governed in terms of democratic values and sound principles, including a high standard of professional ethics that must be promoted and maintained (RSA,1996:72). Besides the overarching constitutional mandate, the government has also introduced several policies, frameworks, and mechanisms for curbing corruption and other forms of unethical conduct in the public service. Furthermore, Frameworks such as public service regulations 2006, a code of conduct, and an e-disclosure system (a system that is utilised to declare financial interest to mitigate unethical conduct such as conflict of interest) have all been developed to curtail corruption and unethical conduct (Public Service Regulations, 2016). Therefore, in achieving the aspirations of the NDP and the constitutional mandate, the (OECD) (1999:12) and Thompson (1999:255) argue that public institutions need to invest in public ethics management because public ethics management is instrumental to the achievement of primary strategic objectives and policy goals. Through ethics management, public institutions can devise some proactive measures well in advance instead of investing in resources such as municipal budgets and time in investigating and prosecuting integrity violations such as grand corruption, fraud, etc. (Thompson, 1999:255). The OECD (1999:7) supports the aforementioned statement by citing that integrity management provides a “forward-looking approach” to mitigate emerging grey areas and all forms of integrity violations.

The term (public) ethics management is not the only alternative referring to such management activity; another preferred term is integrity management. The shift of terminology from (public) ethics management to (public) integrity management was due to “a growing understanding that integrity is a keystone of good (public) governance” and that (public) integrity is a condition for all the activities in government to be legitimate, trusted and effective (OECD, 1999: 8).

The OECD (1999:8) further pronounce that “Public integrity and/or ethics management refers to the activities undertaken to stimulate and enforce integrity and prevent corruption and other integrity violations within a particular public institution. The integrity context of a public institution refers to all the factors, other than the public integrity management framework, that

can have an impact upon the integrity of the members in public sector institutions. This includes factors and instruments both within (the inner public context) and outside (the outer public context) the public institution. The (public) integrity management framework and the (public) integrity context together constitute the integrity framework including all instruments, factors and actors that influence the (public) integrity of the members of an institution" (OECD, 1999:8).

Therefore, (public) ethics and/or integrity management is important in ensuring that the public institution has a clear formal (public) ethics management framework, and the strategy will position the public institution in promoting and maintaining an ethical culture. Most importantly, a public institution will be able to put proactive measures to remedy or mitigate acts of unethical conduct way in advance rather than focusing only on reactive measures such as investigation of fraud and corruption.

According to the Ethics Institute of South Africa (2014:5), a public ethics management strategy and an implementation plan for managing ethics in the public institution must be formulated. This (public) ethics management strategy usually incorporates many aspects and/or activities such as ethics training and communication initiatives, disclosures of financial interest, gifts and hospitalities, merit-based selection, records management, whistle-blowing channels, investigation capacity rewards for ethical conduct, human resources processes for hiring, promoting employees, financial and procurement processes (OECD, 1999: 43-44; Wheeler, 2010:9-11; Aktan 2015:64; UNDP, 2015:31; Wechsler 2013:15; Mahapatra & Paliwal, 2018: 21-22; Ethics Institute SA, 2016: 25; Geeta *et al.,* 2016:4). Rossouw and Van Vuuren (2010:248) allude to the fact that the management of ethics forms an integral part of the (public) ethics management strategy of the public institution, which values integrity.

According to the Ethics Institute of South Africa (2014:5), Kaptein (2014:416), and UNDP (2015:29), implementation of a formal (public) ethics management strategy is necessary to build a culture of (public) ethics in modern institutions. Maape (2017:97) cites that "a well-structured (public) ethics management strategy would lead to an improvement in the ethical conduct of employees and reduce incidents of unethical conduct." (Public) ethics management strategy forms part of the entire integrity management framework according to the (Ethics Institute of South Africa: 2014:5).

The following components of a (public) ethics management strategy are crucial for effective (public) ethics management in the public institution. These components entails leadership and management commitment to ethics, public ethics risk assessment, setting ethical standards through the Public Service Code of Conduct (Ethics Code), the institutionalisation of public

ethics, monitoring and reporting to the assurance providers such as the Ethics Committee, Audit Committee, (OECD, 1999: 12, Ethics Institute of South Africa, 2014:6-10, Ethics Institute of South Africa, 2014: 22-26, Kaptein, 2014:416, UNDP, 2015:29, Maape, 2017: 97; Schoeman, 2012:61).

The study intends to unpack the manifestation of unethical conduct within the public service with specific reference to the NDHS. The reason for outlining the manifestation of unethical conduct in the public service and the aforementioned state department is to depict a picture of the challenges of unethical conduct in the public service. However, it is important to indicate that an ethics strategy will be proposed for the NDHS in this study.

According to Transparency International, South Africa was ranked 73 out of 180 countries that participated in a Transparency International survey (2018), which ranks participating countries according to their perceived levels of corruption in the public sector. The Transparency International Corruption Perception Index gave South Africa a score of 43, the same score earned in 2017 that was shared by Corruption Watch. The index is considered as the leading global indicator of public sector corruption, which uses a scale of zero to 100, where zero is highly corrupt and 100 is very clean. South Africa remains in the group of countries that scored below 50 (Transparency International, 2018).

In recent reports by the Auditor General South Africa (2024), “there were 266 material irregularities on non-compliance and suspected fraud. This had resulted in 240 material financial losses amounting to R14.34 billion; 09 nine instances of misuse of a material public resource, 03 causing substantial harm to the general public, and 14 causing substantial harm to public sector institutions. So far, 79 of the material irregularities have been resolved. 75 appropriate actions had been taken, and 32 appropriate actions had not been taken. There were 23 recommendations included in the audit report, with eight referrals to other investigating bodies.”

The report to the Portfolio Committee on Human Settlements “highlighted a call to action, which was the accountability ecosystem for role players and human settlement.” (AGSA report to the Portfolio Committee on Human Settlements: 2024).

Furthermore, according to the 2018/19 Annual Report by the National Department of Human Settlements (2019:77), “18 complaints/ allegations were received for the year under review. 15 complaints/ allegations were handled/ investigated. 01 fraudulent payment was referred to the Directorate for Priority Crime Investigation for criminal investigations and possible prosecution. 02 fraudulent scam cases were referred to the South African Police Services for

criminal investigation. 02 cases were transferred to the Agriculture, Land Reform and Rural Development since it falls under its jurisdiction (Deeds Office matter)."

The trends analysis identified included allegations of fraudulent payments, Corruption, Misallocation of low-income houses, illegal occupation of low-income houses, fraudulent sales of houses, and fraudulent allocation of Scholarship and fraudulent awarding of low-income houses (Annual Report by the National Department of Human Settlements 2019:77). The deficiencies above provide a clear indication the Department is confronted with several challenges of unethical conduct. Therefore, it is crucial to put in place the measures for curbing this conduct. The problem, therefore, is that this study will investigate whether the existing ethics strategies within the public service are effective in curbing unethical conduct within the public service. The study will further conduct a thorough analysis of the existing ethics strategies currently implemented by other Government departments in the Republic of South Africa compared to the international standards and, therefore, propose an ethics strategy for the NDHS.

1.5. RESEARCH QUESTIONS

The following research questions will assist in unpacking the research problems identified in the study:

a) What is the content of a theoretical framework that underpins issues of ethics and/or ethics management in a public institution?
b) What are the causes, types, and manifestations of unethical conduct the NDHS?
c) How effective are existing policies, legislative framework, and systems and strategies for curbing unethical conduct in the NDHS?
d) Which ethics strategy could be developed for the NDHS based on a comparative analysis of ethics strategies implemented by other government departments through the utilisation of the institution for economic cooperation and development's integrity management standards?
e) What are the commended measures that could be proposed to support of a comprehensive ethics strategy for curbing corruption in the NDHS?

1.6. RESEARCH AIM AND OBJECTIVES

The main objective of this study is to develop a comprehensive ethics strategy for the NDHS. The study will focus on how ethics management pillars such as instruments, processes, and structures could promote ethical behaviour, reduce corruption and, at the same time, assist managers in managing ethical dilemmas effectively. Furthermore, based on the aforementioned problem statement, the following objectives will also inform the study and the objectives are:

(a) To review the theoretical framework that underpins issues of ethics and/or ethics management in a public institution.
(b) To research regarding the causes, types, and manifestations of unethical conduct such as fraud and corruption in the NDHS as a case study.
(c) To evaluate the relevant regulatory framework and policies that direct the NDHS in curbing corruption and/or unethical conduct.
(d) To conduct a comparative analysis of ethics strategies implemented by other government departments through the utilization of the institution for economic cooperation and development's integrity management standards that support an ethics strategy for the NDHS.
(e) To present the findings and recommendations in support of a comprehensive ethics strategy for curbing corruption in the NDHS which will assist the Department in mitigating the risks of unethical conduct.

The study will source all the relevant information that underpins issues of ethics in the Public Service to deliver its main objective which is to develop a comprehensive ethics strategy.

1.7. THEORETICAL STATEMENTS FOR QUALITATIVE STUDIES AND HYPOTHESIS FOR QUANTITATIVE STUDIES

In the study, three ethics theories have been identified: Aristotle's Virtue Theory, Kant's Deontological Theory, and John Stuart Mill's Utilitarian Theory. These Ethics theories provide clarity on which moral standards to consider when assessing actions and decisions and how to justify such moral standards (Gamlund, 2012: 19 & Rossouw & Van Vuuren, 2010: 67). According to Rossouw (2010: 57-69), several ethics theories covering public institutional ethics have been developed. However, Aristotle's virtue theory, Kant's deontological theory, and John Stuart Mill's utilitarian theory are the most dominant theories on ethics. Schuz

(2019:106) argues that integrating the three theories mentioned above has a significant potential to ethically responsible actions in an institution.

According to Schuz (2019:109-110), “all three approaches have their bewailed limitations when used in isolation. Once used together, they fully represent the three positions of an ethically responsible course of action: consequences ethically desired, duties ethically demanded, and capabilities of ethical characters.” Therefore, the (public) ethics theories could well assist any public institution in having a better understanding of the origins of ethics and further guide in developing public ethics standards that will encourage acceptable public ethical conduct.

1.8. RESEARCH APPROACH AND DESIGN

Rasejekar et al. (2013:5) state that “research methodology is a systematic way to solve a problem. The science of studying explains how research is to be carried out. Essentially, the procedures by which researchers go about their work of describing, explaining, and predicting phenomena are called research methodology. It is also defined as the study of methods by which knowledge is gained. It aims to give the work plan of research.” Igwenagu (2016:5) states that “research methodology is a set of systematic techniques used in research.

According to Bryman (2012:45), research design refers to the different frameworks adopted for collecting and analysing data in a research project. This is often confused with the research method, which can be either quantitative or qualitative. The quantitative research uses measurable data to analyse a research problem, while qualitative research uses non-numerical data.

The quantitative research method is primarily concerned with collecting and analysing numerical data from a selected population sample to generalise the findings to the entire population (Maree & Petersen, 2007:145). The qualitative method enables the researcher to study people or systems through interaction and observation in order to understand how they make meaning of phenomena such as ethics and their management (Nieuwenhuis, 2012:85).

Therefore, the following research methodologies are utilised for the study, in the next section.

1.9. RESEARCH METHODS

The qualitative approach is suitable for this study as the data collected provide insights and generalisation on ethics issues. Bazeley (2007:2) adduces that a qualitative research design is chosen in situations where a “detailed understanding of a process or experience is wanted,

where more information is needed to determine the exact nature of the issues being investigated or where the only information available is in non-numeric form." Furthermore, Brynard and Hanekom (1997:29) suggest, "qualitative methodology refers to (social) research which produces descriptive data." One of the key reasons attached to choosing the qualitative methodology is that the research is descriptive and does not focus on statistical research. This research will provide a detailed description of the components of an ethics strategy, and the secondary data will be reviewed to provide insight into this issue.

The qualitative research method is chosen because the data is already available accessible, and less costly. The sources to be used are secondary data; the source documents are already in existence; this would entail whistle-blowing mechanisms utilised to mitigate the risk of unethical conduct, Gift and hospitality policies, Anti-Fraud and Corruption policies, public ethics risk management sources, public service code of conduct. According to Kumar (2014: nd), secondary research seeks to re-analyse, review, and interpret past data. Ajayi (2017:3) further argues that secondary data collection sources are government publications, websites, books, journal articles, and internal records.

1.9.1. Sampling

According to Teddie and Yu (2007: nd), "sampling is the act, process, or technique of selecting a suitable sample, or a representative part of a population to determine parameters or characteristics of the whole population." Gentles *et al*. (2015:1775) define sampling in qualitative research in its broadest sense as follows: "the selection of specific data sources from which data are collected to address the research objectives".

It is important to indicate that only a few government departments have a well-established ethics infrastructure (DPME, 2019:3) and as a result, the study will therefore review the ethics strategies implemented by three Government departments, namely, the Department of Planning, Monitoring and Evaluation, Department of Public Works and the Department of Corporative Governance and the strategies will be used in the study to provide a guide in developing an ethics strategy for the NDHS.

Maape (2017:47) states that "the study of ethics management is a broad knowledge area that can be studied from a number of angles." This research further intends to employ the pillars of the Institution for Economic Co-operation and Development's integrity management framework to guide the depth and length of this study. An integrity management framework is a systemic and comprehensive approach to ethics management "which brings together

instruments, processes, and structures for fostering integrity and preventing unethical conduct in public institutions" (OECD, 2009:21; Maesschalck & Leuven 1999:7-8).

1.9.2. Instrument of Data Collection

A desktop analysis will be utilised to conduct the study. According to Johnston (2013: nd), "technological advances have led to vast amounts of data that has been collected, compiled, and archived, and that is now easily accessible on Google and Google Scholar for research purposes. As a result, utilising existing secondary data for research is becoming more prevalent, resulting in credible secondary data analysis. While secondary analysis is flexible and can be utilised in several ways, it is also an empirical exercise and a systematic method with procedural and evaluative steps, just as in collecting and evaluating primary data" (Johnston, 2013: nd).

The sources utilised in the study are secondary data; the source documents are already in existence on Google. This source document entails whistle-blowing mechanisms utilised to mitigate the risk of unethical conduct, Gift and hospitality policies, Anti-Fraud and Corruption policies, public ethics risk management sources, the public service code of conduct, etc. According to Kumar (2014: nd), secondary research seeks to re-analyse, review and interpret past data.

1.9.3. Data Validity

To ensure that this research has validity, the researcher has clearly outlined what was expected to be measured by: i) specifying in advance that the research employs the pillars of the Organisation for Economic Co-operation and Development's integrity management framework to guide the depth and length of this study. An integrity management framework is a systemic and comprehensive approach to ethics management "which brings together instruments, processes, and structures for fostering integrity and preventing unethical conduct in public institutions" (OECD, 2009:21; Maesschalck & Leuven, 1999:7-8).

The OECD's framework (2009) sets out standards against which the Ethics Strategies of three Government departments, namely, the Department of Planning, Monitoring and Evaluation, the Department of Public Works, and the Department of Corporative Governance and Traditional Affairs will be compared and thus ensuring that findings are based on the outcomes of the comparisons between the aforementioned three Government department and the OECD standards. According to Kumar (2011:nd), the research instrument's validity is

established through logic or statistical evidence. In this research, the instrument's validity was established through logic.

1.9.4. Data Analysis

Using thematic analysis, the researcher "extracts core themes that could be distinguished both between and within the transcripts" (Bryman, 2012:13). Secondary information will be analysed utilising thematic analyses. In qualitative research, thematic analysis identifies and analyses patterns of the qualitative data (Braun *et al*., 2012: 5-11). According to Maguire and Delahunt (2017:3354), thematic analysis entails the following steps:

(a) The researcher must familiarise him/herself with the data;

(b) Either by re-reading or translating the data while noting the initial idea;

(c) The researcher must generate the initial codes;

(d) Data with themes must be searched; the themes must be reviewed;

(e) the themes must be defined and named; and produce a final report.

Thematic data analysis is carried out by considering the statements and/or feedback relevant to the research topic. The pattern of reporting will serve a great deal in identifying the important elements, which assist in proposing an ethics strategy for the NDHS.

1.9.5. Ethical Considerations

Due to the academic and ethical restrictions and the sensitivity of the issues to be investigated, the personal information of the officials was not utilised for the purposes of the study, and the researcher considers using the statistical data for the research. Thus, the right to privacy is observed. The study focuses on issues of unethical conduct within the NDHS. Furthermore, the names of the officials are not used. The research proposal underwent the review process by the North-West University's BASSREC Committee to ensure that the ethical procedures have been followed, and the researcher was granted the approval to commence with the research.

The research uses the statistical information and/or percentages in relation to the cases of unethical conduct within the National Department of Human Settlements and detailed information of the cases of unethical conduct is not disclosed to protect the identity of the individuals concerned.

1.10. LIMITATIONS/DELIMITATION OF THE STUDY

1.10.1. Definition of Limitations and Delimitations

According to Theofanidis & Fountouki (2019:256), "**limitations** of any particular study concern potential weaknesses that are usually out of the researcher's control, and are closely associated with the chosen research design, statistical model constraints, funding constraints, or other factors. In this respect, a limitation is an 'imposed' restriction, which is therefore essentially out of the researcher's control". Theofanidis and Fountouki (2019:256), as well as Miles and Scott (2017:26-27), define limitations "as constraints to your study based on the research methodology and design. Limitations are constraints you cannot control in your study. Primarily, limitations deal with the constraints to the research method."

Delimitations are defined as chiefly concerned with the scope of the study. Delimitations describe the scope of the study or establish parameters. Delimitations also prevent you from stating your findings are generalisable to the whole population. Delimitations are self-imposed restrictions to your study compared to limitations that have inherent restrictions to your methodology (Miles & Scott, 2017:26-27). Delimitations are, in essence, the limitations that the authors themselves consciously set. They are concerned with the definitions the researchers decide to set as the boundaries or limits of their work so that the study's aims and objectives do not become impossible to achieve. In this respect, it can be argued that delimitations are in the researcher's control. Thus, delimitations mainly concern the study's theoretical background, objectives, research questions, variables under study, and study sample (Theofanidis & Fountouki, 2019:256).

In the "limitations of research" section, the researcher(s) can write about the major problems of the research study. This not only gives the researcher(s) the opportunity to demonstrate to peer reviewers and scholars alike that their awareness of the study's problems exists, but it also allows them to write about how they addressed the research/scientific problems of the study (Olufowote, 2017:3).

The study benchmarks with various Government departments to establish the availability, nature, content, and scope of ethics strategies. However, it is important to indicate that only a few government departments have well-established ethics infrastructure. As a result, the study sourced for ethical strategies already implemented by three government departments: 1) the Department of Planning, Monitoring and Evaluation; 2) the Department of Public Works; and 3) the Department of Corporative Governance and Traditional Affairs and the information is already accessible online. The ethical strategies mentioned above are utilised in the study

to provide a guide in developing an ethics strategy for the NDHS. The research further employs the ethical principles of the Organisation for Economic Co-operation and Development's Integrity Management Framework to guide the depth and length of this study (OECD, 2009:21; Maesschalck & Leuven, 1999:7-8).

1.11. SIGNIFICANCE OF THE STUDY

The Department of Planning Monitoring and Evaluation identified a need for Government departments to develop an ethics strategy for curbing unethical conduct (DPME, 2019:3). The NDHS does not have an ethics strategy. The purpose of the ethics strategy is to outline the standards of ethical behaviour in an institution, to promote consistent ethical behaviour among the employees, to encourage ethical leadership from the board and management, and to promote the monitoring, discussion, and enforcement of compliance with the standards of ethical behaviour (Kaptein, 2009:263). An ethics strategy for managing ethics incorporates all the strategic and operational initiatives required to enhance the ethical culture of an institution (EthicsSA, 2014:3). Therefore, developing a public ethics strategy would not only be beneficial to the NDHS but would also illustrate its role in maintaining and setting out the standards for ethical behaviour in a public institution.

Furthermore, the study findings will be disseminated through conference presentations within the Public Service and during the National Public Service Committee conference facilitated by the Department of Public Service and Administration (the DPSA), the Provincial and internal departmental reports and presentations. The dissertation will therefore contribute to the existing body of academic scholarship and knowledge.

A public Ethics strategy to mitigate the risk of unethical conduct in the Department is developed. Furthermore, a comparative analysis with international practices such as the OECD provide a guide in producing more effective public Ethics strategies leading towards reducing unethical conduct in the Department and benefiting other Government Departments.

1.12. CHAPTER LAYOUT

CHAPTER 1: GENERAL ORIENTATION OF THE STUDY

The first chapter provides the rationale for investigating the topic with the inclusion of the research objectives, research questions, and research methodology. This chapter will further provide a brief background of the nature and the extent of the research problem to be investigated.

CHAPTER 2: A LITERATURE REVIEW ON THE ETHICS STRATEGY

All the relevant literature on ethics, ethics strategies, ethical leadership, governance, and anti-corruption is reviewed. The study will consider published journals, articles, and books on corruption. Several databases such as Google Scholar, Boloka NWU, EBSCOhost online research database, Sabinet, Internet publications, databases of theses, and dissertations from various universities consulted.

CHAPTER 3: STATUTORY AND REGULATORY FRAMEWORKS ON PUBLIC ETHICS

The chapter will review all the relevant regulatory prescripts or legal frameworks on public ethics and integrity management. The public service regulatory prescripts and/or regulatory framework on ethics would entail the public service code of conduct, Public Anti-Fraud and Corruption Strategy, Whistle Blowing Policy, Prevention and Combating of the Corruption Activities Act, and Public Service Regulations, amongst others.

CHAPTER 4: A COMPARATIVE ANALYSIS OF ETHICS STRATEGIES IMPLEMENTE BY OTHER GOVERNMENT DEPARTMENTS

The study will benchmark with various Government departments to establish the availability, nature, content, and scope of ethics strategies. It is important to indicate that only a few Government departments have a well-established ethics infrastructure, and as a result (DPME, 2019:3), the study reviews ethics strategies implemented by three Government departments, namely, the Department of Planning, Monitoring and Evaluation, Department of Public Works and the Department of Corporative Governance and Traditional Affairs, and their strategies will be used in the study to serve as a guide when developing an ethics strategy for the NDHS. The research further intends to employ the pillars of the Institution for Economic Co-operation and Development's integrity management framework or standards to guide the depth and length of this study (OECD, 2009:21; Maesschalck & Leuven 1999:7-8). Thematic analysis will be utilised to analyse the data collected.

CHAPTER 5: AN ETHICS STRATEGY FOR THE NATIONAL DEPARTMENT OF HUMAN SETTLEMENTS

An ethics strategy proposes various measures aimed at mitigating the risk of unethical conduct within the National Department of Human Settlements

CHAPTER 6: SUMMARY OF FINDINGS, RECOMMENDATIONS AND CONCLUSION

This chapter will present detailed recommendations based on the findings of a comparative analysis. Conclusions and the way forward will consider the approaches for developing a public ethics strategy for the NDHS, and a comprehensive public ethics strategy will be developed.

1.13. CONCLUSION

The first chapter has presented a detailed, outline of the concept that underpins the study. The chapter similarly outlined the study's research problem to provide a thorough view of the research problem investigated. The overall research questions and the study's objectives were also discussed; the study further outlined in detail the theoretical framework, arguments, and hypothesis underpinning the study.

The research method for the study, the ethical considerations, limitations, and the significance of the study were also outlined in detail.

The second chapter reviews the relevant literature on ethics, ethics strategies, ethical leadership, governance, and anti-corruption strategies. The study will consider several journals that have been published, articles, and written books on ethics. Several databases such as Google Scholar, Boloka NWU, EBSCOhost online research database, Sabinet, Internet publications, databases of theses and dissertations from various universities will be consulted to get an overall view of the theories and concepts of the study from different authors.

CHAPTER TWO

A LITERATURE REVIEW THAT SUPPORTS AN ETHICS STRATEGY

2.1. INTRODUCTION

This chapter reviews the literature from different sources on ethics theories, such as virtues ethics theory, deontological theory, and utilitarian or teleological ethics theory are also outlined to inform the content of a theoretical framework. The study further unpacks the different types of integrity violations or acts of unethical conduct, as well as the components of the ethics management strategy, which includes all the instruments, relevant processes, and structures discussed in detail.

Different sources and/or literature from both international sources as well as local research that was conducted in the Republic of South Africa will be considered for the study. Taking into cognisance the main aim of the study, which is to develop an ethics management strategy for the National Department of Human Settlements (NDHS), the literature review will form the primary basis of a presented literature framework, which in turn will guide this study. Furthermore, it is important also to note that ethics and integrity management is relatively new in the Public Service in South Africa.

2.2. THE (PUBLIC) ETHICS THEORIES

Ethics theories provide clarity on what moral standards need to be considered when assessing actions and decisions and how to justify such moral standards (Gamlund, 2012: 19; Rossouw and Van Vuuren, 2010: 67). According to Rossouw (2010: 57-69), several ethics theories cover public institutional ethics. However, Aristotle's Virtue Theory, Kant's Deontological Theory, and John Stuart Mill's Utilitarian Theory are the most dominant theories that explain ethics. Schuz (2019:106) contends that of the aforementioned three theories has a significant potential for ethically responsible actions in an institution.

The study takes cognisance of the fact that there are several ethics theories, but for the study, the researcher will outline the following three dominant theories:

2.2.1. Virtue Ethics Theory

According to Grönum (2015: 2) and Schuz (2019:110), "virtue ethics was very popular during ancient times with the Greek philosopher Aristotle as one of its pioneers. Virtue ethics has seen a loss of prestige during modern times. However, it made a comeback during the latter

stages of the 20th century" (Grönum, 2015:2). Aristotle's Virtue Theory holds a view that what is important in ethical behaviour is the integrity or the moral character of the individual, rather than the actions of an individual (Rossouw, 2010:57-62). Virtue Theory could serve as an important factor to (public) ethics and integrity management in the public service, mainly because it emphasizes an individual's reputation and character in decision making, for example, the ability to be honest, fair, and upholding high moral standards when confronted with ethical dilemmas and not engaging in any form of unethical conduct.

Schuz (2019:110) argues that virtue ethics shapes the capabilities of public institutions and individuals to act more ethically when confronted with different public ethical dilemmas. Concerning this study, the virtue ethics theory could be better utilised as a value or integrity-based approach to ethics management as the theory encompasses an individual's moral character.

2.2.2. Deontological Ethics Theory

According to Gamlund (2012:65), Deontology derives its meaning from the Greek word *deon*, which means duty or an obligation; deontological theories are most easily understood in contrast with consequentialist theories. Gamlund (2012:65) and Thomas (2015:2) propound that "while consequentialists hold a view that we should choose the available action with the best overall consequences, deontologists, in contrast, hold the view that we should act in ways constrained by moral rules or rights and that these rules or rights are defined (at least partly) independently of consequences."

Thomas (2015:2) further argues that "the curious tension between Deontology and Consequentialism is central to any understanding of Kantianism. The centrepiece of Kant's deontological sensibility is prioritising duties over consequences. For example, Deontology as a theory holds that one should do good because one is morally obliged to do good rather than putting priority on the consequences of one's actions. Consequently, rules should be obeyed for an action to be regarded and judged as morally correct and ethical; a typical example is the execution of daily duties in compliance with the regulatory prescripts and/or policies such as the Public Service Code of Conduct (Explanatory Manual on the Code of Conduct for Public Service, 2002:8-62), in the execution of our day-to-day duties.

2.2.3. Utilitarian or Teleological Ethics Theory

According to Gamlund (2012:46), "the act utilitarianism implies that one should assess whether an act is right or wrong, directly in view of the principle of utility. This means that the

morally right action is the one that has the best overall consequences for the welfare or utility of the majority of the affected parties."

Gamlund (2012:47) further holds that "when we face a choice between alternative courses of action, we should choose the course of action that has the best-expected consequences for all (or the majority of) the affected parties." The aforementioned statement is supported by Rossouw (2010:66-67), who argues that Utilitarian Theory propounds that an action is great if it results in the welfare of the majority of the affected parties. The Utilitarian Theory suggests that one should not only strive for his/her happiness but should also take into consideration the happiness of others; for example, this would relate to the utilisation of municipal funding to render basic services such as the provisioning of housing, water and sanitation for the benefit of all the citizens of the country and not for personal enrichment.

According to Schuz (2019:109-110), "all three approaches have their bewailed limitations when used in isolation. Only together do they fully represent the three positions of an ethically responsible course of action: consequences ethically desired, duties ethically demanded, and capabilities of ethical characters". Therefore, the (public) ethics theories could well assist any public institution in having a better understanding of the origins of ethics and further guide in developing public ethics standards that will encourage acceptable public ethical conduct. Knowing the public ethics theories is important because it has been observed that the public employees within the public service base their public actions and decisions either on public moral duty, rules, and religion, therefore, using some of the ethics theories.

Table 1: Different types of (public) integrity violations or unethical conduct

State capture State capture is "a situation where powerful individuals, institutions, companies or groups within or outside a country use "corruption" to influence a nation's policies, legal environment, and economy to benefit their own private interests" (Transparency International, 2018).
Secrecy jurisdiction Secrecy jurisdictions are "territories, including cities, states/provinces, and countries that encourage the relocation of otherwise foreign economic and financial transactions through strong privacy protection rules. These jurisdictions ensure that the identity of those relocating their money through them cannot be disclosed. This often undermines legislation and regulation of another jurisdiction. Many secrecy jurisdictions are also "Tax Havens" (Transparency International, 2018).
Revolving door The term 'revolving door' "refers to the movement of individuals between positions of public office and jobs in the same sector in the private or voluntary sector, in either direction. If not properly regulated, it can be open to abuse. A cooling off period is the minimum time required between switching from the public to the private sector intended to discourage the practice and minimise its impact" (Transparency International, 2018).
Political corruption Political corruption is a "manipulation of policies, institutions, and rules of procedure in the allocation of resources and financing by political decision-makers, who abuse their position to sustain their power, status and wealth. See 'corruption', 'grand corruption', and 'petty corruption" (Aktan, 2015: 63, Transparency International, 2018).
Petty corruption Petty corruption is "everyday abuse of entrusted power by public officials in their interactions with ordinary citizens, who often are trying to access basic goods or services in places like hospitals, schools, police departments, and other agencies." (Transparency International, 2018)
Patronage Patronage is a "form of favouritism in which a person is selected, regardless of qualifications or entitlement, for a job or government benefit because of affiliations or connections" (Transparency International, 2018).
Nepotism Nepotism is a "form of favouritism based on acquaintances and familiar relationships whereby someone in an official position exploits his or her power and authority to provide a job or favour to a family member or friend,

even though he or she may not be qualified or deserving". Also see "clientelism" (United Nation, 2006: 6-7, Transparency International, 2018).

Money laundering

"Money laundering is the process of concealing the origin, ownership or destination of illegally or dishonestly obtained money by hiding it within legitimate economic activities to make them appear legal" (Transparency International, 2018).

Lobbying

"Any activity carried out to influence a government or institution's policies and decisions in favour of a specific cause or outcome. Even when allowed by law, these acts can become distortive if disproportionate levels of influence exist – by companies, associations, institutions and individuals" (Transparency International, 2018).

Illicit financial flows

"Illicit financial flows describe the movement of money that is illegally acquired, transferred or spent across borders. The sources of the funds of these cross-border transfers come in three forms: corruption, such as bribery and theft by government officials; criminal activities, such as drug trading, human trafficking, illegal arms sales, and more; and tax haven and transfer master pricing" (Transparency International, 2018).

Grand corruption

"The abuse of high-level power that benefits the few at the expense of the many and causes serious and widespread harm to individuals and society. It often goes unpunished. See also 'corruption', 'petty corruption', and 'political corruption" (Transparency International, 2018).

Fraud

"The offense of intentionally deceiving someone to gain an unfair or illegal advantage (financial, political or otherwise). Countries consider such offenses to be criminal or a violation of civil law" (Aktan, 2015: 63, UNDP, 2015: 11 & Transparency International, 2018).

Extortion

"Act of utilising, either directly or indirectly, one's access to a position of power or knowledge to demand unmerited cooperation or compensation as a result of coercive threats" (Aktan, 2015: 63 &Transparency International, 2018).

Embezzlement

"When a person holding office in an institution, institution or company dishonestly and illegally appropriates, uses or traffics the funds and goods they have been entrusted with for personal enrichment or other activities" (OECD, 1999: 21, Aktan, 2015: 63 & Transparency International 2018).

Corruption

Corruption is “the abuse of entrusted power for private gain. Corruption can be classified as grand, petty, and political, depending on the amount of money lost and the sector where it occurs. Also see ‘grand corruption’, ‘petty corruption’ and ‘political corruption” (United Nations 2006: 6-7; OECD, 1999: 21; UNDP 2015: 11; Transparency International, 2018).

Collusion

“A secret agreement between parties, in the public and/or private sector, to conspire to commit actions aimed to deceive or commit fraud with the objective of illicit financial gain. The parties involved often are referred to as ‘cartels’.” (United Nation, 2006: 6-7 & Transparency International, 2018).

Conflict of interest is “a situation where an individual or the entity for which they work, whether a government, business, media outlet or civil society institution, is confronted with choosing between the duties and demands of their position and their private interests” (United Nations, 2006: 6-7; UNDP, 2015: 11; Transparency International, 2018).

Bribery

“The offering, promising, giving, accepting or soliciting of an advantage as an inducement for an action which is illegal, unethical or a breach of trust. Inducements can take the form of gifts, loans, fees, rewards or other advantages” (taxes, services, donations, favours, etc, (United Nations, 2006: 6-7; Aktan, 2015: 63; Transparency International, 2018).

Tax haven

Tax havens are “jurisdictions, including cities, states or countries that grant favourable tax treatment which can benefit non-residents. They attract relocation of economic transactions to their territory by applying no or minimal tax rates. They typically host a range of financial service providers. Many tax havens are also “Secrecy Jurisdiction.” (Transparency International, 2018).

Transfer pricing / Transfer mispricing

Transfer pricing is “the process through which parent companies and/or subsidiaries of the same parent, in different countries, establish a price for goods or services between themselves. Transfer mispricing is the abusive manipulation of this process for the purpose of avoiding or reducing taxes across all entities. This takes place when related firms agree to manipulate the price of their internal transactions in order to declare less profit in higher-tax jurisdictions and therefore reduce their total tax payments. It deliberately generates profit and hides or accumulates money in the jurisdiction where the tax bill is low” (Transparency International, 2018).

Tax evasion / Tax avoidance

Tax evasion is “the illegal non-payment or underpayment of taxes, usually by deliberately making a false declaration or no declaration to tax authorities such as by declaring less income, profits or gains than the amounts actually earned, or by overstating deductions. It entails criminal or civil legal penalties. Tax avoidance

is the legal practice of seeking to minimise a tax bill by taking advantage of a loophole or exception to the rules or adopting an unintended interpretation of the tax code. It usually refers to the practice of seeking to avoid paying tax by adhering to the letter of the law but opposed to the spirit of the law. Proving intention is difficult; therefore, the dividing line between avoidance and evasion is often unclear" (Transparency International, 2018).

Source: researcher's creation and based on the scholarly contributions of, Transparency International, (2018), Aktan (2015: 63) & United Nations (2006: 6-7).

The researcher is of the view that these types of unethical conduct manifest within the public service in different ways. It is therefore important to put measures such as an ethics infrastructure and have a clearly documented (public) ethics management strategy in place to mitigate the risks of unethical conduct. Failure to address public unethical conduct or integrity violations often results in public lawlessness and severe financial losses that impact service delivery or the provision of basic services such as housing, water, and sanitation. The study, therefore, takes cognisance of the various integrity violations or acts of unethical conduct; the (public) ethics management strategy would document the measures that will effectively mitigate the risks of unethical conduct within the NDHS.

2.3. THE IMPORTANCE OF THE (PUBLIC) ETHICS MANAGEMENT

According to section 195(1) of the Constitution of the Republic of South Africa (1996) (RSA, 1996:72), public administration must be governed in terms of democratic values and sound principles, including a high standard of professional ethics that need to be promoted and maintained. Besides the overarching constitutional mandate, the government has also introduced several policies, frameworks and mechanisms for curbing corruption and other forms of unethical conduct in the public service.

These frameworks, policies, and systems include the Public Service Regulations, Chapter 2 of the Financial Disclosure Framework, Public Service Regulation (2016), Public Service Code of Conduct (Explanatory Manual on the Code of Conduct for Public Service, 2002: 8-62), and an e-dis closure system (a system that is used to declare financial interest to mitigate unethical conduct such as conflict of interest). Despite all these measures, public servants continue to engage in various forms of unethical conduct such as fraud, corruption, assets misappropriation, etc. (Adebayo, 2014: 411-412).

Therefore, in achieving the aspirations of the NDP and the constitutional mandate, the OECD (1999:12) and Thompson (1999:255) reason that public institutions need to invest in public ethics management because public ethics management is instrumental in achieving the primary strategic objectives and public service policy goals. Through ethics management,

public institutions can devise some proactive measures way in advance instead of investing in resources such as municipal budgets and time to investigate and prosecute integrity violations such as grand corruption, fraud, etc. (Thompson, 1999255). The OECD (1999:7) supports the aforementioned statement by propounding that integrity management makes a provision for a “forward-looking approach” to mitigate emerging grey areas and all forms of integrity violations.

The term (public) ethics management is not the only alternative to such management activity; another preferred term is integrity management. The shift of terminology from (public) ethics management to (public) integrity management was due to “a growing understanding that integrity is a keystone of good (public) governance” and that (public) integrity is a condition for all the activities in government to be legitimate, trusted and effective (OECD, 1999:8).

The OECD (1999:8) further states, "Public integrity and/or ethics management refers to the activities undertaken to stimulate and enforce integrity and prevent corruption and other integrity violations within a particular public institution. The integrity context of a public institution refers to all the factors, other than the public integrity management framework, that can have an impact on the integrity of the members in public sector institutions. This includes factors and instruments within (the inner public context) and outside (the outer public context) the public institution. The (public) integrity management framework and the (public) integrity context together constitute the integrity framework including all instruments, factors, and actors that influence the (public) integrity of the members of an institution” (OECD, 1999:8).

Therefore, (public) ethics and/or integrity management is important in ensuring that the public institution has a clear formal (public) ethics management framework, and the strategy will position the public institution in promoting and maintaining an ethical culture. Most importantly, a public institution will be able to put proactive measures to remedy or mitigate acts of unethical conduct way in advance rather than focusing only on reactive measures such as investigation of fraud and corruption. In the context of the study, the researcher would take consideration of measures that would proactively mitigate acts of unethical conduct within the NDHS in support of an assertion by Thompson (1999:255), who argues that through ethics management, public institutions can device some proactive measures way in advance, instead of investing in resources such as municipal budgets and time to investigate and prosecute integrity violations such as grand corruption, fraud, etc. (Thompson, 1999:255). The OECD (1999:7) further supports the aforementioned statement by propounding that integrity management makes a provision for a “forward-looking approach” to mitigate emerging grey areas and all forms of integrity violations.

2.3.1. The Components of the (Public) Ethics Management Strategy

According to the Ethics Institute of South Africa (2014:5), a public ethics management strategy and an implementation plan for managing ethics in the public institution must be formulated. This (public) ethics management strategy typically incorporates many aspects and/or activities such as ethics training and communication initiatives, disclosures of financial interest, gifts, and hospitalities, merit-based selection, records management, whistle-blowing channels, investigation capacity rewards for ethical conduct, human resources processes for hiring, promoting employees, and financial and procurement processes (OECD, 1999:43-44; Wheeler, 2010:9-11; Aktan 2015:64; UNDP, 2015:31; Wechsler 2013:15; Mahapatra & Paliwal, 2018:21-22; Ethics Institute SA, 2016:25; Geeta *et al*., 2016:4). Rossouw and Van Vuuren (2010:248) reason that the management of ethics forms an integral part of the (public) ethics management strategy of the public institution, which values integrity.

According to the Ethics Institute of South Africa (2014:5), Kaptein (2014:416), and the UNDP (2015:29), the implementation of a formal (public) ethics management strategy is necessary to build a culture of (public) ethics in modern institutions. Maape (2017:97) contends that "a well-structured (public) ethics management strategy would lead to an improvement in the ethical conduct of employees and reduce incidents of unethical conduct." A (Public) ethics management strategy forms part of the entire integrity management framework (Ethics Institute of South Africa, 2014:5).

The following components of a (public) ethics management strategy are very crucial for effective (public) ethics management in the public institution. These components entail, leadership and management commitment to ethics, public ethics risk assessment, and setting ethical standards through the Public Service Code of Conduct (OECD, 1999:12; Ethics Institute of South Africa, 2014:6-10; Ethics Institute of South Africa, 2014:22-26; Kaptein, 2014:416; UNDP, 2015:29; Maape, 2017:97; and Schoeman), The Authors further cite that institutionalisation of public ethics, monitoring and reporting to the assurance providers such as the Ethics Committee, Audit Committee are equally crucial, (OECD, 1999:12; Ethics Institute of South Africa, 2014: 6-10; Ethics Institute of South Africa, 2014:22-26; Kaptein, 2014:416; UNDP, 2015:29; Maape, 2017:97; Schoeman, 2012:61). These critical components of an ethics management strategy are briefly outlined below in detail:

2.3.2. Leadership Commitment to (Public) Ethics Management

The Ethics Institute of South Africa (EISA) (2016:22) (Ethics Institute SA, 2016:22; Yulk 2013:348). posits that for the (public) ethics management processes and approaches to be successful, public institution's leadership must:

- Have a clear understanding of the value of ethics in maintaining the institution's sustainable development
- Have a full commitment to ethics
- Have ethics management competencies
- Conduct themselves in an ethical manner
- Be ethical role models to employees and stakeholders
- Rewards acknowledge ethics and implement ethics management interventions

According to Hares (2013:85-86), "the (public) leader should translate his or her (public) ethical competence into visible ethical performance so that (potential) followers indeed recognise the leader's ethical competence." The aforementioned statement is supported by the United Nations Development Programme (2015:28), which claims that the senior management and leaders within public institutions must visibly and clearly demonstrate an active role and evidence-based commitment to the overall ethics management and to further ensure oversight and commitment to the implementation of a (public) ethics strategy.

Covey (2004:32) views the issue of ethical leadership using the term "character ethics", which he understands not as of individual character but as "principles that govern human effectiveness", self-validating natural laws. Covey's (2004:19) viewpoint on (public) effective leadership is regarded as "to value oneself and, at the same time, subordinate oneself to higher purposes and principles is the paradoxical essence of the highest form of humanity and the foundation of effective leadership."

Wheeler (2010:6) claims that public ethics strategies, mechanisms and approaches will not be effective without the commitment of the government and commitment by the management of individual institutions. Therefore, in as much as it is important to put measures in place, leadership commitment remains one of the most important factors for maintaining an ethical culture in the public institution and for effectively implementing the (public) ethics management strategy.

According to Mihelič, Lipičnik and Tekavčič (2010:33-34), “It is the (public) leader’s job to foster an ethical climate that enables sincere and open communication and culture that promotes and rewards ethical behaviour. Public leaders should shape ethical values primarily through ethical (value-based) leadership through their both personal behaviour as well as institutional policies, processes, and strategies. Public ethics committees, chief ethics officers, ethical training programs, disclosure mechanisms, and code of ethics can support employees in raising concerns about ethical practices as long as the leaders at the top set the example. It is important that the leader shows and encourages employees to speak up because if employees do not perceive that they can voice their values, they will not even bother trying.”

It is evident from the above discussions that individuals playing a leadership role in the public institution have a vital role to play in promoting and maintaining a sound ethical environment in the public service of South Africa. Through leadership commitment, resources such as public financial resources would be availed for effective ethics management and implementing an ethics management strategy.

2.3.3. Public Service Code of Conduct and/or Regulatory Requirements

Mahapatra and Paliwal (2018:10) assert that “in developing the public ethics management strategy, a good place to start is with the regulatory requirements such as a public service code of conduct or code of ethics, as they, of themselves, impose a minimal, “de facto” ethical standard upon every public institution.” The importance of the public service code of conduct is to set out an overarching standard of behaviour, principles, and values, consisting of aspects such “legality, impartiality, integrity, avoidance of conflicts of interests, acting in good faith, transparency, frankness and candour, use of public resources” (Wheeler, 2010:9).

The aforementioned statement is supported by (Mahapatra & Paliwal, 2018:7) by arguing that the (public) code of conduct is key to (public) ethics management in the Public Service as it sets out a minimal factual ethical standard for the public institution. For example, a document such as the Public Service Code of Conduct, an Explanatory Manual on the Code of Conduct for Public Service (2002:8-62), sets out acceptable public behavioural standards relating to how public servants in South Africa interacts with co-workers, members of the public, stakeholders and others concerned individuals (Explanatory Manual on the Code of Conduct for Public Service, 2002:8-62).

The OECD (1999:22), as well as Hallunovi, Osmani and Elidian a Bashi (2014:204), also agree with the aforementioned authors regarding the importance of the (public) ethics code of conduct. However, they posit that the only remedy for integrity offences is the ongoing

implementation of the ethics management strategy. For example, training on the (public) ethics code of conduct should be implemented so that the employees in the public institution are well conversant with the (public) code, and this will influence the conduct of the public service employees when confronted with ethical dilemmas and when expected to make impartial decisions (Hallunovi, Osmani and Bashi, 2014:204).

According to the OECD (1999:34), a code of conduct "is a typical instrument of a rules-based approach to (public) ethics management. Like that more general approach, it starts from the assumption that people are essentially self-interested and will only behave with integrity when this coincides with their self-interest. Such a code of conduct also established strict procedures to enforce the code: systematic monitoring and strict punishment of those who break the rules" (OECD, 1999:34).

Wheeler (2010:10), the Ethics Institute of South Africa (2016:24-25), Singh and Prasad (2017:138), as well as Mahapatra and Paliwal (2018:21) contend that public institutions "public values, public ethics, objectives and responsibilities" are articulated in the Public Service Code of Conduct, (Explanatory Manual on the Code of Conduct for Public Service, 2002:8-62). The Public Service Code of Conduct (Explanatory Manual on the Code of Conduct for Public Service, 2002:8-62), as a rule, or a compliance-based approach or strategy to (public) ethics management, explicitly provides guidance to employees on how to apply the values when confronted with an ethical dilemma and further communicates a commitment to ethical behaviour or conduct in an institution (Singh & Prasad 2017:138, Mahapatra & Paliwal, 2018:21). The Public Service Code of Conduct, (Explanatory Manual on the Code of Conduct for Public Service, 2002:8-62), must be documented and communicated to public service employees to ensure that there is adherence to shared values and commitment across the Public Service, (UNDP, 2015:30).

Rossouw and Van Vuuren (2010:60) hold that public institutions practising the compliance-based ethics management strategy instil ethics by penalizing or disciplining employees who do not comply with policies and the Public Service Code of Conduct (Explanatory Manual on the Code of Conduct for Public Service, 2002:8-62). They further argue that the main weakness in this approach is that employees "comply for fear of punishment, rather than embracing and entrenching the (public) ethics values and standards" (Rossouw & Van Vuuren, 2010:60). Therefore, the Public Service Code of Conduct (Explanatory Manual on the Code of Conduct for Public Service, 2002: 8-62), as compliance-based strategy to (public) ethics management would ensure that the public service employees conduct themselves within the established rules; however, the challenge with this approach is that the public service

employees would not embrace the values of promoting professional ethics in the Public Service.

Implementing the code of conduct in public administration is of utmost importance (Hallunovi, Osmani & Bashi, 2014:214; Ethics Institute South Africa, 2016:24-25). Therefore, in this respect, an implementation plan and a system for communication, enforcement, and monitoring of the code of conduct is an important consideration (Mahapatra & Paliwal, 2018:21). The researcher supports the statement of the aforementioned author. Holding the Public Service Code of Conduct (Explanatory Manual on the Code of Conduct for Public Service, 2002:8-62) and other legal prescripts are as important, the researcher is of the view that the Public Service Code of Conduct, Explanatory Manual on the Code of Conduct for Public Service, (2002:8-62), must be communicated and implemented on an ongoing basis. An example of this effect is that there should be ongoing training and awareness of the Public Service Code of Conduct.

The Code of Conduct, therefore, forms an integral part of the development of the (public) ethics management strategy, mainly because, in its entirety, the Code of Conduct regulates the general conduct of the members of the public services and is of equal importance is the implementation of the Code of Conduct through ongoing training, awareness and enforcement of the Code with the aim setting the required standards.

2.3.4. Public Ethics Risk Assessment

According to the Ethics Institute of South Africa (2016:24), a public institution needs to decide on the (public) ethics management strategy as soon as a (public) ethics risk register is developed. A (public) ethics risk register is developed by identifying and assessing the ethics risks within a public institution. Once the public institution has determined its ethics risk register and mitigation plan, a (public) ethics management strategy needs to be developed, followed by a (public) ethics management implementation plan that consists of objectives that are i) quantifiable and measurable; ii) delegates certain responsibilities; iii) provides timeframes and target dates; and iv) allocates the financial, human and all other resources required for a successful implementation of the strategy (Ethics Institute of South Africa, 2016:24).

Public institutions need to adopt a formal (public) ethics risk management process, in which the process will be helpful to proactively identify, analyse, and capture institutional ethics risks in the public ethics risk register. This process will appropriately address and mitigate unethical conduct. Furthermore, the (public) ethics risk management needs to be integrated into

institutional strategic planning and further inform the ethics management strategy of a public institution (Ethics Institute SA, 2016:26-27 and Mahapatra & Paliwal, 2018:22).

According to the UNDP (2015:30), public service management has an overall responsibility to design and ensure the implementation of an effective, efficient, and economic (public) ethics risk management program by ensuring that there is sufficient capacity, which includes the following: i) ethics risk champions; ii) ethics officers; iii) financial resources; and iv) oversight implementation of these processes.

The researcher agrees with the aforementioned statement because, through the ethics risk management processes, in which public ethics risks are identified, analysed, mitigated, quantified, and measured, a (public) ethics management strategy can be developed. For example, ethics risks such as fraud and corruption relating to tender irregularities, amongst others, are identifiable, assessable, quantifiable, and measurable by utilising a root cause analysis. All these processes would collectively inform the (public) ethics risk management strategy.

The NDHS has well-established risk management processes in place; the Department has an approved strategic risk register, which is called the Enterprise-Wide Risk Register (EWRR). The EWRR includes an operational risk register, such as the fraud and ethics risk register, supporting the researcher's endeavour to develop a formal ethics management strategy for the NDHS.

2.3.5. Institutionalisation of (Public) Ethics

According to the Ethics Institute of South Africa (2014:5), the ethics programme aims to institutionalize the different (public) ethics management initiatives such as ethics awareness, ethics training initiatives and other interventions identified in the (public) ethics management strategy. The institutionalisation of the Ethics Code or the Public Service Code of Conduct, financial disclosure, and conflict of interest policies form part of a (public) ethics management strategy (Ethics Institute of South Africa, 2014:13).

The OECD claim that even if public institutions manage to develop and have proper (public) ethics strategies, policies and instruments, (public) ethics management would not be successful if not institutionalised in the daily operations of a public institution (OECD, 1999:21). The Ethics Institute of South Africa (2016:25) furthermore maintain that merely being able to demonstrate the existence of the Public Service Code of Conduct (Explanatory Manual on the Code of Conduct for Public Service, 2002:8-62) is not enough. (Public) ethics must be

institutionalised in the institution. For example, institutionalising (public) ethics is the one factor that would bring ethics to life by ensuring that the (public) ethics management strategy is effectively implemented. In the NDHS, (public) ethics management processes and approaches such as the declaration of financial interest and ethics training initiatives are implemented. However, the Department does not have a formal approved ethics management strategy.

According to the Ethics Institute South Africa (2016:25), “a corporate governance directive for the institutionalisation of (public) ethics is that the public governing body should ensure that compliance with the Public Service Code of Conduct, (Explanatory Manual on the Code of Conduct for Public Service, 2002:8-62) needs to be integrated into the operations within a public institution. (Public) ethics management systems that complement the formation of an ethical culture, together with a (public) ethics management strategy, need to be designed, implemented, monitored and evaluated regularly. Such systems are usually aimed at making (public) ethics manifest throughout the institution.” Therefore, it is through the institutionalisation of (public) ethics that an established ethics management strategy, systems and processes could be implemented, monitored and maintained effectively, efficiently and economically.

2.3.6. Public Ethics Committee

Mahapatra & Paliwal, 2018:21; Schoeman (2010:61) cite that the public ethics committee is a valuable feature of the (public) ethics strategy. Furthermore, the (public) ethics committee is crucial in ensuring an oversight role on the ethics management programmes, which include, amongst others: i) developing and reviewing ethics policies and ii) ensuring compliance with the Public Service Code of Conduct as well as iii) other relevant policy prescripts (Schoeman, 2012:61). (Public) ethics programmes must be established and located at the highest level of authority in the public institution to ensure the effective, efficient, and economic implementation of a (public) ethics strategy (Mahapatra & Paliwal, 2018:21; Schoeman, 2010:61). An example that supports the former, an Ethics Committee must be Chaired by a Member of a Senior Management Service at a level of a Deputy Director General and other Members of the Senior Management, such as the Director, Security Services, Financial Management Services, Anti-Fraud, and Corruption Unit amongst others as an inherent part of an Ethics Committee that is in line with the (public) Public Service ethics committee guidelines (DPSA Public Service ethics committee guidelines).

Furthermore, oversight bodies such as the Ethics Committee, Risk Management Committee, and Audit Committee, amongst others, should ensure an oversight role in the implementation of an ethics strategy. This would normally include an independent external chairperson, the members of the institution's senior management team, anti-corruption commissions, integrity, ethics standards commissioners (Wheeler, 2010: 11; UNDP, 2015:30). However, Wechsler (2013:16), Aktan (2015:73) and the Ethics Institute of South Africa (2016:23) argue that the success of the ethics management strategy and the implementation thereof depends highly on the independence of the (public) Ethics Officer, (Public) Risk Management Committee, Audit Committee, Auditor General, and the (Public) Ethics Commission.

The researcher is of the view that the (public) ethics committee could play a crucial role in streamlining the governance processes and further ensure the effective, efficient, and economical implementation of the (public) ethics management strategy, mainly because these structures require members of the Senior Management team to drive the process. The researcher further agrees with Wechsler (2013:16), Aktan (2015:73), and the Ethics Institute of South Africa (2016:23) that the most important consideration is the ability of the aforementioned public ethics institution structures to function independently. This means that the oversight committees would be fair, firm, and impartial when monitoring and evaluating the implementation of the (public) ethics management strategy.

2.3.7. Monitoring of a (Public) Ethics Strategy

According to Mahapatra and Paliwal (2018:7), "the (public) ethics management strategy should provide for monitoring and policing institutional activities to minimise and prevent ethical and legal violations such as conflict of interest, fraud and corruption. This has become increasingly important because recent case law has ruled that individual board members can be held liable for the public ethical lapse where (public) ethical plans and programs are not in place (Mahapatra & Paliwal, 2018:7)," Hereto, the Public Financial Management Act (PFMA) prescribes that the Accounting Officer of a public institution must ensure that effective and efficient internal control measures and financial management systems need to be put in place to remedy potential financial losses (Guide for Accounting Officers, 2000:91).

The monitoring and policing of public institutional activities such as the management of the declaration of interest (Public Service Regulations (2016), the implementation of the Public Service Code of Conduct (Explanatory Manual on the Code of Conduct for Public Service, 2002:8-62), recruitment and selection, and policy implementation should be incorporated in a (public) ethics strategy to prevent and minimise ethical and legal violations (Mahapatra & Paliwal, 2018:7).

According to the (OECD, 1999:52), it is not enough to put all the processes, systems, and measures in place; institutions must ensure continuous monitoring of implementing a (public) ethics management strategy. This statement made by the OECD (1999:52) is supported by the UNDP (2015:32), considering that the implementation of the (public) ethics management strategy requires ongoing monitoring of activities to ensure that there is sufficient compliance. Therefore, the (public) ethics or integrity office should monitor the implementation of the ethics management plan and report the state of ethics to the governance structure, such as the (public) Ethics Committee and the Audit Committee (Ethics Institute SA, 2016:25).

Mahapatra and Paliwal (2018:23) claim that monitoring the (public) ethics management strategy is important in ensuring that the issues raised through reports are assessed and resolved appropriately. According to the OECD (2009:7), all measures and instruments of the (public) ethics management strategies on their own are just intentions, the instruments such as the (public) ethics code and financial disclosure policies will only have an impact when they are implemented, monitored and evaluated through processes and structures (OECD, 2009:7). The researcher agrees with the aforementioned authors, that having policies and systems such as the whistle-blowing policy, an e-disclosure system in the public institution will not have much impact if there is not a sustained monitoring system in place.

2.4. THEORETICAL FRAMEWORK THAT DIRECTS AN ETHICS STRATEGY FOR THE NATIONAL DEPARTMENT OF HUMAN SETTLEMENTS (NDHS)

2.7.1. Important concepts

No	Concept	Meaning	Importance to this study
2.7.1.1.	Leadership commitment to ethics management	According to Brown, Treviño and Harrison (2005:120), ethical public leadership is "the demonstration of normative appropriate conduct through personal actions and interpersonal relationships, and the promotion of such conduct to the followers through two-way communications,	The researcher is of the view that the demonstration of ethical leadership and overall commitment to ethics management by public service leaders could lead to an ethical institution; in the context of the study, the researcher would, therefore, consider the importance of ethical leadership and commitment to ethics and/or integrity management. Wheeler (2010:6) claims that public ethics strategies, mechanisms and approaches will not be effective without the commitment of the

2.7.1. Important concepts

No	Concept	Meaning	Importance to this study
		reinforcement and decision-making."	government and commitment by the management of individual institutions. Therefore, in as much as it is important to put measures in place, leadership commitment remains one of the most important factors for maintaining an ethical culture in the public institution and for the effective implementation of the (public) ethics management strategy.
2.7.1.2.	Public Service Code of Conduct and/or regulatory requirements	The aforementioned statement is supported by (Mahapatra & Paliwal, 2018:7) by citing that the (public) code of conduct is key to (public) ethics management in the Public Service as it sets out a minimal factual ethical standard for the public institution. For example, a document such as the Public Service Code of Conduct, an Explanatory Manual on the Code of Conduct for Public Service, (2002:8-62), sets out acceptable public behavioural standards relating to the manner in which public servants in South Africa interacts with co-workers, members of the public, stakeholders and others concerned individuals (Explanatory Manual on the Code of	Regulates the conduct of public service employees

2.7.1. Important concepts

No	Concept	Meaning	Importance to this study
		Conduct for Public Service, 2002:8-62).	
2.7.1.3.	Public ethics risk assessment	A (public) ethics risk register is developed by identifying and assessing the ethics risks within a public institution. Once the public institution has determined its ethics risk register and mitigation plan, a (public) ethics management strategy needs to be developed, followed by a (public) ethics management implementation plan that consists of objectives that are, i) quantifiable and measurable; ii) delegates certain responsibilities; iii) provides timeframes and target dates; and iv) allocates the financial, human and all other resources required for a successful implementation of the strategy (Ethics Institute of South Africa, 2016:24).	In the context of the study the research would identify, assess, review the institutional risks and therefore developing a mitigation plans for addressing issues of unethical conduct within the public institutions
2.7.1.4.	The institutionalisation of (public) ethics	According to the Ethics Institute of South Africa (2014: 5), the ethics programme aims to institutionalize the different (public) ethics management initiatives such as ethics awareness, ethics training initiatives	Entails putting of measures and/or establishment of an ethics infrastructure within the public institution for the purposes of implementing the ethics (public) management strategy and all the programmes of the strategy.

2.7.1. Important concepts

No	Concept	Meaning	Importance to this study
		and other interventions identified in the (public) ethics management strategy. The institutionalisation of the Ethics Code or the Public Service Code of Conduct, financial disclosure, and conflict of interest policies form part of a (public) ethics management strategy (Ethics Institute of South Africa, 2014:13).	
2.7.1.5.	(Public) Ethics Committee	The (public) ethics committee ensures an oversight role on the ethics management programmes, which include, amongst others: i) developing and reviewing ethics policies; and ii) ensuring compliance with the Public Service Code of Conduct; as well as iii) other relevant policy prescripts (Schoeman, 2012: 61)	The research considers the establishment of the (public) ethics structures and committees to oversee the general implementation of the (public) ethics management strategy.
2.7.1.6.	Monitoring of a (public) ethics strategy	The monitoring and policing of public institutional activities such as the management of the declaration of interest (Public Service Regulations (2016), the implementation of the Public Service Code of Conduct (Explanatory Manual on the Code of	Ongoing monitoring of the (public) ethics management strategy is crucial to ensure overall implementation of the (public) ethics management strategy.

2.7.1. Important concepts			
No	Concept	Meaning	Importance to this study
		Conduct for Public Service, 2002:8-62), recruitment and selection, and policy implementation should be incorporated in a (public) ethics strategy in order to prevent and minimise ethical and legal violations (Mahapatra & Paliwal, 2018: 7). According to the (OECD, 1999:52), it is not enough to put all the processes, systems, and measures in place; institutions must ensure continuous monitoring of the implementation of a (public) ethics management strategy.	

Sources: Author's own representation and interpretation of the scholarly contributions of an Explanatory Manual on the Code of Conduct for Public Service; (2002: 8-62) ,Brown, Treviño and Harrison (2005:120); Wheeler (2010:6) Ethics Institute of South Africa (2014:5); Ethics Institute of South Africa, 2014:13; Ethics Institute of South Africa, 2016:24; Mahapatra & Paliwal, 2018:7; Public Service Code of Conduct.

2.5. CONCLUSION

The objectives of this chapter have been achieved as the researcher had planned; the study began by defining the key concepts of the research, such as ethics, ethical leadership, public values, and integrity, amongst others. The different forms of ethics theories, such as virtues ethics theory, deontological ethics theory, and utilitarian or teleological ethics theory, were discussed in detail. It has been learned from the study that these (public) ethics theories could well assist the public institution in having a better understanding of the origins of ethics and further provide guidance in developing the (public) ethics management strategy, which will, therefore, assist in mitigating the ethics risks or integrity violations within the public institutions.

The research has also outlined the different types of unethical conduct and/or integrity violations. The different types of unethical conduct, such as fraud, corruption, bribery, and conflict of interest, were briefly outlined mainly because these concepts will be utilized throughout the study, and a clear understanding of these different forms of unethical conduct will also be important when developing the (public) ethics management strategy.

The study further outlined the components of the (public) ethics management strategy, which incorporates all the processes, instruments, and structures of ethics management. Approaches such as leadership and management commitment to ethics management, public ethics committee, ethics training and awareness, Public Service Code of Conduct, ethics risk assessment, and ongoing monitoring of the ethics management processes are the key to an effective public ethics management. They would also guide the researcher in developing an ethics management strategy for the NDHS.

The OECD (1999:10) argues that the implementation deficit can be avoided by developing a formal (public) ethics management strategy. The (public) ethics management strategy would, therefore, incorporate the different approaches for (public) ethics management and further provide policy recommendations to the integrity and/or ethics managers within the public institutions.

The overall purpose of the second chapter was to review the literature from different sources on ethics and/or integrity management, the importance of the ethics management strategy in a public institution, the relevant theoretical framework for managing ethics, and to understand the key components of the (public) ethics management strategy.

The third chapter focuses on reviewing the public service regulatory prescripts and/or regulatory frameworks on public ethics, regulating issues of ethics and/or integrity management, and the general conduct of the Public Service employees.

CHAPTER THREE

STATUTORY AND REGULATORY FRAMEWORK ON PUBLIC ESTHICS

3.1 INTRODUCTION

The major focus of this chapter is to ascertain and understand the relevant public service regulatory prescripts with the objective of reviewing the said regulatory prescripts and/or regulatory frameworks on public ethics. The review of such public service regulatory prescripts would, therefore, inform and/or aid the researcher in developing the public ethics management strategy for the NDHS.

According to the Public Service Commission (2011:8), “in South Africa, since the dawn of democracy, the new democratic government has strived to put in place a comprehensive public legislative and regulatory framework to promote integrity in the Public Service. Such legislative and regulatory frameworks always seek to promote transparency and accountability in government.” The regulatory prescripts, such as the Public Financial Management Act (PFMA), Public Service Code of Conduct, and other prescripts, are important and serve as guidelines for curbing unethical conduct and dealing with integrity violations in the Public Service.

Therefore, this chapter mainly focuses on reviewing all the current existing legislative prescripts aimed at curbing unethical conduct and/or integrity violations in the NDHS. These legislative prescripts entail, amongst others, the Public Sector Wide National Anti-Corruption Strategy (NACS:2020-2030), the Constitution of the Republic of South Africa (the Constitution, 1996), the Public Service Act, 1994 (Proclamation 103 of 1994) as amended by Act 30 of 2007 (Public Service Act, 1999), the National Development Plan, 2011 (NDP:2011), the Public Service Regulations, 2016 (Public Service Regulations, 2016). The aforementioned legislative framework is discussed in this chapter.

The study also acknowledges that the NDHS has existing public ethics and integrity management strategies in the form of ethics and fraud risk mitigation plans/monitoring tools and a system such as an e-disclosure system, which is aimed at managing conflict of interest by the public servants. However, as briefly discussed in the research proposal, the NDHS lacks a clear, integrated public ethics strategy that articulates the roles and responsibilities of the ethics and integrity champions and also makes a provision for a coherent approach to ethics and integrity management.

It has further been learned from Chapter 2 (Literature review) that fostering integrity and preventing unethical conduct requires a holistic approach (OECD, 1999: 8; Aktan, 2015:86). A holistic approach should not only consider the core measures but also the complementary building blocks of the integrity management framework OECD (1999:8). Therefore, the review of the legislative or regulatory framework would assist the researcher in develop an Ethics and Integrity Management framework which h takes into consideration the existing regulatory prescripts which are available for curbing all forms of unethical conduct.

3.2 REVIEW OF THE (PUBLIC) ETHICS AND INTEGRITY MANAGEMENT LEGISLATIONS AND/OR THE REGULATORY PRESCRIPTS

3.2.1 The Constitution of the Republic of South Africa, 1996

Section 195 of the Constitution sets forth the basic values and principles for governing public administration. Subsection (1) of the Constitution stipulates that the public administration must be governed by the democratic values and principles enshrined in the Constitution, including the following principles:

“Promotion of a high standard of professional ethics” amongst the others (RSA, 1996:116).

To keep up with the Constitutional mandate, public servants must, therefore, conduct themselves in a manner that demonstrates the highest standard of professional ethics in the day-to-day execution of their duties, Maape (2017:29). According to Richards (2012:27), “there is little or no hope of success in the delivery of services if the public servants are not professional and their conduct not ethical.”

One believes that issues of professional ethics and ethical conduct are crucial in the NDHS and the public service as a whole. The NDHS has a more significant service delivery role to play in ensuring the provision of adequate housing for the citizens. Furthermore, the Department gets allocated funding for housing development projects on an annual basis; however, in most instances, there are complaints of corruption relating to houses being allocated to relatives, poor workmanship, and theft of building materials. Therefore, it is important that employees in public servants act with integrity and servants act with integrity and further conduct themselves in an ethical manner in order to deliver services to those who are in need.

The researcher would, therefore, in developing an ethics strategy, take due consideration of the importance of the basic values and principles for governing public administration particularly, the promotion of a high standard of professional ethics, to ensure that the conduct of the employees ascribes to the aforementioned ethical values and principles and the overall aspirations of the overarching legal framework and/or the constitutional mandate.

3.2.2 Public Service Act, 1994 (Proclamation 103 of 1994) as amended by Act 30 of 2007

The Public Service Act of 1994, as amended, applies to all officers and employees who were and are to be employed in the public service, whether they are working in the country or not. The purpose of the Act is to make provision for the institution and administration of the public service of the republic, give effect to the regulation of the conditions of employment, terms of office, discipline, retirement, and resignation of public servants, and other related matters (Kekae, 2017:71; a summary of the Public Service Act of 1994 (Public Service, 1994).

Kekae (2017:71) maintains that the Minister of Public Service and Administration is responsible for the implementation of the Act, and he or she may suggest policies and changes related to the following aspects of public service, amongst others:

- The functions and public institutional structure.
- Employment practices (including promotion, human resource management and training) Information management and technology,
- Transformation and reform. Furthermore, to promote professional ethics within the Public Service, the Public Service Act as amended makes a provision for the following:
- The Act introduces some measures for addressing non-compliance with the Act,
- Provides directives for implementing sanctions emanating from dismissal due to misconduct,
- Makes a prohibition for a period of the re-employment of Public Servants who were dismissed for misconduct relating to corruption and other related misconduct,
- Revises the provisions concerning the performance of outside remunerative work by the public servants and further provides for clarity on

dealing with unauthorised remuneration work paid to employees within the public service,

- Outlines the political rights of employees within the public service,
- The Act lastly clarifies the provisions for addressing instances wherein remuneration was granted wrongly (Public Service Amendment Act, 2007).

Therefore, the Public Service Act (1994), plays a crucial role in maintaining and upholding ethics and integrity in public service. Several integrity management strategies, such as the management of the remunerative work outside the public service, conducting business with the Organ (s) of the state, and employment practices in the NDHS, are well aligned with the Public Service Act (Public Service Act, 1994).

The ethics management strategy would play a critical role, particularly in terms of ensuring that a detailed plan of action is put in place to ensure that specific ethical measures as contained in the Public Service Act (Public Service Act, 1994), such as management of the remunerative work outside the public service, conducting of business with Organ (s) of state, issues of discipline are incorporated in the ethics management strategy.

3.2.3 Public Finance Management Act, Act No. 1 of 1999

The Public Financial Management (Act 1 of 1999:1) “regulate financial management in the national government and provincial governments; to ensure that all revenue, expenditure, assets, and liabilities of those governments are managed efficiently and effectively; to provide for the responsibilities of persons entrusted with financial management in those governments; and to provide for matters connected therewith.”

“This Act establishes the framework for accountable management of public funds and provides for criminal prosecution of Heads of Department if found guilty of financial negligence, unauthorised, fruitless or wasteful expenditure according to the” (Public Service Commission, 2011:9).

The accounting officer is obliged in terms of section 38 (g)-(h) of the PFMA, 1999 “to report any fruitless and wasteful expenditure in writing to National Treasury, and also to take effective and suitable disciplinary steps against public servants who disregards or fails to comply with what the Act requires, behaves in a manner that commits actions that undermine the financial

management and internal control system of the institution, or gives a go-ahead for an unauthorised expenditure, irregular expenditure or fruitless or wasteful expenditure" (PFMA, Act 1 of 1999:46).

Section 81 (1) of the Act further emphasises, "the accounting officer who does not comply with section 38 of the Act and allows for unauthorised or irregular expenditure or fruitless and wasteful expenditure to occur, commits a financial misconduct" (PFMA, Act 1 of 1999:123). "An accounting officer or any other public servant may be charged with financial misconduct, and investigations can be conducted and be subjected to disciplinary and/or criminal processes" (Kekae, 2017:76).

According to (Kekae, 2017:76-77), "keeping a history of financial transactions, or record-keeping, is important in financial management because it through proper record keeping management that a department can be able to trace transactions and be able to account with evidence." Section 40 of the PFMA requires the head of the department or the accounting officer "to keep complete and comprehensive financial records of the department, compile yearly financial statements in line with the generally recognised accounting practices; and submit financial statements to the Auditor-General and to the National Treasury within two months after the financial year" (Summary of the Public Finance Management, 1999 (Act 1 of 1999) (with amendments), n.d:3).

The Anti-Fraud and Corruption strategy of the NDHS acknowledges the importance of improving "awareness and knowledge of the relevant systems, policies, procedures, rules, and regulations, including the requirements of the PFMA amongst its employees" (NDHS Anti-Fraud and Corruption Strategy, 2017:23). Furthermore, the NDHS implements comprehensive risk management of all its programmes and is currently doing the same for each Chief Directorate in line with the requirements of the Treasury Regulations and section 38 of the PFMA (NDHS Anti-Fraud and Corruption Strategy, 2017:27).

A comprehensive risk management process is aimed at mitigating all the risks, which may impact achieving the Department's strategic objectives. The risk assessment would normally include the assessment of fraud, corruption, and ethics risks, and the action plans are developed to mitigate against such risks.

As per the aforementioned, the researcher acknowledges some processes are put in place such as the risk management processes implemented through the risk identification,

assessment, and therefore, developing mitigation plans. So, documenting the (public) ethics management strategy would assist in terms of ensuring that the allocated funds do not amount to financial negligence, unauthorized, fruitless, or wasteful expenditure and, in certain instances, that the public funds are directed towards service delivery. The ethics management strategy would, therefore, advocate for training on relevant systems, policies, procedures, rules, and regulations, including the requirements of the PFMA amongst its employees and the implications of not adhering to such.

3.2.4. Treasury Regulations of 2002

Section 3.2 (3.2.1) of the Treasury Regulations (2002:9-10) "obligates the head of department to make sure that a risk assessment is done frequently to detect developing risks in the institution. A risk management strategy must be put in place to lead internal audit effort and priority and to identify the skills expected from managers and staff to improve the management of risks and its controls. The strategy must include a fraud prevention plan. To ensure that the strategy is properly integrated into the culture of the institution there needs to be effective and sound communication of the strategy to all employees".

A common understanding of the strategy by employees is important for effectively implementing the strategy. The Public Service institutions are bound by the regulations to have an Internal Audit Unit in place. Section 3.2 (3.2.5) of the Treasury Regulations (2002:9-10) states that "the aim, authority, and responsibility of the internal audit functions must be officially described in an audit charter and be constant with the Institute of Internal Auditors (hereafter referred to as IIA) description of internal auditing."

In terms of Section 4.1 (4.1.1) of the Treasury Regulations (2002:11), "the head of department must ensure that investigation takes place upon receiving allegations of suspected financial misconduct acts by an employee. Should the allegations be confirmed, the head of department must ensure that disciplinary measures are put in place according to the relevant regulations and prescripts (Labour Relations processes and procedures) appropriate to the public service".

Section 4.1 (4.1.3) of the Treasury Regulations (2002:11) further stipulates that "as soon as treasury is alerted of an alleged financial misconduct that is supposedly committed by a head of department, it must make sure that the executive authority conducts an investigation into the allegations and if confirmed, ensure that disciplinary measures are put in place according to the relevant regulations and prescripts (Labour relations processes and procedures)

appropriate to the public service." The treasury regulations, in its entirety, monitor the incidents and financial misconduct trends and provide recommendations for the corrective measures that must be implemented (Public Service Commission, 2011:10).

Therefore, the ethics management strategy would incorporate such measures and processes, such as risk management processes and fraud prevention measures, to mitigate the risks of financial misconduct and, to a certain extent, ensure that there is accountability and monitoring of the public funds.

3.2.5 The Promotion of Administrative Justice Act, Act No. 3 of 2000

According to the constitution of the Republic of South Africa (1996:13-14), in line Section 33 on just administrative action. –

(1) "everyone has the right to administrative action that is lawful, reasonable, and procedurally fair.

(2) Everyone whose rights have been adversely affected by administrative action has the right to be given written reasons.

(3) National legislation must be enacted to give effect to these rights and must- (a) provide for the review of administrative action by a court or, where appropriate,"

Furthermore, promoting a just Administrative Act requires the government to follow fair procedures when making decisions that affect the public or an individual. Citizens have the right to request written reasons for decisions they disagree with, which enables one to judge whether the decision is influenced by corruption. All these efforts aim to promote fair administrative procedures and redress for citizens (Public Service Commission, 2011:9).

The Promotion of Administrative Justice Act, 2000 gives effect to the rights to administrative action that is lawful, reasonable, and procedurally fair and the right to written reasons for administrative action as contemplated in the Constitution of the Republic of South Africa. Therefore, the Promotion of Administrative Justice Act, 2000 together with the Constitution of the Republic of South Africa, embraces the Batho Pele, referred to (People First) principles and further promotes the rights to justice administration for the citizens of South Africa.

The aforementioned Act promotes an ethical culture by ensuring that the decisions taken by those within the Public Service Administration are within the confines of the country's laws, reasonable, and procedurally fair. The ethics management strategy would, therefore, consider other relevant regulatory prescripts, such as legislative and regulatory frameworks which seek to promote transparency and accountability in government, overall and, most importantly, ensure that the measures that will be put in place will be within the confines of the laws.

3.2.6. The Prevention and Combating of Corrupt Activities Act, Act No. 12 of 2004

The purpose of the Prevention and Combating of Corrupt Activities Act, 2004 (Act 12 of 2004:1) is to strengthen measures to ensure the prevention of corruption, provide for measures to investigate the cases of corruption, and further provide for other corruption-related offences and corrupt activities. Furthermore, the Act also "make provision for the creation and approval of a Register to put some restrictions in place on individuals and businesses found guilty of tender and contract corruption and make members of the executive authority accountable to report corrupt actions. According to the Act, corruption is considered a crime irrespective of whether it is committed by a public servant or someone working in the private sector." Prevention and Combating of Corrupt Activities Act, 2004 (Act 12 of 2004:1).

According to Kekae (2017:90-91), "the act lays out various forms of corruption, all familiar-a person gives the other something to illegally and unfairly utilise their power to gain advantage for themselves or somebody. The person suggesting the offer will be guilty of corruption, and the two people involved will be guilty of corrupt actions if the offer is accepted. Lengthy jail sentences or hefty fines may be imposed on people found guilty of corruption and may be restricted, upon being found guilty, to be employed by the government again." Acts of corruption involving R100 000 or more should be reported to the police by people in authority; if not, they will also be considered to have committed a crime and found guilty (Guide on the Prevention and Combating of Corrupt Activities Act, 2004 (Act 12 of 2004).

The NDHS's ethics and integrity management strategies will be implemented in line with the anti-fraud and corruption prevention legislation as part of the public service sector-wide efforts for curbing unethical conduct. The Prevention and Combating of Corrupt Activities Act, 2004 (Act 12 of 2004) is also considered by the NDHS when developing policies for mitigating some elements of unethical conduct.

The Act is of crucial importance, particularly in terms of developing the ethics management strategy for the NDHS, since it regulates the processes of preventing and combating unethical conduct, such as fraud and corruption within the Public Service, and the procedures in terms of addressing such elements of unethical conduct. The Prevention and Combating of Corrupt Activities Act, 2004 (Act 12 of 2004), therefore, would be part of the regulatory prescript, which will inform the development of the ethics management strategy for the NDHS.

3.2.7. The National Development Plan, 2011

The Government of South Africa has introduced the National Development Plan (NDP) to address various issues affecting the economy and aspects of corruption. Chapter 14 of the NDP mainly focuses on issues of unethical conduct and corruption within the public service, and "it states that corruption undermines good governance, which includes sound institutions and the effective operation of government in South Africa. Poor governance can critically undermine national development. South Africa needs an anti-corruption system that makes public servants accountable, protects whistle-blowers, and closely monitors procurement" (NDP, 2011:445-446).

The Diagnostic Report of the National Planning Commission issued in 2013 reveals that South Africa suffers from high levels of corruption and other unethical conduct that undermine the rule of law and hinder development and socio-economic transformation (NDP, 2013:466). The NDP argues that leaders in the Public Service will maintain integrity and high ethical standards (NDP, 2013:401-410). Furthermore, the vision for 2030 will result in a South Africa that ensures zero tolerance for corruption (NDP, 2013:467).

The four focus areas have been identified to ensure an accountable state and zero tolerance for corruption in the public service:

- Ensuring a resilient anti-fraud and corruption system
- strengthening the accountability of public servants
- Ensuring a transparent, accountable, and responsive public service and
- Strengthening the judicial governance, including the rule of law (NDP, 2011:404-410).

According to the NDP (2011), numerous agencies such as the Public Service Commission, the Auditor General of South Africa, and the Public Protector South Africa have been established to curb unethical conduct and corruption. The NDP further emphasises the

importance of enhancing the specialised resources of the anti-fraud and corruption agencies and political will and/or commitment to strengthen the anti-fraud and corruption systems (NDP, 2011:404-410).

Several plans have been developed within the public service; the researcher believes that the implementation of the plans is of crucial importance. Furthermore, of equal importance is the commitment of all those responsible for ensuring the implementation of the plans. The ethics management strategy would, therefore, document a plan of action that incorporates the important aspects of the NDP, which promotes transparency, accountability, and responsiveness and, further, take the importance of collaborative efforts with other organs of state and the Law Enforcement Agency.

3.2.8. Public Service National Anti-Corruption Strategy 2030

The South African government has developed an anti-corruption strategy with the aim of fostering the government's commitment to fighting against corruption in the public service. The strategy "signifies an additional step towards government 's support and influence in creating the Country 's national anti-corruption strategy" (the Public Service Anti-Corruption Strategy 2001:6). According to Kekae (2017: 86), "the strategy advocates that the fight against corruption be conducted in an integrated and coherent manner. It recognizes the importance of solid management practices to prevent, detect, and combat corruption."

The 2001 Public Service anti-fraud and corruption strategy "provides a framework for the Public Service through which corruption is addressed systematically and coordinated using a three-fold approach of preventing, combating and creating awareness of corruption" (Public Service Commission, 2011:10).

Kekae (2017:85) assert that the components of the anti-corruption strategies that include, prevention, detection, investigation, and resolution must be consolidated to ensure a coherent approach to the anti-corruption initiatives. Kekae (2017:85) further maintains that the anti-corruption strategies in the Department should pay more focus on combating corruption in a comprehensive manner, and the following elements should be considered:

- Review and consolidate anti-corruption related legislations,
- Have and/or enhance the capacity to fight corruption in the Departments,

- The Departments should encourage witnesses to report corrupt activities through the whistle-blowing process, and as a result, Departments should make a provision for access to reporting systems to allow for easy reporting.
- Public servants must be prohibited from business with the organs of state.
- Enhancements of the management of systems, policies, and procedures
- Ensure professional ethics in Departments, and
- Enhancement of stakeholder relations of partnership, research and policy advocacy of anti-corruption initiatives, education, training, and social analysis (Kekae, 2017:85).

The researcher is of the view the anti-corruption components are very crucial in mitigating corruption in the Departments and should not be implemented in isolation. Therefore, an inclusive approach is required in implementing the anti-corruption strategies, for example, having corruption detection mechanisms such as a system for whistleblowing in curbing corruption will not be enough without putting corruption preventative mechanisms and so forth.

3.2.9. The Public Service Code of Conduct and Explanatory Manual on the Code of Conduct for the Public Service 2002

A code of conduct "is a typical instrument of a rules-based approach to integrity management. Like that more general approach, it starts from the assumption that people are essentially self-interested and that they will only behave with integrity when this coincides with their self-interest. Such a code of conduct also established strict procedures to enforce the code: systematic monitoring and strict punishment of those who break the rules" (OECD, 1999:34).

Richards (2012:32), contends that a code of conduct encourages the public servant employee to behave and think ethically. The author maintains that a code of conduct sets out expectations regarding what should be regarded as acceptable behaviour and further benchmarks ethical practices. It contributes to more efficient and effective service delivery and eliminates corruption in the public service; and it is also structured to promote an ethos of dedication and service evoke a commitment to high standards of professionalism. The guidelines on the provisions of the code of conduct are as follows:

- relationship with the members of the Executive and Legislature

- relationship with the members of the public (South African citizens)
- The relationship amongst public service employees
- Execution of duties in the public service
- Personal and professional conduct in the execution of duties and private interest, (Public Service Code of Conduct, Richards (2012:32).

According to Wheeler (2010:10), Ethics Institute SA (2016:24-25), Singh and Prasad (2017:138), Mahapatra and Paliwal (2018:21), institutions' “values, ethics, objectives, and responsibilities” are articulated in a code of conduct. This code of conduct explicitly provides guidance to employees on how to apply the values when confronted with an ethical dilemma and further communicates a commitment to ethical behaviour or conduct in an institution (Singh and Prasad 2017:138; Mahapatra and Paliwal, 2018: 21). The code of conduct must be documented and communicated to the public service employees to ensure that there is adherence to common values and commitment (UNDP, 2015:30).

Implementing the code of conduct in public administration is of utmost importance (Hallunovi, Osmani & Bashi, 2014:214; Ethics Institute SA, 2016:24-25). Therefore, in this respect, an implementation plan and a system for communication, enforcement, and monitoring of the code of conduct is an important consideration (Mahapatra & Paliwal, 2018:21). The researcher supports the statement of the aforementioned authors, having the code of conduct and other legal prescripts documented is important but the researcher is of the view that the code must be communicated and implemented on an ongoing basis to ensure awareness.

A code of conduct has been developed in the public service; the code of conduct applies to all the employees employed within the public service in line with the Public Service Act. According to the Public Service Commission (2011:10), “the code of conduct and its explanatory manual is a useful guide in promoting good governance and ethical conduct of public servants. It promotes honesty and integrity in the workplace.”

3.2.10. Protected Disclosures Act No 26 of 2000 as amended Act No 5, as amended on the 02 August 2017

According to the Public Service Commission (2011:9), the Protected Disclosure Act 26 of 2000 as amended Act No 5 in 2017, “promotes whistleblowing as a preventative anti-corruption measure and protects whistle-blowers from “occupational detriment” because of blowing the whistle in good faith.”

As amended, the Protected Disclosures Act 26 of 2000 makes “a provision for procedures which employees in both the public and private sector may disclose information regarding unlawful or irregular conduct by their employer or other employees in the employ of their employers. The act further protects employees who make a disclosure which is protected in terms of the Act” (the Protected Disclosures Act 26, 2000:1).

The Public Service Commission (2011:7) proclaims that, in complementing the Protected Disclosure Act, concerted efforts have been implemented by the Government to curb the surge of corruption in the Public Service. “Key to such efforts was the establishment of the National Anti-Corruption Hotline (hereafter referred to as the NACH) in 2004 which Cabinet has mandated the Public Service Commission to manage (Public Service Commission, 2011:7).

The NACH “is a system designed to enable members of the public and public servants to report any form of corruption they happen to be aware or suspicious of in their respective areas” (Public Service Commission, 2011:7). Therefore, all forms of unethical conduct are reported by the members of the public and public servants anonymously through the NACH. The NACH has, since its inception, “registered 7922 cases of alleged corruption implicating national and provincial departments and public bodies, and amongst its successes is the recovery of R110 million and a total of 1499 officials who have been found guilty of corrupt activities. Out of these, 603 were dismissed from the Public Service” (Public Service Commission, 2011:7).

3.2.11. The Public Service amended Regulations, 2023

According to the (DPSA: 2023) “The approved enactment of the Public Service Amendment Regulations 2023 is aimed at providing clarity where interpretation challenges exist and streamlining reporting and administrative procedures”

“The Amendment Regulations which will also be published on government gazette, have removed all reporting requirements in the Public Service Regulations to alleviate the burden placed on the Corporate Services units. The Amendment Regulations also introduce more stringent periods on the prohibition on reappointment of dismissed employees in the public service space. These regulations play a central role in raising standards, streamlining processes, and fostering a culture of continuous improvement within the public service. The newly approved Public Service Amendment Regulations represent a significant stride towards

building a capable and ethical public service. It is also hoped that the regulations will further provide clarity, enhance transparency, and promote accountability", (DPSA, 2023).

3.4. LEGISLATIVE AND REGULATORY FRAMEWORK THAT DIRECTS AN ETHICS STRATEGY FOR THE NATIONAL DEPARTMENT OF HUMAN SETTLEMENTS (NDHS)

3. Important concepts			
No	Concept	Meaning	Importance to this stud
3.3.1	Promotion of Ethical Conduct	Ongoing training and awareness and, therefore, promoting a culture of ethics within the institution	The (public) ethics management strategy to incorporate ongoing training and awareness on ethics and/or integrity management
3.3.2	Financial management systems, processes and procedures	Development of Financial management systems, processes and procedures to mitigate the risks of financial misconduct and acts of unethical conduct	The (public) ethics management strategy to incorporate such measures that would mitigate the risks of financial misconduct and acts of unethical conduct
3.3.3	Code of conduct	The aforementioned statement is supported by (Mahapatra & Paliwal, 2018: 7) by citing that the (public) code of conduct is key to (public) ethics management in the Public Service as it sets out a minimal factual ethical standard for the public institution. For example, a document such as the Public Service Code of Conduct, an Explanatory Manual on the Code of Conduct for Public Service, (2002:8-62), sets out acceptable public behavioural standards relating to how public servants in South Africa interacts with co-workers,	Regulates the general/ overall conduct of the public service employees

		members of the public, stakeholders and others concerned individuals (Explanatory Manual on the Code of Conduct for Public Service, 2002:8-62).	
3.3.4	Whistle-Blowing	According to the Public Service Commission (2011: 9), the Protected Disclosure Act 26 whistle-blowing Act No 5 in 2017, "promotes whistleblowing as a preventative anti-corruption measure and protects whistle-blowers from "occupational detriment" as a result of blowing the whistle in good faith." The Protected Disclosures Act 26 of 2000, as amended, makes "a provision for procedures which employees in both the public and private sector may disclose information regarding unlawful or irregular conduct by their employer or other employees in the employ of their employers. The act further protects employees who make a disclosure which is protected in terms of the Act" (the Protected Disclosures Act 26, 2000:1).	In the context of the study the researcher would consider measures such as the i.e. Ethics Hotline, the Presidential Hotline for reporting integrity violations and ongoing communication/awareness of such measures to encourage whistleblowing.

Source: Author's own representation and interpretation of the Statutory and Regulatory contributions of Mahapatra & Paliwal, (2018:7); Public Service Code of Conduct, an Explanatory Manual on the Code of Conduct for Public Service, (2002:8-62); Public Service Commission (2011:9); Protected Disclosures Act 26, (2000:1).

3.5. CONCLUSION

According to the PSC (2011:8), all the different pieces of the public legislative and regulatory prescripts were enacted to provide a strategic direction in the fight against corruption and other forms of unethical conduct through the promotion of accountability and transparency in the Public Service. Which are the two key constitutional requirements for ensuring effective governance in the Public Service. The PSC (2011:8) argues that “to give proper effect to these laws, departments develop secondary legislations in the form of policies and regulations, which then deal with circumstances peculiar or that which affect the respective departments.”

The NDHS, one of the Government Departments amongst the others, developed the Whistle Blowing policy, gift policies which is aligned to the Public Sector Wide Regulatory Prescripts in order to remedy any element of unethical conduct within the Department. This chapter was able to unpack the legislation relevant to the study. In one way or another, the public regulatory prescripts contribute to providing a strategic directive in formulating an ethics and integrity management strategy mainly considering that the strategy must be aligned with the Public Sector Wide Regulatory Prescripts and further considering the Priorities of Government.

Therefore, the public legislative and regulatory prescripts discussed are crucial in developing the public ethics and integrity management strategy for the NDHS. All the public regulatory prescripts provide a different perspective on the aspects of ethics and integrity management in the Public Services. They will contribute immensely to ethics and integrity management strategy.

CHAPTER FOUR

A COMPARATIVE ANALYSIS OF ETHICS STRATEGIES IMPLEMENTED BY OTHER GOVERNMENT DEPARTMENTS

4.1. INTRODUCTION

Rasejekar et al. (2013:5) state that “research methodology is a systematic way to solve a problem. It is the science of studying how research is to be carried out. Essentially, the procedures by which researchers go about their work of describing, explaining, and predicting phenomena are called research methodology. It is also defined as the study of methods by which knowledge is gained. It aims to give the work plan of research.” Igwenagu (2016:5) asserts that “research methodology is a set of systematic techniques used in research. This simply means a research guide and how it is conducted. It describes and analyses methods, throws more light on their limitations and resources, clarifies their pre-suppositions and consequences, relating their potentialities to the twilight zone at the frontiers of knowledge.”

According to Bryman (2012:45), research design refers to the different frameworks adopted for collecting and analysing data in a research project. This is often confused with the research method, which can be either quantitative or qualitative. The quantitative research uses measurable data to analyse a research problem, while qualitative research uses non-numerical data.

The quantitative research method is primarily concerned with the collection and analysis of numerical data from a selected population sample in order to generalise the findings to the entire population (Maree & Petersen, 2007:145). The qualitative method enables the researcher to study people or systems through interaction and observation to understand how they make meaning of phenomena such as ethics and their management (Nieuwenhuis, 2012:85).

Therefore, the following research methodologies are utilised for the purposes of the study:

4.2 RESEARCH DESIGN AND APPROACH

The qualitative approach is suitable for this study as the data collected provide insights and generalisation on ethics issues. Bazeley (2007:2) contends that a qualitative research design is chosen in situations where a "detailed understanding of a process or experience is wanted, where more information is needed to determine the exact nature of the issues being investigated or where the only information available is in non-numeric form." Furthermore, Brynard and Hanekom (1997:29) suggest, "qualitative methodology refers to (social) research which produces descriptive data." One of the key reasons attached to choosing the qualitative methodology is that the research is descriptive and does not focus on statistical research. This research will provide a detailed description of the components of an ethics strategy, and the secondary data will be reviewed to provide insight into this issue.

The qualitative research method is chosen because the data is available, accessible and less costly. The sources to be used are secondary data; the source documents are already in existence; this would entail whistle-blowing mechanisms utilised to mitigate the risk of unethical conduct, Gift and hospitality policies, Anti-Fraud and Corruption policies, public ethics risk management sources, public service code of conduct. According to Kumar (2014:nd), secondary research seeks to re-analyse, review and interpret past data. Ajayi (2017:3) argues that secondary data collection sources are government publications, websites, books, journal articles, and internal records.

4.3 SAMPLING

According to Teddie and Yu (2007: nd), "sampling is the act, process, or technique of selecting a suitable sample, or a representative part of a population to determine parameters or characteristics of the whole population." Gentles *et al* (2015:1775) "defines sampling in qualitative research in its broadest sense as follows, the selection of specific data sources from which data are collected to address the research objectives".

It is important to indicate that only a few government departments have a well-established ethics infrastructure. As a result, the study will utilise ethics strategies implemented by three Government departments, namely, the Department of Planning, Monitoring and Evaluation, Department of Public Works and the Department of Corporative Governance and the

strategies will be used in the study to provide a guide in developing an ethics strategy for the NDHS.

Maape (2017:47) states that “the study of ethics management is a broad knowledge area that can be studied from a number of angles.” This research further intends to employ the pillars of the Institution for Economic Co-operation and Development’s integrity management framework to guide the depth and length of this study. An integrity management framework is a systemic and comprehensive approach to ethics management “which brings together instruments, processes, and structures for fostering integrity and preventing unethical conduct in public institutions” (OECD, 2009:21; Maesschalck & Leuven 1999:7-8).

4.4 INSTRUMENT OF DATA COLLECTION

A desktop analysis will be utilised to conduct the study. According to Johnston (2013: nd), “technological advances have led to vast amounts of data that has been collected, compiled, and archived, and that is now easily accessible on Google and Google Scholar for research purposes. As a result, utilising existing secondary data for research is becoming more prevalent, resulting in credible secondary data analysis. While secondary analysis is flexible and can be utilised in several ways, it is also an empirical exercise and a systematic method with procedural and evaluative steps, just as in collecting and evaluating primary data” (Johnston, 2013: nd).

The sources that are utilized in the study are secondary data; the source documents are already in existence on Google. This source document entails whistle-blowing mechanisms utilised to mitigate the risk of unethical conduct, Gift and hospitality policies, Anti-Fraud and Corruption policies, public ethics risk management sources, and the public service code of conduct etc. According to Kumar (2014: nd) secondary research seeks to re-analyse, review, and interpret past data.

4.5. DATA VALIDITY

In order to ensure that this research has validity, the researcher has clearly outlined what was expected to be measured by specifying in advance that the research employs the pillars of the Institution for Economic Co-operation and Development’s integrity management framework to guide the depth and length of this study. An integrity management framework is a systemic and comprehensive approach to ethics management “which brings together instruments, processes, and structures for fostering integrity and preventing unethical conduct in public institutions” (OECD, 2009:21; Maesschalck & Leuven 1999:7-8).

The framework presented by the OECD sets out standards against which the Ethics Strategies of three Government departments, namely, the Department of Planning, Monitoring and Evaluation, Department of Public Works, and the Department of Corporative Governance and Traditional Affairs, will be compared and thus ensuring that findings are based on the outcomes of the comparisons between the aforementioned three Government Department and the OECD standards. According to Kumar (2011: nd), the research instrument's validity is established through logic or statistical evidence. In this research, the instrument's validity was established through logic.

4.6 DATA ANALYSIS

Using thematic analysis, the researcher "extracts core themes that could be distinguished both between and within the transcripts" (Bryman, 2012:13). Secondary information will be analysed utilising thematic analyses. In qualitative research, thematic analysis identifies and analyses patterns of the qualitative data (Braun *et al*., 2012:5-11). According to Maguire and Delahunt (2017:3354), thematic analysis entails the following steps:

- The researcher must familiarise him/herself with the data.
- either by re-reading and translating the data while noting the initial idea.
- the initial codes must be generated by the researcher.
- data with themes must be searched; the themes must be reviewed.
- The themes must be defined and named, producing a final report.

The Ethics Strategies of three Government departments, namely, the Department of Planning, Monitoring and Evaluation, Department of Public Works, and the Department of Corporative Governance and Traditional Affairs, will be compared and thus ensuring that findings are based on the outcomes of the comparisons between the three Government Department and the OECD standards and therefore collating the various patterns identified throughout the comparisons. Thematic data analysis is done by considering the statements and/or feedback relevant to the research topic. The pattern of reporting will serve a great deal in identifying the important elements, which will assist in proposing an ethics strategy for the NDHS.

4.7 LIMITATIONS/DELIMITATION OF THE STUDY

4.7.1Definition of limitations and delimitations

According to Theofanidis and Fountouki (2019:256), “limitations of any study concern potential weaknesses that are usually out of the researcher’s control, and are closely associated with the chosen research design, statistical model constraints, funding constraints, or other factors. In this respect, a limitation is an ‘imposed’ restriction which is therefore essentially out of the researcher’s control” (Theofanidis & Fountouki, 2019:256), (Miles & Scott, 2017:26-27), define limitations “as constraints to your study based on the research methodology and design. Limitations are constraints you cannot control in your study. Primarily, limitations deal with the constraints to the research method.”

Delimitations are defined as chiefly concerned with the scope of the study. Delimitations describe the scope of the study or establish parameters. Delimitations also prevent you from stating your findings are generalisable to the whole population. Delimitations are self-imposed restrictions to your study compared to limitations, which have inherent restrictions to your methodology (Miles & Scott, 2017:26-27). Delimitations are, in essence, the limitations that the authors themselves consciously set. They are concerned with the definitions that the researchers decide to set as the boundaries or limits of their work so that the study’s aims and objectives do not become impossible to achieve. In this respect, it can be argued that delimitations are in the researcher’s control. Thus, delimitations with the study’s theoretical background, objectives, research questions, variables under study, and study sample (Theofanidis & Fountouki, 2019:256).

In the “limitations of research” section, the researcher(s) have the opportunity to write about the major problems of the research study. This not only gives the researcher(s) the opportunity to demonstrate to peer reviewers and scholars alike that their awareness of the study’s problems exists, but it also allows them to write about how they addressed the research/scientific problems of the study (Olufowote 2017:3).

The study will benchmark with various Government departments to establish the availability, nature, content, and scope of ethics strategies. However, it is important to indicate that only a few government departments have a well-established ethics infrastructure, and as a result, the study will source for ethical strategies already implemented by three government departments, namely:

i. the Department of Planning, Monitoring and Evaluation

ii. the Department of Public Works, and
iii. the Department of Corporative Governance and Traditional Affairs.

The ethical strategies mentioned above are utilised in the study to provide a guide in developing an ethics strategy for the NDHS. The research further employs the ethical principles of the Institution for Economic Co-operation and Development's Integrity Management Framework to guide the depth and length of this study (OECD, 2009:21; Maesschalck & Leuven 1999:7-8).

4.8. ETHICAL CONSIDERATIONS

Due to the academic and ethical restrictions. The researcher considered using the positions/designation meaning the names of the individuals who were implicated in some of the cases mentioned in the research were not included, thus and the sensitivity of the issues to be investigated, the personal information of the officials will not be utilised. The researcher will consider using their positions/designation. Thus, the right to privacy will be observed. The study focuses on issues of unethical conduct within the NDHS. Furthermore, the names of the officials will not be used.

The research uses the statistical information and/or percentages in relation to the cases of unethical conduct within the National Department of Human Settlements and detailed information of the cases of unethical conduct and personal information is not disclosed.

4.9. SIGNIFICANCE OF THE STUDY

The Department of Planning Monitoring and Evaluation identified a need for Government departments to develop an ethics strategy for curbing unethical conduct (DPME, 2019:3). The NDHS does not have an ethics strategy. The purpose of the ethics strategy is to outline the standards of ethical behaviour in an institution, to promote consistent ethical behaviour among the employees, to encourage ethical leadership from the board and management, and to promote the monitoring, discussion and enforcement of compliance with the standards of ethical behaviour (Kaptein, 2009:263). An ethics strategy for managing ethics incorporates all the strategic and operational initiatives required to enhance the ethical culture of an institution (*EthicsSA*, 2014:3). Therefore, developing a public ethics strategy would not only be beneficial to the NDHS but would also illustrate its role in maintaining and setting out the standards for ethical behaviour in a public institution.

Furthermore, the study findings will be disseminated through conference presentations within the Public Service and during the National Public Service Committee conference facilitated by the Department of Public Service and Administration (the DPSA), the Provincial and internal departmental reports and presentations. The dissertation will therefore contribute to the existing body of academic scholarship and knowledge.

A public Ethics strategy to mitigate the risk of unethical conduct in the Department will be developed. Furthermore, a comparative analysis with international practices such as the Institution for Economic Co-operation and Development will aid in producing more effective public Ethics strategies leading towards the reduction of unethical conduct in the Department and benefiting other Government Departments.

4.9 COMPARATIVE ANALYSIS OF ETHICS STRATEGIES IMPLEMENTED BY OTHER GOVERNMENT DEPARTMENTS

The focus area is to present the result of the study now. Thematic data analysis compares the information received from the documentary sources. The data obtained from the research will be presented, utilising the conceptual framework as outlined earlier. This conceptual framework entails the three pillars, which are instruments, processes, and structures of integrity management. A brief background of the instruments used is also presented before the actual results are presented under each pillar of the theoretical framework.

Brief Background

As outlined in the first chapter, the study employs a qualitative research methodology. The qualitative research method will be suitable for this study as the data collected provide insights and generalisation on issues of ethics and integrity management, thus providing an insight into developing an ethics and integrity management strategy for the NDHS. One key reason for choosing the qualitative methodology is mainly because the research is descriptive and does not focus on statistical research.

Bazeley (2007:2) states that a qualitative research design is chosen in situations where a “detailed understanding of a process or experience is wanted, where more information is needed to determine the exact nature of the issues being investigated or where the only information available is in non-numeric form.” Furthermore, Brynard and Hanekom (1997:29) suggest, “qualitative methodology refers to (social) research which produces descriptive data.” Interviews were not conducted; desktop research was carried out by comparing an Ethics and

Integrity Management Framework of the two Departments, which will be later adopted for developing the Integrity Management Framework for the NDHS

According to Maape (2017:47), "the study, ethics management, is a broad knowledge area that can be studied from a number of angles." Therefore, the researcher employs the pillars of the OECD integrity management framework to guide the depth and length of this study. An integrity management framework is a systemic and comprehensive approach to ethics management "which brings together instruments, processes, and structures for fostering integrity and preventing corruption in public institutions" (OECD, 2009:21; Maesschalck & Leuven, 1999:7-8). The OECD (1999:21) contends that the three pillars enforce and directly stimulate the prevention of corruption and prevent acts of unethical conduct and all other integrity violations such as grand corruption, fraud, embezzlement, and conflict of interests.

Table 4.1: Brief outline of the three pillars of the Integrity management framework according to (Maesschalck, 2009:22)

Components of the Ethics Management Framework	Instruments	Processes	Structures
The core measures at the heart of the integrity management framework are the core instruments, such as ethics codes, conflict-of-interest policies or whistle-blowing arrangements, core change processes, and Core actors, such as "integrity actors" or managers. Consists of the actual integrity management instruments themselves. These constitute the actual intervention tools used to shape the institution's integrity and resistance to corruption in the desired direction.	Risk assessments, Codes, rules, guidance, integrity training and advice, disclosure of Conflict of interest. The first pillar consists of the actual integrity management instruments themselves. These Constitute the actual intervention tools used to shape the institution's integrity and resistance to	Overall continuous integrity development process, continuous development processes for individual instruments, one-off Projects to introduce or change instruments. The second pillar of the integrity management framework is processes. According to the OECD (2009:21), the presence of ethics management instruments or structures will not serve any purpose if they are not institutionalised in the management process of an institution. 'Processes' in this regard refer to 'development processes of	The last pillar of the integrity management framework, structures, includes the establishment and arrangement of structures or persons who play a role in ethics management the OECD (2009:7) views 'structures' as being concerned with who is responsible for integrity or ethics management, including the coordination of all institutional initiatives related to ethics management. The focus of the study on structures was to establish actors or role players, including senior managers, who have been allocated the role of managing ethics.

Components of the Ethics Management Framework	Instruments	Processes	Structures
	corruption in the desired direction.	planning, implementation, evaluation and adapting of aspects of an integrity management programme' (OECD, 2009:7).	The three pillars of the framework must not be treated as isolated and independent but as interrelated and interdependent parts of an ethics management system. In this regard, the OECD (2009:7) posits that instruments are just intentions and 'they will only have an impact when they are brought to life and kept healthy through processes and structures.' The starting point for any institution in fighting fraud effectively is a clear understanding of where responsibility for managing risk lies (Giles 2012:19)

Source: Institution for Economic Co-operation and Development (2014:1); Department of Cooperative Governance; Annual Performance Plan 2023/2024 (2022: nd); Department of Public Works Annual Performance Plan 2022/2023 (2022:16); and DPME Annual Performance Plan (2022:12).

According to the OECD (1999:8) and Aktan (2015:86), fostering integrity and preventing unethical conduct requires a holistic approach. A holistic approach should not only consider the core measures but also the complementary building blocks of the integrity management framework OECD (1999:8).

The OECD further reasons that "the underlying assumption is that the effectiveness of integrity management depends as much on the synergies between the instruments as on the effects of the individual instruments separately. An ethics code alone will not have much impact; an integrity training session will not make a difference; one inspection will probably not leave a lasting impression."

“It is the combination of such measures that will have a significant effect, a joint effect much larger than the sum of the effects of the individual instruments. Therefore, instruments should always be assessed together, particularly to their synergies” (OECD, 1999:11).

The main objective of the study is to develop an ethical management strategy for the NDHS. Therefore, the study has identified three ethics and/or integrity management strategies developed and implemented by the Department of the Department of Corporative Governance, the Department of Public Works and the Department of Planning, Monitoring and Evaluation. The three frameworks will be analysed by utilising the aforementioned OECD model, and the study will first outline the mandate of the three Departments:

4.10. COMPARATIVE ANALYSIS OF THE ETHICS STRATEGIES OF THE DEPARTMENT OF CORPORATIVE GOVERNANCE, THE DEPARTMENT OF PUBLIC WORKS AND DEPARTMENT OF PLANNING, MONITORING AND EVALUATION UTILIZING THE INSTITUTION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT’S INTEGRITY MANAGEMENT STANDARDS AND PRESENTATION OF FINDINGS:

The purpose of this section is to analyse and/or interpret the data that was collected from the secondary data in order to achieve the main objective of the study, which is to develop an Ethics Strategy for the NDHS. A comparative analysis is presented in line with the study’s theoretical framework, which seeks to establish the presence of ethics management instruments, processes, and structures at the Department of Corporative Governance, the Department of Public Works, and the Department of Planning, Monitoring and Evaluation.

The study further focuses and or assesses the availability of internal policies, rules, the code of conduct and training as an ethics management instrument, and the integration of ethics in the aforementioned respective Departments and management processes, covers the assessment of the institutionalisation and the integration of ethics management in the culture of the institution.

With regards to the structures, the study assesses the presence of designated internal structures, personnel, or committees, such as the Ethics or Integrity Management Committee, Audit Committee, and Risk Management Committee, amongst the others responsible for ethics management.

Table 4.2: The Mandate of the Institution for Economic Co-operation and Development, the Department of Corporative Governance, the Department of Public Works, and the Department of Planning, Monitoring and Evaluation, comparative analysis and presentation of findings:

Institution for Economic Co-operation and Development's (OECD) Framework's mandate is to the mandate of the OECD is *"to promote policies that will improve the economic and social well-being of people around the world." (OECD, 2014: 1)*	**The mandate of the Department of Corporative Governance, the Department of Public Works and Department of Planning, Monitoring and Evaluation.**		
	"The mandate Department of Cooperative Governance is to develop and monitor the implementation of national policy and legislation aimed at transforming and strengthening key institutions and mechanisms of governance in national, provincial and local government to fulfil their developmental role; develop, promote and monitor mechanisms, systems and structures to enable integrated service delivery and implementation within government; and promote sustainable development by providing support to and exercising oversight of provincial and local government" The Department of Department of	According to the Department of Public Works Annual Performance Plan 2022/2023 (2022: 16), its mandate is to be "the custodian and manager of all national governments' fixed assets, for which other legislation does not make another department or institution responsible. This includes determining accommodation requirements, rendering expert-built environment services to client departments, the acquisition, maintenance and disposal of such assets."	DPME Annual Performance Plan (2022: 12) "The mandate of the Department of Planning, Monitoring and Evaluation is derived from Section 85(2)(b-c) of the Constitution of the Republic of South Africa which states that: □ the President exercises executive authority, together with the other members of the Cabinet by: □ "developing and implementing national policy and coordinating the functions of state departments "DPME Annual Performance Plan (2022:12)

	Cooperative governance Annual Performance Plan 2023/2024 (2022: nd).		

Source: Researcher's own construction

Table 4.3: Presentation of the findings of a comparative analysis of the Ethics Strategies of the Department of Corporative Governance, the Department of Public Works and the Department of Planning, Monitoring and Evaluation utilizing the Institution for Economic Co-operation and Development's integrity management standards

A Comparative Analysis and Presentation of Findings:			
Organisation for Economic Co-operation and Development's (OECD) Framework	**Ethics Management Strategy Department of Corporative Governance (DCG)**	**Ethics Management Strategy Department of Public Works (DPW).**	**Ethics Management Strategy Department of Planning, Monitoring and Evaluation (DPME)**
The Instruments of the Integrity Management Framework: Risk management, Codes of Conduct, guidance, integrity training and advice, disclosure of conflict of interest	The DCG's ethics strategy incorporates the following ethics management instruments: -Ethics Risk Management and process for mitigating the risks of unethical conduct are sufficiently outlined. -Code of conduct for the Municipal Staff and Municipal employees incorporated in the Strategy. -Integrity training includes the implementation of ethics awareness/ training at the Municipalities within the	The DPW's ethics strategy incorporates the following ethics management instruments: -Ethics Risk Management and process for mitigating the risks of unethical conduct outlined in detail. -The Public Service Code of Conduct as an instrument for mitigating the risk of unethical conduct incorporated in the DPW's strategy. -Integrity training is part of an instrument for ethics management.	The DPME's ethics strategy incorporates the following ethics management instruments: -Ethics Risk management processes forms part of the component for ethics management. -An ethics code included as one part of the instrument for ethics management of the DPME. -Ethics training, awareness and advice channels incorporated in the ethics strategy. Ethics training and awareness entails training on the ethics code,

A Comparative Analysis and Presentation of Findings:			
Organisation for Economic Co-operation and Development's (OECD) Framework	**Ethics Management Strategy Department of Corporative Governance (DCG)**	**Ethics Management Strategy Department of Public Works (DPW).**	**Ethics Management Strategy Department of Planning, Monitoring and Evaluation (DPME)**
	communities of (among others) and these training include the following: -Their rights to transparent and accessible information when engaging with the municipality; Their right to just administrative action. -Recourse if they do not believe these rights have been fulfilled; -Avenues to raise concerns or report elements of unethical conduct such as corruption; -Training on Service standards. -Including clarity on procedures and costs for transactions. -Further outlines that the Ward councillors and community development workers should play a key part in awareness raising within the communities;	-The disclosure of conflict of interest is not only limited to the employees of the DPW but to the members of the Executive Management, such as the Minister, Deputy Ministers.	whistle-blowing channels such as the Anti-Corruption Hotline and collaboration/ discussions by different business units such as Human Resources, Supply Chain Management in raising awareness on policy issues. -Conflict of interest management through managing other remunerative work, gift and hospitality and the declaration of financial interest.
	The DCG has incorporated all the instruments of the integrity and /or ethics management strategy and is aligned with the OECD framework.	The instruments of the Integrity Management strategy of the DPW are aligned with the OECD's integrity management framework.	The DPME's ethics management strategy aligns with the instruments of the integrity management framework of the OECD.

A Comparative Analysis and Presentation of Findings:			
Organisation for Economic Co-operation and Development's (OECD) Framework	**Ethics Management Strategy Department of Corporative Governance (DCG)**	**Ethics Management Strategy Department of Public Works (DPW).**	**Ethics Management Strategy Department of Planning, Monitoring and Evaluation (DPME)**
Processes which entail: Integration of ethics in planning, change management processes, recruitment and selection, procurement and financial management reporting	The DCG's ethics management processes entail the following: -There is no indication about the Integration of the DCG planning and ethics management. -Leadership commitment to ethics through setting a tone at the top, identified as key change management processes and further mitigating the risks of unethical conduct within the DCG. -Pre-employment screening is included as part of the recruitment and selection management process by the DCG. -Procurement and Financial Management are identified as some of the most high-risks areas, and therefore, the DCG	The DPW ethics management processes entail the following: -The DPW's ethics strategy pose it that the Business Plans should incorporate the ethics management plans. -Leadership commitment to ethics through setting a tone at the top is identified as key change management. -Pre-employment screening forms part of the recruitment and selection management process by the DPW. -Disclosure of financial interest and conflict of interest management policies forms part of the internal process for ethics management.	The ethics management processes of the DPME: -Ethics Management processes are Integrated with other institutions strategic plans. -The DPME ethics management also posit that successful ethics management and sound ethical culture can be achieved through ethical leader (DPME: 2022:17), therefore ethical leadership plays crucial role in each and every institution particularly in maintaining a sound ethical culture. Meaning that leaders need to conduct themselves in an ethical manner so that the members of the institution and staff members can follow through. - The DPME's ethics strategy put emphasis on the importance of personnel suitability check conducted in line with the legal prescripts such as the Public Service Act, the Public Service Regulations amongst the other, and a sound recruitment processes.

A Comparative Analysis and Presentation of Findings:			
Organisation for Economic Co-operation and Development's (OECD) Framework	**Ethics Management Strategy Department of Corporative Governance (DCG)**	**Ethics Management Strategy Department of Public Works (DPW).**	**Ethics Management Strategy Department of Planning, Monitoring and Evaluation (DPME)**
	has incorporated processes such as the disclosure of financial interest, monitoring of a gift register and monitoring external and additional remunerative work as a way of mitigating the risks of unethical conduct such as tender irregularities, fraud amongst the others. The internal processes of the DCG are clearly articulated, except for the ethics management process with the strategic planning process of the institution.	The DPW has incorporated all the processes of ethics management in line with the OECD framework.	- The DPME's ethics strategy further put emphasis on an ongoing review of the financial management systems, tender process, and contract management. The DPME has incorporated all the processes of ethics management in line with the OECD framework.
Structures which entail: Ethics officers Ethics committees Management teams Audit Committee Risk Management Committee Council Committees and/or Executive Management Committee	The internal governance structures and/or oversight committees of the DCG entails: -Ethics Committee -Municipal Public Accounts committee -Council Disciplinary Committee The ethics management strategy of the DCG does not incorporate governance of all structures, such as the Risk Management Committee and Audit Committee, and there is no indication regarding	The roles and responsibilities of the governance structure are clearly defined and outlined. The roles of the Ethics Officers and the Risk Management Unit as implementing agents have been clearly articulated with structures such as the Ethics and Governance Committee, Management teams, Audit Committee, and Risk Management Committee provided the responsibility for	The internal governance structures and/or oversight committees of the DPME entails: -Executive Authority (the Minister) -Executive Management Committee -Ethics Officers/Ethics Champions -Ethics Committee -Internal Audit -Audit Committee -External Audit All the governance structures, roles and responsibilities of each of the committee is sufficiently outlined on the DPME ethics

A Comparative Analysis and Presentation of Findings:			
Organisation for Economic Co-operation and Development's (OECD) Framework	**Ethics Management Strategy Department of Corporative Governance (DCG)**	**Ethics Management Strategy Department of Public Works (DPW).**	**Ethics Management Strategy Department of Planning, Monitoring and Evaluation (DPME)**
	the appointment of Ethics Officers who are the implementing agents of the ethics management processes or the establishment of an ethics office to implement the ethics management process. Therefore, the governance structures of the DCG are not according to the OECD framework.	ensuring an oversight role. The integrity management strategy of the DPW further puts emphasis on the roles of the members of executive management and the Minister in fostering integrity management. Furthermore, DPW Internal Audit and the Auditor General South Africa (AGSA) conduct an independent integrity management assessment. Therefore, the governance structures DPW are aligned with the structures of the OECD.	strategy and aligned with the framework of the OECD.

Source: the researcher's own construction

4.11. CONCLUSION

A comparative study of the aforementioned Departments, the Department of Co-operative Governance, the Department of Public Works and the Department of Planning, Monitoring and Evaluation, illustrate that much work has been done in developing some measures to curb unethical conduct within the public service. There are instruments, processes and structures of the comparative assessment which align with the OECD standards, although there are some few gaps about the establishment of the (public) ethics governance structures by the Department of Cooperative Governance, particularly the establishment of the governance structures such as the

Risk Management Committee, Audit Committee, and an Ethics Office, which plays a crucial role in the implementation of the ethics component and the monitoring of the effectiveness ethics management within (public) institutions.

Based on the gaps identified, the study recommends the following future improvements aimed at enhancing the management of ethics and, therefore, strengthening the ethics management processes with a specific focus on the establishment of the governance structures. If the (public) ethics management and/or the ethics functions are to be institutionalized and institutionalised within the public institutions, proper structures should be established for effective ethics management at both the operational and strategic levels. The (public) ethics committee is a valuable feature of the (public) ethics strategy; the (public) ethics committee is crucial in ensuring an oversight role on the ethics management programmes, which include, amongst others, developing and reviewing ethics policies, ensuring compliance with the code of conduct and other policy prescripts (Schoeman, 2012:61).

The next chapter focuses on developing an ethics strategy for the NDHS. The strategy will take into account the outcome of the comparative analysis conducted and further ensure that the gaps identified are addressed when drafting the strategy for the NDHS.

CHAPTER FIVE

AN ETHICS STRATEGY FOR THE NATIONAL DEPARTMENT OF HUMAN SETTLEMENTS (NDHS)

5.1. INTRODUCTION

The main aim of this chapter is to present an Ethics Strategy for the National Department of Human Settlements. According to the OECD (1999:8) and Aktan (2015:86), fostering integrity and preventing unethical conduct requires a holistic approach. A holistic approach should not only consider the core measures but also the complementary building blocks of the integrity management framework OECD (1999:8).

The OECD 1999:11) argues that “the underlying assumption is that the effectiveness of integrity management depends as much on the synergies between the instruments as on the effects of the individual instruments separately. An ethics code alone will not have much impact; an integrity training session will not make a difference; one inspection will probably not leave a lasting impression. According to (OECD, 199:11), It is the combination of such measures that will have a significant effect, a joint effect that is much larger than the mere sum of the effects of the individual instruments. Therefore, instruments should always be assessed together, with particular attention to their synergies”

The main objective of the study is to develop an ethical management strategy for the NDHS. Therefore, the study has identified three ethics and/or integrity management strategies developed and implemented by the Department of the Department of Corporative Governance, the Department of Public Works and the Department of Planning, Monitoring and Evaluation. The three frameworks will be analysed by utilising the aforementioned OECD model and the study will firstly outline the mandate of the three Departments:

5.2. THE MEANING AND PURPOSE OF A STRATEGY IN THE SOUTH AFRICAN GOVERNMENT

Section 195 (1) of the Constitution of the Republic of South Africa (1996), public administration must be governed in terms of democratic values and sound principles, including a high standard of professional ethics that need to be promoted and maintained (the Constitution of the Republic of South Africa, 1996:72). Besides the overarching constitutional mandate, government has also introduced several policies, frameworks and mechanisms for curbing corruption and other forms of unethical conduct in the public service.

These frameworks, policies and systems include the Public Service Regulations, Chapter 2 of the Financial Disclosure Framework, Public Service Regulation (2016), Public Service Code of Conduct (Explanatory Manual on the Code of Conduct for Public Service, 2002:8-62), and an e-disclosure system (a system that is used to declare financial interest to mitigate unethical conduct such as conflict of interest). Despite all these measures, public servants continue to engage in various forms of unethical conduct such as fraud, corruption, assets misappropriation etc (Adebayo, 2014:411-412).

Therefore, in achieving the aspirations of the NDP and the aforementioned constitutional mandate, the OECD (1999:12), as well as Thompson (1999:255) reason that public institutions need to invest in public ethics management because public ethics management is instrumental for achieving the primary strategic objectives and public service policy goals. Through ethics management, public institutions to devise some proactive measures way in advance instead of investing in resources such as municipal budgets and time to investigate and prosecute integrity violations such as grand corruption, fraud, etc. (Thompson, 1999:255). The OECD (1999:7) supports the aforementioned statement by propounding that integrity management makes a provision for “forward-looking approach” to mitigate emerging grey areas and all forms of integrity violations.

The term (public) ethics management is not the only alternative to such management activity; another preferred term is integrity management. The shift of terminology from (public) ethics management to (public) integrity management was due to “a growing understanding that integrity is a keystone of good (public) governance” and that (public) integrity is a condition for all the activities in government to be legitimate, trusted and effective (OECD, 1999:8).

The OECD (1999:8) asserts, "Public integrity and/or ethics management refers to the activities undertaken to stimulate and enforce integrity and prevent corruption and other integrity violations within a particular public institution. The integrity context of a public institution refers to all the factors, other than the public integrity management framework, that can have an impact on the integrity of the members in public sector institutions. This includes factors and instruments both within (the inner public context) and outside (the outer public context) the public institution. The (public) integrity management framework and the (public) integrity context together constitute the integrity framework including all instruments, factors and actors that influence the (public) integrity of the members of an institution” (OECD, 1999:8).

Therefore, (public) ethics and/or integrity management is important in ensuring that the public institution has a clear formal (public) ethics management framework, and the strategy will position the public institution in promoting and maintaining an ethical culture. Most importantly,

a public institution will be able to put proactive measures to remedy or mitigate acts of unethical conduct way in advance rather than focusing only on reactive measures such as investigation of fraud and corruption. In the context of the study, the researcher would take consideration of measures that would proactively mitigate acts of unethical conduct within the NDHS in support of an assertion by Thompson (1999:255) contends that through ethics management, public institutions can devise some proactive measures way in advance, instead of investing in resources such as municipal budgets and time to investigate and prosecute integrity violations such as grand corruption, fraud, etc. (Thompson, 1999:255). The OECD (1999:7) further supports the aforementioned statement by propounding that integrity management makes a provision for a "forward-looking approach" to mitigate emerging grey areas and all forms of integrity violations.

5.3. THE ELEMENTS OF A GOOD STRATEGY

The following components of a (public) ethics management strategy are very crucial for effective (public) ethics management in the public institution. This component entails leadership and management commitment to ethics, public ethics risk assessment, and setting ethical standards through the Public Service Code of Conduct (OECD, 1999:12; Ethics Institute of South Africa, 2014:6-10; Ethics Institute of South Africa, 2014:22-26; Kaptein, 2014:416; UNDP, 2015:29; Maape, 2017:97; and Schoeman), The Authors further cite that institutionalisation of public ethics, monitoring and reporting to the assurance providers such as the Ethics Committee, Audit Committee are equally crucial, (OECD, 1999:12; Ethics Institute of South Africa, 2014:6-10; Ethics Institute of South Africa, 2014:22-26; Kaptein, 2014: 416; UNDP, 2015:29; Maape, 2017:97; and Schoeman, 2012:61).

Maape (2017: 47) argues that "the study, ethics management, is a broad knowledge area that can be studied from a number of angles." Therefore, the researcher employed the pillars of the OECD integrity management framework to guide the depth and length of this study. An integrity management framework is a systemic and comprehensive approach to ethics management, "which brings together instruments, processes, and structures for fostering integrity and preventing corruption in public institutions" (OECD, 2009:21; Maesschalck & Leuven 1999:7-8). The OECD (1999:21) claims that the three pillars enforce and directly stimulate the prevention of corruption and prevent acts of unethical conduct and all other integrity violations such as grand corruption, fraud, embezzlement, and conflict of interests.

Table 5.1: Brief outline of the three pillars of the Integrity management framework according to (Maesschalck, 2009: 22)

Components of the Ethics Management Framework	**Instruments**	**Processes**	**Structures**
The core measures at the heart of the integrity management framework are the core instruments, such as ethics codes, conflict-of-interest policies or whistle-blowing arrangements, core change processes, and Core actors, such as "integrity actors" or managers. Consists of the actual integrity management instruments themselves. These Constitute the actual intervention tools used to shape the institution's integrity and resistance to corruption in the desired direc**tion.**	Risk assessments, Codes, rules, guidance, integrity training and advice, disclosure of Conflict of interest. The first pillar consists of the actual integrity management instruments themselves. These Constitute the actual intervention tools used to shape the institution's integrity and resistance to corruption in the desired direction.	Overall continuous integrity development process, continuous development processes for individual instruments, one-off Projects to introduce or change instruments. The second pillar of the integrity management framework is processes. According to the OECD (2009: 21), the presence of ethics management instruments or structures will not serve any purpose if they are not institutionalised in the management process of an institution. 'Processes' in this regard refer to 'development processes of planning, implementation, evaluation and adapting of aspects of an integrity management programme' (OECD, 2009:7).	The last pillar of the integrity management framework, structures, include the establishment and arrangement of structures or persons who play a role in ethics management. The OECD (2009:7) views 'structures' as being concerned with who is responsible for integrity or ethics management, including the coordination of all institutional initiatives related to ethics management. The focus of the study on structures was to establish actors or role players, including senior managers, who have been allocated the role of managing ethics. The three pillars of the framework must not be treated as isolated and independent, but as interrelated and interdependent parts of an ethics management system. In this regard, the OECD (2009:7) posits that instruments on their own are just intentions and 'they will only have an impact when they are brought to live and kept healthy through processes and structures.'

Components of the Ethics Management Framework	Instruments	Processes	Structures
			The starting point for any institution in fighting fraud effectively is a clear understanding of where responsibility for managing risk lies (Giles 2012:19)

Source- Maesschalck (2009: 22)

According to the OECD (1999: 8) and Aktan (2015: 86), fostering integrity and preventing unethical conduct requires a holistic approach. A holistic approach should not only consider the core measures but also the complementary building blocks of the integrity management framework OECD (1999: 8).

5.4. FROM THE THEORETICAL FRAMEWORK (CHAPTER 2) AND THE STATUTORY AND LEGISLATIVE FRAMEWORK (CHAPTER 3) THE COMPARATIVE ANALYIS (CHAPTER 4)

According to the Ethics Institute of South Africa (2014:5), Kaptein (2014:416), and the UNDP (2015:29), the implementation of a formal (public) ethics management strategy is necessary to build a culture of (public) ethics in modern institutions. Maape (2017:97) maintains that “a well-structured (public) ethics management strategy would lead to an improvement in the ethical conduct of employees and reduce incidents of unethical conduct.” A (Public) ethics management strategy forms part of the entire integrity management framework (Ethics Institute of South Africa: 2014:5).

The following components of a (public) ethics management strategy are very crucial for effective (public) ethics management in the public institution. This component entails leadership and management commitment to ethics, public ethics risk assessment, setting ethical standards through the Public Service Code of Conduct, (OECD, 1999:12; Ethics Institute of South Africa, 2014: 6-10; Ethics Institute of South Africa, 2014: 22-26; Kaptein, 2014:416; UNDP, 2015:29; Maape, 2017:97; and Schoeman), The Authors further cite that institutionalisation of public ethics, monitoring and reporting to the assurance providers such as the Ethics Committee, Audit Committee are equally crucial, (OECD, 1999:12; Schoeman 2012:61; Ethics Institute of South Africa, 2014:6-10; Ethics Institute of South Africa, 2014:22-

26; Kaptein, 2014:416; UNDP, 2015:29 & Maape, 2017:97). These key components of an ethics management strategy are briefly outlined below in detail:

The study has identified the three ethics theories, namely, Aristotle's Virtue Theory, Kant's Deontological Theory, and John Stuart Mill's Utilitarian Theory. These Ethics theories provide clarity on what moral standards to consider when making an assessment of the actions and decisions and how to justify such moral standards (Gamlund, 2012:19 & Rossouw and Van Vuuren, 2010: 67). According to Rossouw (2010: 57-69), several ethics theories covering public institutional ethics have been developed. However, Aristotle's Virtue Theory, Kant's Deontological Theory, and John Stuart Mill's Utilitarian Theory are the most dominant theories on ethics. Schuz (2019: 106) holds that the integration of the aforementioned three theories has a significant potential for ethically responsible actions in an institution.

According to Schuz (2019: 109-110), "all three approaches have their bewailed limitations when used in isolation. Once used together, they fully represent the three positions of an ethically responsible course of action: consequences ethically desired, duties ethically demanded, and capabilities of ethical characters." Therefore, the (public) ethics theories could well assist any public institution in having a better understanding of the origins of ethics and further guide in developing public ethics standards which will encourage acceptable public ethical conduct.

The ethics Management Strategy is influenced and incorporates principles contained in, and/ or draws its legislative mandate and/or regulatory prescripts from the following:

- Public Finance Management Act, No. 1 of 1999;
- Public Service Act, 1994 and Public Service Regulations, 2016;
- The Public Service Code of Conduct and Explanatory Manual on the Code of Conduct for the Public Service 2002;
- The National Anti-Corruption Strategy 2020/2030;
- Prevention and Combating of Corrupt Activities Act (12 of 2004);
- Protected Disclosure Act 26 of 2000 as amended in 2017; and
- Promotion of Administrative Justice Act 3 of 2000.

5.5. AN ETHICS STRATEGY FOR THE NDHS

The National Department of Human Settlements (the NDHS) acknowledges that acts of unethical conduct such as corruption, fraud, and tender irregularities are an increasing global problem which affects all public and private institutions. The Department is not immune to this

epidemic, and to address the problem. Therefore, an Ethics Management Strategy (the Strategy) is hereby developed to mitigate the risks of unethical conduct. The Department is committed to the establishment of a culture of fair and just administration transparency, and accountability, which is aimed at achieving the highest ethical behaviour amongst its employees.

The ethics management strategy recognises basic anti-corruption measures which are already in place within the Department and the Public Service, in general. Furthermore, it identifies potential risks of unethical conduct that must be addressed, which could jeopardise the successful implementation of each component of the ethics strategy. The corruption risks identified in the strategy cannot be relied upon as an indication of the full spectrum of corruption risks facing the Department but rather as an indication of some of the types of risks, the department may be faced with. This Strategy is a living document, which will continuously evolve as the Department makes changes and improvements in its drive to promote ethics and fight fraud and corruption.

The Department recognises and supports all relevant provisions of legislation, protocols, edicts and other pronouncements aimed at informing its ethics management strategies. The strategy intended to serve as an additional measure to assist in the reduction of acts of unethical conduct and general ethics risk with a particular focus on creating awareness and promoting ethical business conduct.

5.2. AN ETHICS MANAGEMENT STRATEGY FOR THE NATIONAL DEPARTMENT OF HUMAN SETTLEMENTS (NDHS)

TARGET	KEY STRATEGIC FOCUS AREA	ACTIVITIES	TIMEFRAMES	RESPONSIBITY/ IMPLEMENTED BY:
100% execution of the approved ethics strategy	Integration of the NDHS Ethics and Fraud Risk Assessments with Business Plans Quarterly monitoring tools and/or implementation of the risk mitigation plans	Update the Fraud Risk Register and develop the fraud risk mitigation plans.	Ongoing and/or continuous process	Chief Risk Officer (CRO)-Risk and Integrity Management Unit and the Risk Owners (Members of the Executive Management and Senior Managers of the NDHS

TARGET	KEY STRATEGIC FOCUS AREA	ACTIVITIES	TIMEFRAMES	RESPONSIBITY/ IMPLEMENTED BY:
		Quarterly fraud risk monitoring tool/ implementation of mitigation plans	01 April 2025 TO 31 March 2026 QUARTERLY	

TARGET	KEY STRATEGIC FOCUS AREA	ACTIVITIES	TIMEFRAMES	RESPONSIBITY/ IMPLEMENTED BY:
	Review of policies/ processes	It is essential that the Department's policies and procedures reflect the values held by the Department which are aimed at enhancing the ethical culture of the Department. Fundamentally, all employees of the Department must comply with the principles inherent in the public service policy framework, including the Public Service Act and its Regulations, Public Service Anti-Corruption Strategy, PFMA and Treasury Regulations. Employees are also expected to adhere to the Departmental policies, procedures and related government prescripts. -Develop a policy on financial disclosures and Life-Style reviews -Review Gift Register/preferably propose a no Gift Policy -Review the Whistleblowing -Review Human Resources policies	1 November 2025 TO 31 March 2026	Chief Risk Officer (CRO)-Risk and Integrity Management Unit/ Financial Management Services and information technology

TARGET	KEY STRATEGIC FOCUS AREA	ACTIVITIES	TIMEFRAMES	RESPONSIBITY/ IMPLEMENTED BY:
	Implementation of Financial Disclosures to mitigate the risks of conflict of interest Review of the Disclosure of Financial Interest	Implementation of Financial Disclosures by all Members of the Financial interest by the Members of the Senior Management Service, Deputy Directors, All officials in Financial Management Services, Supply Chain Management as per the financial disclosure framework, Public Service Regulations, 2016	01 Jan 2025 TO 31 September 2026	Chief Risk Officer (CRO)-Risk and Integrity Management Unit
		Review of the Third-Party Data (Enacts/Deeds Registry/Companies and Intellectual Property Commission to review the financial disclosures/ review of the remunerative work outside the public service, gift policy.	01 April 2025 TO 31 March 2026 QUARTERLY	
	Ethics Training /awareness for NDHS employees	Coordinate the promotion/implementation of training and awareness of all employees (Ethics and/or integrity management, ethical leadership, training: The Public Service Code of Conduct and Explanatory Manual on the Code of Conduct for the Public Service 2002, Fraud and Corruption, Human Resources and Financial Management policies, Communication of the outcome of investigations, promotion of the Public Service Commission's National-Anti Fraud and Corruption Hotline).	01 April 2025 TO 31 March 2026 QUARTERLY	Chief Risk Officer (CRO)-Risk and Integrity Management Unit
	Implementation of the National School of Government (NSG) Compulsory online Ethics training/Code of Ethics	Monitor compliance/attendance of the National School of Government (NSG)'s Compulsory online Ethics training	01 April 2025 TO 31 March 2026 QUARTERLY	Chief Risk Officer (Chief Risk Officer)-Risk and Integrity Management Unit

TARGET	KEY STRATEGIC FOCUS AREA	ACTIVITIES	TIMEFRAMES	RESPONSIBITY/ IMPLEMENTED BY:
	Security Screening and vetting of NDHS employees	Security screening and vetting of all employees	01 April 2025 TO 31 March 2026 QUARTERLY	HCM/Director: Security Management/State Security Agency (SSA)
		Security screening and vetting of all Service Providers/Suppliers contracted with the NDHS	01 April 2025 TO 31 March 2026 QUARTERLY	

	Monitoring of the implementation of the Ethics Strategy by both the internal Senior Management Governance Structures and independent Committed Structures	NDHS Ethics Committee The concept Ethics Committee refers to a regulatory structure set up to provide strategic direction and oversight on the ethics management of a department. The Committee provides leadership and guidance on the implementation of the 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 compliance with all relevant laws and regulations. An Ethics Committee serves a strategic purpose in promoting institutional/departmental ethical culture. The hierarchy of conditions, as shown in the diagram below, are logical requirements for an ethical institutional culture. NDHS Risk Management Committee The Risk Management Committee (RMC) comprises members of top and/ or senior management of the Department and is chaired by an independent person. In executing its roles and responsibilities, in terms of its Risk Management Committee Charter. NDHS Loss Control Committee (LCC) The mandate of the LCC is to make decisions and recommendations to the Chief Financial Officer and Accounting Officer on the management of losses and claims incurred by the Department; the LCC is led by the Head of the Internal Control Unit, who serves as the Loss Control Officer of the Department. NDHS Audit Committee The Department has an Audit Committee that provides oversight on internal audit, external audit (as far as risk management is being implemented), financial reporting, governance, internal controls and risk management. The Audit Committee has a responsibility based on its Terms of Reference.	01 April 2025 TO 31 March 2026 QUARTERLY	Chief Risk Officer (CRO)-Risk and Integrity Management Unit

TARGET	KEY STRATEGIC FOCUS AREA	ACTIVITIES	TIMEFRAMES	RESPONSIBITY/ IMPLEMENTED BY:
		Executive Management Committee/ ExCO – The NDHS executive Management Committee ensures an oversight role on the development of policies, monitoring the overall implementation of the NDHS projects/policies and processes		

Source: the researcher's own construction

APPROVAL BY THE NDHS DIRECTOR-GENERAL

SIGNATURE _____

NAME _____

DATE _____

5.6. CONCLUSION

The main objective of the study has been achieved in the fifth chapter by outlining a detailed Ethics Strategy for the National Department of Human Settlements (NDHS). The draft strategy took cognisance of various literature on ethics and/or integrity management, the relevant public service regulatory and/legislative prescripts developed and adopted for regulating general ethical conduct within the Public Service.

Furthermore, the outcome of the comparative analysis of the Ethics Strategies of the Department of Corporative Governance, the Department of Public Works and the Department of Planning, Monitoring and Evaluation utilising the Institution for Economic Co-operation and Development's integrity management contributed immensely in terms of establishing the work done by other Public Service Institutions therefore informing the developments of an Ethics Strategy for the NDHS.

The draft ethics strategy for the National Department of Human Settlements documents the most critical and strategic ethical measures to be implemented to mitigate the risks of unethical conduct with the Department and if implemented effectively, the levels of unethical conduct would therefore be prevented. The timelines, role and responsibilities of those who will implement the ethics strategy were also outlined. The relevant structures for monitoring the implementation of the strategy were also incorporated.

The last chapter focuses on summarising all the chapters of the study, the researcher will provide some recommendations in terms of addressing the gaps identified and provide conclusion remarks in particular the future study relating to the research to investigate.

CHAPTER SIX

SUMMARY OF FINDINGS, RECOMMENDATIONS AND CONCLUSIONS

6.1. INTRODUCTION

The last chapter of the study focuses and/or provides a summary of all the findings mainly emanating from the research conducted, and the summary, therefore, entails the rationale for perusing the study on ethics and/or integrity management and therefore leading to the development of the draft ethics management strategy for the NDHS. The researcher took into consideration a summary of the literature reviewed, the theoretical frameworks on ethics and/or integrity management, and a summary of the Public Service Regulatory Prescripts and/or Regulatory Framework on Public Ethics.

The study further takes cognisance of a comparative analysis of the Ethics Management Strategies of the Department of Corporative Governance, the Department of Public Works and the Department of Planning, Monitoring and Evaluation utilising the Institution for Economic Co-operation and Development's integrity management standards and the outcome of the comparative analysis of the mentioned public institutions to include the gaps that were identified thereof.

The researcher will also recommend and/or propose future research to consider relating to the study on ethics and/or integrity management as part of the conclusion remarks.

6.2. SUMMARY OF FINDINGS, RECOMMENDATIONS AND CONCLUSIONS

6.2.1 Summary of findings and recommendations

The first chapter of the research outlined the study's research problem and further provided a thorough view of the research problem investigated. The overall research questions and the study's objectives were also discussed, the study further outlined in detail the theoretical framework, arguments hypothesis underpinning the study.

The research method for the study, the ethical considerations, and limitations/ delimitations were defined, and the significance of the study was also outlined in detail.

The second chapter further outlines the key concepts of the research, such as ethics, ethical leadership, public values, and integrity, amongst others, which were discussed in detail. The different forms of ethics theories, such as virtues ethics theory, deontological ethics theory, and utilitarian or teleological ethics theory, were discussed in detail. It has been learned from the study

that these (public) ethics theories could well assist the public institution in having a better understanding of the origins of ethics and further provide guidance in developing the (public) ethics management strategy, which will, therefore assist in mitigating the ethics risks or integrity violations within the public institutions.

The research also outlined the different types of unethical conduct and/or integrity violations. The different types of unethical conduct, such as fraud, corruption, bribery, and conflict of interest, were briefly outlined mainly because these concepts will be utilized throughout the study, and a clear understanding of these different forms of unethical conduct will also be important when developing the (public) ethics management strategy.

The components of the (public) ethics management strategy incorporate all the processes, instruments, and structures of ethics management. Based on the literature review, approaches such as leadership and management commitment to ethics management, public ethics committee, ethics training and awareness, Public Service Code of Conduct, ethics risk assessment, and ongoing monitoring of the ethics management processes are the key to an effective public ethics management and further provided in developing an ethics management strategy for the NDHS.

The OECD (1999:10) argues that developing a formal (public) ethics management strategy can prevent the implementation deficit. The (public) ethics management strategy, therefore, incorporates the different approaches for (public) ethics management and further provides policy recommendations policies, such as whistle-blowing policies, gift policies, financial disclosure and lifestyle audit policy, coupled with the ethics management instruments and structures.

Furthermore, the draft ethics management strategy is influenced and/or incorporates principles contained in and/ or draws its legislative mandate and/or regulatory prescripts from the following:

- Public Finance Management Act, No. 1 of 1999;
- Public Service Act, 1994 and Public Service Regulations, 2016;
- The Public Service Code of Conduct and Explanatory Manual on the Code of Conduct for the Public Service 2002;
- The National Anti-Corruption Strategy 2020/2030;
- Prevention and Combating of Corrupt Activities Act (12 of 2004);
- Protected Disclosure Act 26 of 2000 as amended in 2017; and
- Promotion of Administrative Justice Act 3 of 2000.

A comparative study of the Department of Co-operative Governance, the Department of Public Works and the Department of Planning, Monitoring and Evaluation illustrate that much work has been done in terms of developing some measures to curb the act of unethical conduct within the public service. The instruments, processes and structures of the comparative assessment align with the OECD standards. However, there are some few gaps on the establishment of the (public) ethics governance structures by the Department of Cooperative Governance, particularly the governance structures such as the Risk Management Committee, Audit Committee, and Ethics Office, which plays a crucial role in the implementation of the ethics component and the monitoring of the effectiveness ethics management within (public) institutions.

Based on the on the findings and the gaps identified, the study recommends the following future improvements aimed at improving the management of ethics and, therefore, strengthening the ethics management processes with a specific focus on the establishment of the governance structures. If the (public) ethics management and/or the ethics functions are to be institutionalized and institutionalised within the public institutions, proper structures should be established for effective ethics management at both the operational and strategic levels. The (public) ethics committee is a valuable feature of the (public) ethics strategy; the (public) ethics committee is crucial in ensuring an oversight role on the ethics management programmes, which include, amongst others, developing and reviewing ethics policies, ensuring compliance with the code of conduct and other policy prescripts (Schoeman, 2012:61).

The (public) ethics programmes must be established and located at the highest level of authority in the public institution to ensure effective implementation of an (public) ethics strategy (Mahapatra & Paliwal, 2018:21 and Schoeman, 2010:61). For example, in line with the (public) ethics committee guidelines in the Public Service, an Ethics Committee must be Chaired by a Member of a Senior Management Service at a level of a Deputy Director General and other Members of the Senior Management, such as the Director, Security Services, Financial Management Services, Anti-Fraud and Corruption Unit amongst others should form part of an Ethics Committee.

According to the (OECD, 1999:52), it is not enough to put all processes, systems and measures in place, but institutions must ensure continuous monitoring of implementing a (public) ethics management strategy. The aforementioned statement is supported by UNDP (2015:32) by citing that implementing the (public) ethics management strategy requires ongoing monitoring of activities to ensure sufficient compliance. Therefore, the (public) ethics or integrity office should serve as implementing agent and report on an ongoing basis the state of ethics to the governance structure such as the (public) Ethics Committee, the Audit Committee (Ethics Institute SA, 2016: 25).

Mahapatra & Paliwal (2018:23) also assert that monitoring the (public) ethics management strategy is important in ensuring that the issues raised through reports are assessed and resolved appropriately. According to the OECD, all measures and instruments of the (public) ethics management strategies on their own are just intentions, the instruments such as the (public) ethics code and financial disclosure policies will have an impact when they are implemented, monitored and evaluated through processes and structures (OECD, 2009:7). The researcher supports the views of aforementioned authors, for example having policies and systems such as the whistle-blowing policy, an e-disclosure system in the public institution would not have much impact if there were lack of monitoring by the (public) governance structures.

Furthermore, oversight bodies such as the Ethics Committee, Risk Management Committee, and Audit Committee amongst others should ensure an oversight role on the implementation of an ethics strategy, and this would normally include an independent external chairperson, the members of the senior management, anti-corruption commissions, integrity, ethics standards commissioners (Wheeler, 2010:11; UNDP, 2015:30). However, (Wechsler, 2013:16; Aktan, 2015: 73; and, Ethics Institute of South Africa, 2016: 23) argues the success of the ethics management strategy and the implementation thereof depends on the independence of the (public) Ethics Officer, (Public) Risk Management Committee, Audit Committee, Auditor General and the (Public) Ethics Commission.

One believes that the (public) ethics committee could play a crucial role in streamlining the governance process and further ensuring the effective implementation of the (public) ethics management strategy mainly because these structures require members of the Senior Management to drive the process. The researcher further agrees with Wechsler (2013:16), Aktan (2015:73), and the Ethics Institute of South Africa (2016:23) that the most important consideration is the ability of the aforementioned public ethics to function independently. This means that the oversight committees would be fair, firm, and impartial when monitoring the implementation of the (public) ethics management strategy.

6. 2.2. Conclusions

In conclusion, the researcher believes that the study's main objective has been achieved. It is observed that extensive work has already been done by other Government Departments, particularly in terms of developing the (public) ethics management strategy and ensuring that the strategies align with international practices. Based on the detailed research conducted, the ethics management strategy is therefore developed for the NDHS.

The researcher is further of the view that future research would consider investigating the implementation of the (public) ethics management strategy. According to the (OECD, 1999: 52), it is not enough to put all the processes, systems, and measures in place, but institutions must ensure continuous monitoring of implementing a (public) ethics management strategy. This statement made by the OECD (1999:52) is supported by the UNDP (2015:32), considering that the implementation of the (public) ethics management strategy requires ongoing monitoring of activities to ensure that there is sufficient compliance. Having considered the substantial work done in developing the ethics strategy, future research would therefore consider the research on implementing an ethics management strategy.

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