Beyond codes of conduct towards a public service ethos in South Africa

Lessons to be learned from Finland and Denmark

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ABSTRACT

Improving ethics is critical for enhancing accountability and vice versa, as ethical standards impact on the performance and the extent to which public officials are willing, or unwilling to be accountable for their performance. This article examines what guidelines are needed to improve ethical standards in the South African public service. The article firstly provides a literature review of ethics, integrity and the role of codes of conduct. Secondly, the article provides an overview of ethics, integrity and codes of conduct in the South African public service. Lastly, the article reflects on empirical evidence from studies conducted in Finland and the Netherlands in generating a way forward for identifying the necessary guidelines for improving ethical standards in the South African public service. The findings offer suggestions of external regulations, compliance programmes and voluntary ethics programs as the most effective way to combat inappropriate organisational behaviour.

INTRODUCTION

The growth in corruption since the 1990s has been attributed to the effects of the adoption of New Public Management principles, according to Ayee (2002:7), which has accentuated the relationship between the administrative and political elements of government and the private sector. Mantzaris (2015) reiterates this in his argument that recent debates about the causes of corruption have been based on the ideas that "corruption is largely an economic issue in both its content and its most important effects" and that it arises out of a "blurring" of the boundaries in the politics-administration dichotomy. It must be noted that corruption is not a new phenomenon in public administration: "Virtually all countries have laws that

condemn extortion, bribery, speed money, fraud and embezzlement, kickbacks, nepotism and other forms of corruption" (Klitgaard 1991:39).

Within the South African context, government has been challenged to transform the previously racially segregated public service, whilst managing wide scale corruption. This article identifies what guidelines and/or strategies are needed to improve ethical conduct and standards in the South African public service that move beyond the legislative mandate. In so doing, the article poses three key questions: why are ethics and integrity important for governance?; to what extent are codes of conduct successful in improving ethical values and integrity in the public service?, and what lessons can be learnt from European Union (EU) countries that can be replicated in South Africa to improve ethical values and integrity ?

In responding to these questions, the article firstly provides a literature review of ethics, integrity and the role of codes of conduct in the maintenance of good governance. Secondly, in mapping a way forward, the article reflects on empirical evidence from studies conducted in Finland and the Netherlands to identify mechanisms by which improved ethical and integrity standards can be adopted by South African public sector organisations. The findings offer suggestions of external regulations and ethics training courses for all spheres of government, thereby fostering a public service ethos which can be viewed as a key strategy in reducing corruption. But first, it examines what is governance.

GOVERNANCE

According to the World Bank (in IFAD 1999:2), good governance is "…epitomised by predictable, open and enlightened policy-making; a bureaucracy imbued with professional ethos; an executive arm of government accountable for its actions; and a strong civil society participating in public affairs; all behaving under the rule of law." As an ethical authority, good governance refers directly to the levels of legitimacy, accountability, the level of management effectiveness and transparency that government is able to effect (Vyas-Doorgapersad & Ababio 2010:414). As a result, ethical values underlie accountability as ethics concern principles and normative rules that govern the moral value of people's behaviour. Unethical practice in the public service includes dishonesty, laziness, negligence, and inefficiency on the part of public officials, as well as fraud and corruption. The good governance agenda recognises that there is a "strategic significance that good government plays in the development process" and that good government requires the "highest standards of integrity, openness and transparency" (Theobald in Cloete 1995:37). Theobald (in Cloete 1995:37) notes that corruption is a critical issue that must be addressed sooner rather than later if good governance is to be maintained, because corruption directs resources away from development; this has particular relevance for a country like South Africa, which is a relatively young and evolving developmental state and democracy.

DEFINING CORRUPTION

Rose-Ackerman (1999:113) refers to corruption as the misuse of office for personal gain. Ayee (2002:7) expands on this description and makes reference to "bribery, extortion,

influence- peddling, nepotism, fraud, speed money and embezzlement" as various forms of corruption. Huntington (in De Graaf 2007:43) defines corruption as "behaviour of public officials which deviates from accepted norms in order to serve private ends". Corruption, according to Mafunisa (2007:261), "covers all illegal or unethical use of government authority for personal or political gain". Corruption, as a result, is more likely to occur where there is limited accountability and little transparency in the operations of government. According to Huntington (1968:710), systematic corruption is often the consequence of "soft" states that thrive "on disorganisation, the absence of stable relationships among groups and of recognised patterns of authority". In this regard, soft states are understood to be those reflecting poor governance.

The *Transparency International* 2008 Report on global corruption (2008:2) notes that "corruption is a by-product of poverty" and that "in a corrupt environment, wealth is captured, income inequality is increased and a state's governing capacity is reduced". Within this perspective, the prevalence of corruption exacerbates poverty and reduces the country's ability to progress in terms of its socio-economic development. In so doing, civil society loses faith and trust in government and is often forced to find alternative ways of expressing dissatisfaction with government, like mass protest. This is reiterated by Ayee (2002:6), who notes that corruption "has not only eroded the public service's established principles such as merit, neutrality, equality, accountability and representativeness but also its legitimacy or public confidence".

ETHICAL VALUES AND INTEGRITY WITHIN A GOVERNANCE PARADIGM

Menzel (2003) views ethics and public service values as elements comprising the "body and soul" of public administration. Thus, ethical values in the public service imply ethical governance (Mohamed Sayeed 2014). Vyas-Doorgapersad & Ababio (2010:414) argue that good governance as ethical governance refers to the levels of legitimacy, accountability, management effectiveness, and transparency that a government is able to achieve. Ethical governance thus requires ethical values amongst public officials, as these impacts on the levels of accountability and the extent to which the principles and rules that guide the moral value of people's behaviour impact on their ability to carry out their roles and responsibilities as public officials.

Improving 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. These can impact on performance and the extent to which public officials are willing or unwilling to be accountable for their performance. This is reiterated by Moore (1976), who reasons that in addressing the moral and ethical obligations of public administrators, public sector obligations arise from three different realms: respecting the processes that legitimise the actions of public officials; serving the public interest, and treating colleagues and subordinates with respect, honesty, integrity and fairness. This is similar to the ethical decision-making model by Rest (1986:15) and Jones (1991:370), who contend that where an individual is making a decision, s/he goes through a staged process of recognising moral issues, making a judgement about

that issue, expressing an intention to act upon his/her interpretation of the issue, and then taking action based upon this intention. This is emphasised by Montfort, Beck & Twijnstra (2012:118), who hold that "a civil servant who meets three requirements can be regarded as having integrity: First, awareness of the moral aspects of the given situation. Second, the ability to judge what decision or discussions should be taken in the given situation. Third, action in accordance with the appropriate standards and rules" (also Van Tankaren 2010:18–20). Vyas-Doorgapersad & Ababio (2010:414) reiterate this in their finding that the prevalence of ethical values and professionalism necessary is a mechanism for enhancing the "capacity and moral disposition of government administrators so that they are capable of providing easy, fast, accurate and affordable services." It can be inferred that a reduction in corruption requires the adoption of good government practices, and that this, in turn, has the potential to directly impact the socio-economic status of households through improved service delivery. As a result, a focus on the elements of corruption, namely ethics, integrity and the role of codes of conduct, cannot be ignored as contributors to improved governance and the socio-economic welfare of communities.

PUBLIC SECTOR MANAGEMENT AND CORRUPTION IN SOUTH AFRICA

Tshandu & Kariuki (2010:189) note that pre-1994, the South African public service was traditional and bureaucratic and characterised by a lack of co-ordination, with racially segregated provision of services. Legislative and administrative measures promoting racially segregated delivery of services became part of the public administration mandate from 1948. Thornhill (2008:492) notes that the South African public service was isolated and evolved separately from the global transformation of public administration during the apartheid period. The 1990s saw the beginning of major transformation in public administration in South Africa (Cameron 2009:4). This transformation required reform from a traditional bureaucratic model, to a more democratic, responsive public administration.

Administrative reform has become part of the landscape of the South African government and its public service. The new policy agenda calls for an adoption of market-based ideologies in the management of the public service, which is a radical departure from not only traditional bureaucracy, but a departure from the apartheid government mechanisms for public sector management. Efficiency and effectiveness have become part of the narrative for effective government (Kroukamp 2002:465). Kroukamp (2002:466) maintains further that the demand for a new style of government,

> "…aims not only to improve administrative output technically, but also to develop public relations techniques…safeguarding the public's interest, developing partnership practices, transparency, fighting corruption, promotion of a code of ethics… (and) consultation".

The objective, according to Kroukamp (2002:466), is to turn public administration into a "mechanism for social change and development". Transformation priorities thus include rationalisation and restructuring to "ensure a unified, integrated and 'leaner' public service" (Tshandu & Kariuki 2010:191). These changes formed part of the global move to New

Public Management (NPM) as the preferred mechanism for public administration. Here, the aim for greater effectiveness, efficiency, accountability and transparency formed part of the calls for good governance, with pronounced commitment to reform emanating from recommendations for legislative changes in the *White Paper on the Transformation of the Public Service,* and thereafter reinforced in constitutional changes.

Despite these reforms, corruption has become endemic within the South African public service. Kanyane (2011) has investigated corruption in South African municipalities, and agreed that weak financial management systems lead to corruption. Evidence from the *World Wide Governance Report* (World Bank 2015) indicates that the Aggregate Indicator: Control of Corruption Control, which captures perceptions of the extent to which public power is exercised for private gain, including both petty and grand forms of corruption, as well as *capture* of the state by élites and private interests, is at 54.4 for South Africa. The Transparency International's Corruption Perception Index for 2014 lists South Africa at number 67 (Transparency International 2015). In South Africa, an increase in public strikes against corruption and poor service delivery are combined with calls for public managers to be more accountable and to display improved levels of performance. In short, they are being called upon to be more professional. Here professionalism embraces the notion that those employed within the public service embody an ethos and competence that guide their actions. This *ethos* would include "loyalty, neutrality, diligence, punctuality, effectiveness, impartiality…" and other ethical values (UN 2000:11).

LEGISLATIVE PERSPECTIVE

South Africa has some of the most comprehensive anti-corruption legislation in the world. The *White Paper on the Transformation of the Public Serv*ice provides a national policy framework for the transformation of the public service, the goals of which are further reinforced in the Constitution, 1996, through Chapter 10 Section 195 on Public Administration, and Chapter 2 in the Bill of Rights, which commits government and public administration to fair, equal access to services. In 2002, the *Public Service Anti-Corruption Strategy* (PSACS) outlined nine considerations that were perceived to be essential in reducing the incidence of corruption and hence provides a framework for the formulation of ethics and integrity policies for the public service. Webb (2010) notes that it was not the formulation of the ethics and integrity policy that was a problem, but the implementation of the *Public Service Anti-Corruption Strategy.* The extent to which poor governance impacts on implementation is also a factor that cannot be ignored (Mohamed Sayeed 2015). It must be noted that there is a wide range of general policies that guide ethical values and integrity in the South African public service. These include The *Public Finance Management Act*, 1 of 1999; *Promotion of Access to Information Act*, 2 of 2000, and *Promotion of Administrative Justice Act*, 3 of 2000. Additionally, the public service is guided by the *National Development Plan Vision 20*30, which includes a vision of a capable state that is free of corruption. Key to achieving this is the establishment of strong public service ethical values in the pursuit of integrity. These legislative frameworks form part of a National Integrity System which aims at using these anti-corruption strategies

and which, through the operation of democratic principles, hopes to achieve a system of improved accountability. However, corruption persists.

METHODOLOGY

This article adopts a qualitative methodological approach, based upon a case study method. The explanation reflects on the findings of research undertaken in Denmark and Finland to investigate integrity training and public service ethos respectively. The case studies of Denmark and Finland have been selected for a number of reasons. *Firstly*, they are countries bound by the European Union Convention on the Fight against Corruption implemented in 1997, which provides shared standards and values in government. Impartial, competent public administration that operates effectively and efficiently within the rule of law and democratic frameworks is the basic regulation here. *Secondly*, despite this agreement, there is little regulatory activity at the EU level with regard to ethics and integrity. EU member states are free to introduce measures for combating corruption, including setting standards and offering protection for whistle-blowers. The European Public Administration Network (EUPAN) has engaged in a comprehensive dialogue within the EU on common administrative integrity standards in public administration and policies across the EU. *Thirdly*, despite overt regulatory activity, numerous EU countries have low levels of corruption, and, as a result, their experiences offer lessons for South Africa. *Fourthly*, the rationale for these choices is motivated by the Transparency International Rankings which suggest that there are lessons that can be learned from each of these countries. Finland is rated number 3 while the Netherlands is rated eighth (Transparency International 2015).

PUBLIC SERVICE ETHOS

According to Salimen & Mantysalo (2013:168), a public service ethos "is the set of values that guide and motivate civil servants in the practice of their profession". It is the ethos or culture of an organisation that affords an identity or a feeling of being part of a group (Webb 2009:12). In establishing codes of conduct, it is necessary that the idea of creating a common identity is one of the main goals. It is through a professional ethos that standards are maintained, the quality of actions and overall performance are maintained, and individuals "commit themselves to act morally and productively in the interests of the organisation" (Salimen & Mantysalo 2013:169). They explain further that, ideally, it is the managers who set the boundaries for such values which are a critical phase for developing a way forward. In the age of New Public Management (NPM), the rationale of an "entrepreneurial ethos" which focuses on a "performance culture, commitment to accountability, capacity to support universal access, responsible employment practices, and contribution to well-being" is considered to be indispensable for governance (Salimen & Mantysalo 2013:170). In this regard, public officials who imbue these characteristics are seen to possess a public service ethos that is geared towards facilitating the socio-economic needs of communities. As a result, in developing a public service ethos, codes of conduct and integrity training programmes need to be considered as part of a toolbox of solutions. These are now briefly explained.

Codes of Conduct

Ethical competency, according to Miene & Dunn (2013:150), refers to a level or standard of excellence including qualifications that enable an individual to complete a number of tasks or perform the roles and responsibilities associated with a task. Competence in this regard includes being aware of and understanding rules and codes of conduct and, as a result, defines the boundaries of good and bad practice. Within this perspective, the notion of what makes up ethical behaviour is clearly elucidated. Codes of conduct generally outline the goals and objectives that a particular group of individuals ought to display or aspire towards in an attempt to enhance their professional status; they reduce the incidence of poor decision-making and corruption. A study by Somers (2001:185–195) noted a greater sense of ethics and integrity in organisations which had a code of conduct. Further, the study showed that codes of conduct have a greater impact on employees' levels of ethical value and integrity than professional codes of conduct.

Miene & Dunn (2013:152) point out that codes of conduct can be controversial guidelines with varying perceptions on their effectiveness. Pattison and Wainwright (in Miene & Dunn 2013:153) explain further that codes of conduct that include mechanisms for enforcement are more effective in influencing behaviour. Ayee (2002:21) in contrast shows that codes of conduct are not effective on their own, as "the public servants who follow them" are not the corrupt ones. This is emphasised by Menzel (2010:119), who suggests that "unethical officials are likely to be unethical regardless of whether a code exists". Menzel continues in his argument by noting that codes of conduct are useful for those who want to adhere to fundamental principles. The phenomena of maladministration and corruption, according to Menzel (2003:239), makes one believe that the value, functioning and contribution of governance, and inter-governmental relations is a myth. While the codes of conduct and principles exist for those employed within the various public services, they do not guarantee that professional ethics will be maintained (Lynch & Lynch 2003:373–374). Further, Mantzaris & Pillay (2013:113) note that counter-corruption initiatives have limited success. This argument cannot be ignored in considering a way forward for the South African public service, although Edwards (2007:29), describing the level of corruption being experienced in the public sector as *moral decay* that needs to be identified, recognises that appropriate responses do have the potential to prevent the total breakdown of the public service, if the correct training initiatives are provided.

INTEGRITY TRAINING

Based upon earlier discussions, most governments have some policy that guides the integrity of public officials. Integrity training programmes offer an opportunity to raise the moral awareness, moral reasoning and moral quality of actions taken (Beck, Montfort & Twijnstra 2010:22; Montfort *et al.* 2012:119; Van der Merwe 2006:41–42). Van Tankeren (2010:38) and Montfort *et al.* (2013:117) note that integrity training is considered as an instrument to promote integrity amongst employees in both public and private organisations, quite often as part of an ethics management system. Montfort *et al.* (2013:117) note further that integrity training sessions offer an opportunity where "civil servants are provided with

instructions and information intended to influence their behaviour directly, and in such a way that it complies with the applicable regulations". Within this perspective, integrity training can contribute to developing an ethical culture within the public service, which Gilman (1999:95–114) notes, is a *sine qua non* for the effective implementation of ethics policies in the public service. Montfort *et al.* (2012:119), however, do note that not all integrity training programmes are equally effective and that the aims of such training must be kept in mind.

Integrity Training: The Dutch Case Study

Montfort *et al.* (2012:119) identify individual (gender, level of education and type of position), organisational (ethical climate, prevalence of a code of conduct and knowledge of the code) and programme characteristics (the size of the group, the origin of the coach, potential for participation, follow up meetings) as influencing factors. Montfort *et al.* (2013:117) note that there is an assumption that integrity training will automatically lead to a positive effect on public officials. They conducted a study aimed at investigating the extent to which integrity training programmes yield the desired results and to what extent their effectiveness is influenced by certain factors of the programmes amongst employees of four Dutch municipalities, by way of postal surveys before and after two different types of training programmes.

Several major findings were revealed:

- Course duration has an impact on the effectiveness of the training. The course which had a full day duration was viewed as more effective than the half day course.
- The long term effectiveness of the programme was affected by the lack of follow up meetings.
- Less educated individuals should be offered training and could benefit in the long-term.
- Training should be targeted at departments which are characterised by a poor ethical climate.

PUBLIC SERVICE ETHOS: THE FINNISH EXPERIENCE

Reforms since the early 1990s in Finland have resulted in a situation where public officials are employed based upon competence and qualifications in an attempt to promote an entrepreneurial ethos.

Studies by the Ministry of Finance by the government of Finland into public values has revealed a number of key issues: legality, the service principle and integrity are considered to be the most important public service values; trustworthiness, quality and expertise, openness and integrity, and the example set by managers, are critical for an effective public service. Salimen & Mantysalo (2013:172) note that the issue from the citizen's perspective is that corruption in the form of *old boy networks* are the most common violation of integrity in the public service in Finland. Their study investigated personal beliefs, value judgements and ethical judgements and how these are interpreted in specific managerial contexts through the use of a mixed methods approach. Thirty-five individuals employed in executive

management positions, the majority of whom had at least 10 years' experience, from 25 different public organisations, were included in the study.

Several major findings were revealed:

- There was common respect for traditional values, namely, public interest, equality and integrity.
- There was less evidence than expected of an entrepreneurial ethos despite the fact that reform is prevalent in the public sector.
- Long careers in the public service limited the prevalence of an entrepreneurial ethos.
- Public service ethos is influenced by the accumulated experience and knowledge of public officials.
- Virtues like service for *the common good* directed actions.

These findings suggest that the elements of tenure and merit in Max Weber's bureaucracy appear to be central in endeavours to promote a professional public service in Finland despite Klitgaard's (1991:74) assertion that it cannot be assumed that individuals with the greatest experience or ability are the most virtuous. These findings further reveal that considerations about the idea of what is perceived as morally correct, and the level of productivity required of public officials, have an impact on the level of ethical values and integrity within the public service.

LESSONS FOR SOUTH AFRICA

In line with Ayee's (2002:20) discussion that "the possibilities of combating or reducing corruption in the public service involve a certain amount of cultural engineering and the establishment of a national integrity system, which must make corruption a high risk and low return undertaking", requires that anti-corruption guidelines that foster ethical value and integrity, need to go beyond legislative frameworks. The suggestion by Mantzaris & Pillay (2014a) that the existence and implementation of a fraud and corruption response plan as proposed, needs to be supplemented by educational and awareness mechanisms, of laws, systems, functions rules and procedures, holds true. The rationale is that whilst a skilled public service can assist in achieving good governance and socio-economic development through being adequately trained in legislative frameworks, policy and the areas of knowledge required for policy implementation require a complex array of moral resources to exercise discretion. This needs to cover more than accountability and personal responsibility, but requires ethical decision-making and adherence to rules and guidelines, and requires the adoption of public sector professional ethics.

The literature highlighted that while the phenomena of maladministration and corruption give the impression that codes of conduct and principles are necessary, they do not guarantee that professional ethics will be maintained. The Dutch case suggests that training programmes need to be results oriented if they are to have any impact on the ethical values and integrity of those it targets. Within the South African situation, the training needs to be mainstreamed into the functioning of public officials if the ethical culture of departments is to change. The Finland case reveals that managers are employed based upon qualifications and that a culture of ethical value and integrity prevails. Within

the South African situation, employment of individuals who are adequately qualified and who embody a public service ethos need to be employed in the public service. Where individuals are adequately qualified but not trained in public administration, it is necessary for such training to be implemented. These suggestions are reiterated in the argument of Mantzaris & Pillay (2014b), who highlight that the ethical standards included in the plethora of South African legislative guidelines needs to be improved through access to education and training programmes that highlight codes of conduct. As a result, this requires leadership to plan for and implement codes of conduct as part of their mandate to strengthen their integrity and accountability. Rose-Ackerman (1999:5–6) notes further that, governments need a more focussed intervention that reprimands contraventions and increases the cost of such infringements of ethical values through corruption and maladministration. This would go a long way in creating what Ayee (2002:21) refers to as a "genuine public service ideology" within South Africa.

CONCLUSION

Accountability and performance remain issues for ethical governance. This article has explored the link between the need for public officials to develop a deeper understanding of the impact of ethical values, the role of codes of conduct and the legislative frameworks that guide their roles and responsibilities as mechanisms for improving ethical governance. In drawing lessons from the research conducted in Finland and the Netherlands, the article suggests that formulating guidelines for encouraging an ethical culture which include adherence to policy frameworks, reward compliance and the introduction of a division that oversees ethical standards within the realm of the HRM function, is identified as a priority for improved ethical values in the South African public service.

Will this provide the magic bullet for reducing corruption? In addressing this question, one must acknowledge that there are no guarantees that these measures will eradicate corruption, but they will have an impact on those who want to comply and make a real contribution to the public service ethos within South Africa.

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