

OFFICE OF THE MUNICIPAL MANAGER



CONSEQUENCE MANAGEMENT POLICY 2025/26-

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CONSEQUENCE MANAGEMENT POLICY

1. POLICY TITLE

1.1 This policy will be known as the 'Consequence Management Policy of the Mandeni Local Municipality.

2. PREAMBLE

2.1 Consequence management refers to the coordinated approach implemented by an institution in order to react and to reduce the effect of possible and identified threats to the institution.

2.2 Mandeni Local Municipality wishes to create a culture of accountability in the workplace. Such a culture is of vital importance to the future of the municipality. To this end attaching consequences to wrong doing will enhance accountability. To foster this accountability, it is necessary to have roles clearly defined, good leadership and processes that are not ambiguous so as to obviate confusion. Hence it has to be ensured that everyone knows what they are suppose to do and how they to do it..

3 PROBLEM STATEMENT/RATIONAL/PURPOSE

3.1 Municipalities have become easy targets to internal and external criminal activities, as it is believed that municipal systems are weak and their detection methodologies are inadequate and can be manipulated. It is through this realization that it has become necessary to ensure that oversight and controls in municipalities are strengthened, which will in return improve the detection of wrongful conduct in the municipality.

3.2 The three spheres of government are enjoined by the Constitution, 1996, Chapter 3, to ensure that it promotes and deepens consequence management and accountability as part of intergovernmental relations.

3.3 Deepening consequence management and accountability will ensure that government operates in an environment free from corruption, theft and maladministration. This will further ensure that services are provided in a fair and transparent manner.

4 OBJECTIVES OF THE POLICY

- 4.1 This policy will aim to formalize and consolidate the principles of consequence management, inclusive of remedial and recourse measures.
- 4.2 To ensure that consequences for non-compliance with legislation, policy and reasonable and lawful instruction of superiors are dealt with.
- 4.3 To create an atmosphere where employees are safe to report recalcitrant behaviour.
- 4.4 To ensure staff accountability in the municipal workplace.
- 4.5 To promote administrative accountability, professionalism, good governance, transparency and ethical conduct.
- 4.6 To reduce the municipality's risk exposure to conduct detrimental to the integrity of the Mandeni Local Municipality.

5 LEGISLATIVE FRAMEWORK

5.1 The Consequence Management Policy of the Mandeni Local Municipality will be in compliance with the following pieces of legislation:

- Constitution of the Republic of South Africa, 1996
- Local Government: Municipal Systems Act 32, 2000
- All policies applicable to the municipality
- Basic Conditions of Employment Act 79 and Regulations
- Employment Equity Act 85 of 1997
- Code of Ethics of Municipal Staff

- Disciplinary Procedure Collective Agreement
- Local Government: Municipal Finance Management Act and Regulations

5.2 Public administration must be governed by the democratic values and principles enshrined in the Constitution, including the following principles:

- (a) A high standard of professional ethics must be promoted .and maintained.
- (b) Efficient, economic and affective use of resources must be promoted.
- (f) Public administration must be accountable.
- (g) Transparency must be fostered by providing the public with timely, accessible and accurate information.

5.2 Local Government: Municipal Systems Act, 32 of 2000

Schedule 2, (2)(4)(5)(6)(7)(8)

The abovementioned demands that a municipal staff member must, -

- Perform the functions of office in good faith, diligently, honestly and in a transparent manner,
- Not use his/her official position for personal gain or privilege,
- Execute the lawful policies of the municipal council,
- Not disclose any privileged or confidential information, without prior approval,
- Declare interests,
- Disclose benefits.

6 REVELEVANT ROLE PLAYERS AND STAKEHOLDERS

- 6.1 All directors, managers and supervisors of an employee must properly supervise or oversee their conduct and implement systems to enable employees to meet their obligations.

7 STAKEHOLDER RESPONSIBILITY

7.1 All directors, managers and supervisors are responsible for:

- Investigating all reported violations within 2 weeks, and when proven, invoke the disciplinary procedure.
- Considering all relevant factors during an investigation when determining future actions.
- Implementing remedial action and local controls where a violation has taken place to reduce the risk of violation in future.

7.2 All employees are responsible for:

- Complying with applicable all applicable laws, regulations, resolutions of Top Management and Council Resolutions, policies and reasonable lawful instruction of the superiors;
- Strictly adhering to all systems, controls governing business and standard operating procedures;
- Behaving in a way that is consistent with the values and ethical standards;
- Promptly reporting any breaches that relate to any of the above

8. PROTECTION OF WHISTLEBLOWERS

8.1 Mandeni Local Municipality will encourage anonymous reporting of allegations of violations .To this end Mandeni Local Municipality will protect the details of all whistleblowers and treat all allegations in a professional and confidential manner.

9. EMPLOYEE DISCIPLINE

9.1. Mandeni Local Municipality has adopted the disciplinary procedure as set out in the Disciplinary Procedure Collective Agreement to deal with violations. This policy applies to all employees of the Municipality. No disciplinary policy can be expected to address each and every situation requiring corrective action that may arise in the workplace. Therefore, the municipality will take a comprehensive approach regarding discipline and will attempt to consider all relevant factors before making decisions regarding discipline.

10. SANCTIONING GUIDE

10.1 Less serious offences

Disciplinary Action

TRANSGRESSION	1 OFFENCE	2 ND OFFENCE	3 RD OFFENCE	RECOMMENDED SANCTION AFTER HEARING
Late reporting for duty/leaving work too early	Corrective Counselling /verbal warning	Written warning	Charge of misconduct	Final written warning
Leaving a place of work during official hours without the necessary permission	Corrective Counselling/verbal warning	Written Warning	Charge of misconduct	Final written warning
In case of absence on account of illness, failing to report this or having it reported to the supervisor	Corrective Counselling/verbal warning	Written Warning	Charge of misconduct	Final written warning
Contravenes the prescribed Code of Conduct for Municipal Workers	Corrective Counselling/verbal warning	Written Warning	Charge of misconduct	Final written warning
Performs poorly or in adequately for reasons other than incapacity	Corrective counselling/ verbal warning	Written Warning	Charge of misconduct	Demotion

Without authorisation sleeps on duty	Corrective counselling/verbal warning	Written Warning	Charge of misconduct	Final written Warning
Display disrespect towards others in or outside of the workplace or demonstrates abusive behaviour	Corrective counselling/verbal warning	Written Warning	Charge of misconduct	Final written Warning
Refuses to obey security regulations	Corrective counselling/verbal warning	Written Warning	Charge of misconduct	Final written Warning
Fails to comply with or contravenes an Act, regulation or legal obligation	Corrective counselling/verbal warning	Written Warning	Charge of misconduct	Final written Warning

10.2 Serious offences

Disciplinary Action

TRANSGRESSION	1 ST OFFENCE	2 ND OFFENCE	3 RD OFFENCE	RECOMMENDED SANCTION AFTER HEARING
The negligent use of Municipal property	Charge of Misconduct			Dismissal
Fraud / dishonesty ,with reference to making false declarations on	Charge of misconduct			Dismissal

official documents or making false declarations in the course of the employment relationship				
Without authorisation sleeping on duty, having far reaching implications	Written warning	Final written warning	Charge of misconduct	Dismissal
Assault or attempt to assault another employee or person while on duty	Charge of misconduct			Dismissal
Serious dereliction of duty.	Written warning	Final written warning	Charge of misconduct	Dismissal
Fails to carry out lawful order or routine instruction without just or reasonable cause.	Final written Warning	Charge of misconduct		Dismissal
Undertake, without approval, remunerative work outside his /her official duties or use office equipment for such work	Written warning	Final written warning	Charge of misconduct	Dismissal

Corruption	Charge of misconduct			Dismissal
Wilfully or negligently mismanages the finances of State	Charge of misconduct			Dismissal
Without permission possesses or wrongfully uses the property of State, with another employee or a guest	Written warning	Final written warning	Charge of misconduct	Dismissal
Being negligent or indolent in the carrying out his or her duties	Written warning	Final written warning	Charge of misconduct	Dismissal
Wilfully, intentionally or negligently damages the property of the Municipality	Final Written warning	Charge of misconduct		Dismissal
Endangers the lives of self or others by disregarding safety rules or regulations	Charge of misconduct			Dismissal
Prejudices the administration, discipline or efficiency of a the Municipality	Written warning	Final written warning	Charge of misconduct	Dismissal

Misuses his or her position in the Municipality to promote or prejudice the interest of any political party	Charge of misconduct			Dismissal
Steals, bribes or commits fraud	Charge of misconduct			Dismissal
Accept any compensation in cash or otherwise from the public or another employee for performing her or his duties without written approval from the department	Charge of Misconduct			Dismissal
Repeatedly absents himself/herself from work without reason or permission	Final written Warning	Charge of misconduct		Dismissal
Commits an act of sexual harassment	Charge of misconduct			Dismissal
Discriminates against others on the bases of race, gender, disability,	Charge of misconduct			Dismissal

sexuality or other grounds outlawed by the Constitution				
While on duty, is under the influence of an intoxicating, illegal, unauthorised, habit forming and stupefying drug, including alcohol	Counselling	Final written warning		Dismissal
Continuous absence from duty for a period longer than 3 days without obtaining prior leave from the employer	Final written warning	Charge of misconduct		Dismissal
While on duty, conducts herself or himself in an improper, disgraceful and unacceptable manner	Written warning	Final written warning	Charge of misconduct	Dismissal
Incites other personnel to non procedural and unlawful conduct	Charge of misconduct			Dismissal
Prevents other	Charge of			Dismissal

employees from belonging to any trade Union or body	misconduct			
Operates any money lending scheme for employees for own benefit during working hours or from the premises of the employer	Written warning	Charge of misconduct		Dismissal
Operate/ participate/ induce other employees to participate in a money stokvel or anything similar during working hours or from the premises of the employer	Written warning	Charge of misconduct		Dismissal
Carries or keeps firearms or other dangerous weapons on state premises, without the written authorisation of the employer	Charge of misconduct			Dismissal
Gives false	Charge of			Dismissal

statements or evidence in the execution of his or her duties	misconduct			
Name dropping	Charge of misconduct			Dismissal
Distributing or causing/ allowing whether negligently or with intent the distribution of personal information of a third party without consent	Charge of misconduct			Dismissal
Distributing or causing/ allowing whether negligently or with intent the distribution of confidential information of the Municipality	Charge of misconduct			Dismissal