



Province of the
EASTERN CAPE
COOPERATIVE GOVERNANCE
& TRADITIONAL AFFAIRS

POLICY ON CONSEQUENCE MANAGEMENT 2025

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TABLE OF CONTENTS

| Content | Page |
|---|-------------|
| Sign Off | |
| I) Head of Department | 3 |
| II) Executive Authority | 3 |
| 1. Preamble | 4 |
| 2. Policy Statement | 4 |
| 3. Purpose | 4 |
| 4. Objectives | 4 |
| 5. Application and Scope | 5 |
| 6. Legislative Framework | 5 |
| 7. Guiding Principles | 5 |
| 8. Definitions | 6-7 |
| 9. Consultation Process with Stakeholders | 7 |
| 10. Consequence Management Procedure | 7-8 |
| 11. Discipline Management | 8 |
| 12. Communication | 9 |
| 13. Monitoring and Evaluation | 9 |
| 14. Dispute Resolution Mechanism | 9 |
| 15. Review of the Policy | 9 |
| 16. Version Control and Change History | 10-11 |


SIGN OFF

I. Head of Department

The Consequence Management Policy has been recommended by V. Mlokothe in my capacity as the Accounting Officer of the Cooperative Governance and Traditional Affairs Department.

I am satisfied and concur with the contents of this Policy.


The development of the Consequence Management Policy document will ensure the Department is able to exercise its powers in compliance with the law and guide decision-making in the Department.

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| Signed: |  |
| Designation: | Head of Department |
| Date: | 6th August 2025 |

II. Executive Authority

The Department of Cooperative Governance and Traditional Affairs has an unprecedented opportunity to improve the lives of the people by effectively rendering services to its communities. We envisaged a department that has the required capacity to respond adequately to the challenges facing our people.

I, therefore, trust that guidance from this Policy will contribute to the effective curbing/prohibition of the culture of non-compliance in the Department.

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|--------------|--|
| Signed: |  |
| Designation: | MEC: Z.A Williams of Cooperative Governance and Traditional Affairs |
| Date: | 18-08-2025 |

1. PREAMBLE

1. PREAMBLE

The Department of Cooperative Governance & Traditional Affairs commits itself in promoting basic values and principles of good governance as enshrined in Chapter 10 (ss195-197) of the Constitution. The Department envisages that this policy will proactively optimize the effectiveness of the management system for clean audit outcome among others.

2. POLICY STATEMENT

The Department of Cooperative Governance and Traditional Affairs commits itself to comply with all applicable legislation and to promote responsibility and accountability of all employees and stakeholders in exercising their day-to-day duties and functions.

3. PURPOSE

- 3.1 To inculcate a culture of accountability and eradicate the culture of impunity in the Department and promote adherence and compliance with all applicable legislative prescripts.
- 3.2 To establish a fair and consistent framework for managing the consequences of employee misconduct and other related cases where this Policy may be applicable.

4. OBJECTIVES

- 4.1 To promote adherence and compliance with all the applicable legislative prescripts.
- 4.2 To ensure that the Accounting Officer investigates any reported and suspected transgressions by Departmental employees.
- 4.3 To ensure that the Accounting Officer takes effective and appropriate disciplinary steps against any official in the service of the Department.
- 4.4 To provide a procedure for the practical application of Consequence Management System.

5. APPLICATION AND SCOPE

This policy is applicable to all employees of the Department of Cooperative Governance and Traditional Affairs appointed in terms of the Public Service Act 103 of 1994 as amended.

6. LEGISLATIVE FRAMEWORK

- 6.1 Constitution of the Republic of South Africa of 1996
- 6.2 Public Service Act 103 of 1994 as amended
- 6.3 Labour Relations Act 66 of 1995 as amended.
- 6.4 Public Service Regulations, 2016
- 6.5 Basic Conditions of Employment Act 75 of 1997 as amended.
- 6.6 Prevention and Combating of Corrupt Activities Act 2004.
- 6.7 Financial Disclosure Framework 2000.
- 6.8 Promotion of Administrative Justice Act 3 of 2000.
- 6.9 Promotion of Access to the Information Act 2 of 2000
- 6.10 Public Finance Management Act 1 of 1999 as amended.
- 6.11 Treasury Regulations issues in terms of the Public Finance Management Act 1 of 1999 as amended.
- 6.12 SMS Handbook 2003 as amended.
- 6.13 Protected Disclosures Act 26 of 2000.

7. GUIDING PRINCIPLES

7.1 Fairness

Sanction must be fair and proportionate to the misconduct committed.

7.2 Consistency

Consistency must be applied consistently across the department.

7.3 Accountability

All line managers must account for non-adherence to the provisions of any applicable and relevant legislation or policy.

8. DEFINITIONS

Terms and definitions that will be used throughout the policy need clarification for the reader, this can also include any keywords, technical terms and abbreviations that may be used in this document. Definitions in this Policy unless the context otherwise indicates.

| Words/Terms | Definition (with examples if required) |
|------------------------|--|
| Accounting Officer | It is the Head of Department who plays an important role in ensuring that public services are delivered, while they must ensure that public funds are spent responsibly in accordance with relevant government policies. |
| Appeal | Process allowing individuals to challenge decisions, seeking a fair review. |
| Consequence Management | It is a post infringement action/response needed to prevent further infringement or violations of established good governance principles. Consequence Management requires a concentration of effort from Executive Management to supervisors, including the Executive Authority. It represents the actions taken after an event to reduce or mitigate the amount of suffering and restore normality. |
| Dispute | A disagreement or conflict between two or more parties, often involving a difference in opinion, interpretation, or interest. |
| Employee | Any person excluding independent contractor who works for another person or for the state and who receives, or is entitled to receive, any remuneration and who assists in carrying on or conducting the business of an employer. |
| Executive Authority | In relation to provincial department, it means the Member of the Executive Council of a Province who is accountable to the Provincial Legislature for that department. |
| Functionary | Means any person upon whom power is conferred or a duty is imposed by the Public Service Act as amended. |
| Impunity | Exemption from punishment, accountability, or consequences for actions or wrongdoing. |

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| Line Manager | The supervisor or manager is directly responsible for overseeing a specific team, department, or area within an organization. |
| Misconduct | Unacceptable or improper behavior by an employee. |
| Sanction | Measure taken by an employer to correct unacceptable behavior and this measure can be punitive depending on the gravity of misconduct. |
| Transgression | An act that goes against a law, rule or Code of Conduct. |

9. CONSULTATION PROCESS WITH STAKEHOLDERS

All affected stakeholders, including employees at all levels have been consulted throughout the policy review process and their inputs, comments have been obtained and incorporated into this Policy.

Management of the Department has been consulted about inputs, buy-in and adoption.

10. CONSEQUENCE MANAGEMENT PROCEDURE

It represents the actions taken after an event to reduce or mitigate the amount of suffering and restore normality. All Line Managers are responsible for management and reporting of any transgressions. The Accounting Officer or any delegated authority must ensure that an investigation is conducted when a suspected act of misconduct is reported.

- 10.1 For serious misconduct cases, an investigation must be conducted by the Employee Relations Directorate.
- 10.2 Fraud and corruption-related cases must be investigated by Risk, Anti-Corruption and Integrity Management.
- 10.3 For suspected financial misconduct cases, the Expenditure Review Committee will determine the prima facie evidence of any wrongdoing and provide guidance whether to institute condonation processes, further investigation, and disciplinary processes if needs be.
- 10.4 Within a period of thirty (30) days, the investigation report with findings and

recommendations must be available to the Accounting Officer or his/her delegate for approval. The period of thirty (30) days starts once the reported alleged misconduct is received by the Office of the Head of Department and investigation is authorized. An agreement must be reached if the thirty (30) day period exceeds in case of precautionary suspension.

- 10.5 Once the investigation report with the recommendations for disciplinary actions is approved, the Accounting Officer or his/her delegate will refer the matter to Employee Relations for facilitation of the disciplinary enquiry.

11. DISCIPLINE MANAGEMENT

As a corrective measure and management function, discipline shall be considered as per the provisions of the Disciplinary Code and Procedures (PSCBC Res 3/2003 and Chapter 7 of the SMS Handbook). Consequence Management is not a substitute for the Disciplinary Code and Procedure hence any disciplinary measures shall be in terms of these two prescripts mentioned here-above.

- 11.1 For serious offences a formal enquiry shall be held, which may result in a formal disciplinary enquiry.
- 11.2 For less serious offences an informal enquiry shall be held, which may result in verbal warning, written, and final warning.
- 11.3 Precautionary suspensions and transfers shall only be considered when an employee is alleged to have committed a serious offence and employees' presence at the workplace might interfere with the investigation or endanger the safety of other witnesses or state property. A precautionary suspension is not sanction and must be implemented with full pay.
- 11.4 Employees in the levels 1 to 12 may appeal against a sanction of a disciplinary hearing within 5 working days to the Executive Authority. An appeal must be finalized within thirty (30) days from the date of receipt. If an employee is dissatisfied with the outcome of an appeal, he/she may lodge a formal dispute with the relevant Bargaining Council. Senior Managers do not have the right to appeal to the Executive Authority but may follow dispute resolution processes as prescribed in Labour Relations Act 66 of 1995 as amended.

12. COMMUNICATION

Consequence Management Policy will be communicated throughout the Department using workshops, and intranet/departmental websites.

13. MONITORING AND EVALUATION

Employee Relations and Wellness will facilitate the implementation of this policy and will submit quarterly report to the Head of Department.

14. DISPUTE RESOLUTION MECHANISM

An employee who has a grievance or dispute within the Department concerning unfair application of procedures as defined in this policy, shall have normal recourse to the applicable resolutions as well as any other right they have by law including the right to appeal after a disciplinary hearing and referring to the General Public Service Sectoral Bargaining Council when external remedies have been exhausted.

15. REVIEW OF THE POLICY

The Policy will be reviewed and amended in line with future legislative and collective agreements promulgations. The development of this Policy is a dynamic process, and it may require revision from time to time. If there are no changes it will be reviewed once in five years subject to any developments.

16. VERSION CONTROL AND CHANGE HISTORY

| Version Control | Date Effective | Approved By | Amendment |
|-----------------|--|-------------------------------------|---|
| Start from | YYMMDD (The date the policy takes effect) | Contact person – full name & title. | Include any superseded procedures and what the amendment is to the document. |
| 2017.04.12 | 2017.04.12 | MEC: Fikile Devilliers Xasa | |
| 2025.07.19 | | MEC: Zolile Williams | <p>PURPOSE</p> <p>To establish a fair and consistent framework for managing the consequences for employee misconduct and other related cases where this Policy may be applicable.</p> <p>OBJECTIVES</p> <p>To promote adherence and compliance with all the applicable legislative prescripts.</p> <p>To ensure that the Accounting Officer investigates any reported and suspected transgressions by Departmental employees.</p> <p>To ensure that the Accounting Officer takes effective and appropriate disciplinary steps against any official in the service of the Department.</p> <p>To provide a procedure for the practical application of</p> |

| | | | |
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| | | | <p>Consequence Management System.</p> <p>GUIDING PRINCIPLES</p> <p>7.4 Fairness</p> <p>Sanction must be fair and proportionate to the misconduct committed.</p> <p>7.5 Consistency</p> <p>Consistency must be applied consistently across the department.</p> <p>7.6 Accountability</p> <p>All line managers must account for non-adherence to the provisions of any applicable and relevant legislation or policy.</p> <p>CONSEQUENCE MANAGEMENT PROCEDURE</p> <p>DISCIPLINE MANAGEMENT</p> |
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