

SOUTH AFRICAN NURSING COUNCIL

CHARTER OF GOOD PRACTICE FOR COUNCILLORS

PREAMBLE

The Charter aims to ensure good governance within Council, in that Councilors perform their duties and exercise their powers/mandate as diligently and honestly as possible, and maintain the highest standards of propriety and integrity at all times, within the domain of their mandate.

SCOPE OF APPLICATION

The Charter applies to all appointed and elected members of the South African Nursing Council.

DEFINITIONS

- a) "Councillors" - any appointed or elected member of the South African Nursing Council or Committee
- b) "Charter" - Charter of Good Practice for Councillors
- c) "Legislation" - of the Nursing Act, 1978 (Act No. 50 of 1978) as amended and Nursing Act, 2005 (Act No. 33 of 2005)
- d) "Council" - South African Nursing Council
- e) "Minister" - Minister of Health
- f) "President" - President/Chairperson of Council

1. COMPLIANCE WITH COVENANT FOR COUNCILLORS

Within the domain of their mandate, Councillors must subscribe to the following principles:

- 1.1 Councilors shall strive for good governance by fulfilling all obligations imposed upon them and acting in the best interest of Council and the public, by faithfully upholding and applying the law.
- 1.2 Councilors shall display/demonstrate good faith by exercising diligence, honesty and objectivity in the performance of their duties, responsibilities and mandate.
- 1.3 Councilors shall promote the objectives of Council by upholding the rule of law and refraining from engaging in improper or illegal activities, or act in a manner which, viewed objectively, could be construed as unbecoming to Council.
- 1.4 Councilors shall exhibit and display loyalty in all matters pertaining to the affairs of Council, by refraining from engaging in any activity which may conflict with the interest of Council, or activities which may hamper their ability to objectively carry out their duties, responsibilities and mandate.

- 1.5 Councillors shall accept tasks as assigned to them by Council and shall sign a covenant to be bound by the Charter.
- 1.6 Councillors shall ensure that the necessary policy frameworks exist for the regulation of professions under their jurisdiction and the judicious application thereof is achieved in order to protect the public.
- 1.7 Councillors shall always take into account national legislation requirements and other broader national policies whenever they develop Council policies to ensure consistency and harmony with the said policies.

2. GIFTS AND PERSONAL ADVANCEMENTS

- 2.1 Councillors shall not accept any improper benefit, fee, remuneration, commission, gift, profit, advantage or privilege by virtue of their position and that can be perceived as being calculated to influence a Councillor to act or refrain from acting in a particular manner.

3. CONFLICT OF INTEREST

- 3.1 Councillors shall not abuse their positions when executing their duties by soliciting or manifest bias or prejudice against or in favour of any person or organisation, including a voluntary professional association.
- 3.2 A councillor shall recuse himself/herself from the meeting or deliberations if either a reasonable suspicion of bias or conflict of interest exists based upon objective facts.
- 3.3 Councillor shall declare any personal interest vested in a matter before Council or Committee of the Council on which he/she serves, and shall recuse himself/herself when he/she is expected to take a decision on the matter.

4. CONFIDENTIALITY

- 4.1 Councillors shall strive to be prudent in the use of information in the course of their duties, by refraining from using confidential information of any kind for any personal gain or in the manner prejudicial or detrimental to their Council.
- 4.2 Councillors shall continuously endeavour to strive for improvement in the proficiency and effectiveness of their service.

5. PERSONAL VIEWS AND PUBLIC DEBATE

- 5.1 Councillors shall exercise reasonable care in expressing an opinion by obtaining sufficient factual evidence to warrant such an opinion and/or expression.
- 5.2 Councillor shall refrain from making statements to the media or engaging in a manner that may be detrimental to the image of Council. Where

comment is necessary, the President or the Registrar of Council shall make the statement in that capacity to protect the image of Council as a whole.

6. FEES AND DISBURSEMENT

- 6.1 Councillors are not entitled to receive any remuneration except a nominal honorarium and their reasonable expenses for their attendance of approved meetings as prescribed by regulations.
- 6.2 Councillors shall keep their expenses reasonable and consistent with their Council's rates or remuneration applicable to Council or any other applicable tariff and any allowances payable for services rendered to/or on behalf of Council.
- 6.3 Councillors shall furnish acceptable records to support their expenses.

7. TENURE OF OFFICE

- 7.1 Councillors shall hold office for duration as dictated by the legislation, provided that the Councillor may be removed from office for misconduct or inability to effectively perform their duties or contravention of the legislation, or the Act or the Charter of Good Practice.

8. ENFORCEMENT OF THE CHARTER

- 8.1 Whenever there is an allegation of impropriety, misconduct or contravention of this Charter by a Councillor or the President of the Council, the Executive Committee of Council shall constitute a 3 person Committee to be called "Committee for Compliance with the Charter (CCC)" to hear evidence of any impropriety, misconduct or contravention of the Charter and make such a determination thereon as it may deem appropriate.
- 8.2 The Committee for Compliance with the Charter shall consist of 3 Council members, one of whom will be designated as a Chairperson.
- 8.3 While the Committee for Compliance with the Charter is being constituted to investigate the allegation against the accused President of Council or accused Councillor, such accused person shall be temporarily suspended from executing his/her duties as a Council member or President of Council respectively.
- 8.4 The accused Councillor shall be given notice of the hearing at least 14 days before the date of the hearing, which notice shall contain the details of the allegations against him/her, the right to call witnesses and to be represented by a fellow Councillor.
- 8.5 Simultaneously at the time of the constitution of the Committee for Compliance with the Charter, the President/Executive Committee shall appoint a person (hereinafter referred to as a case presenter) to present the allegations against the accused Councillor.

- 8.6 At the hearing the Committee for Compliance with the Charter (CCC) shall listen to evidence from both the complainant and the respondent including their witnesses, provided that each party shall be entitled to cross-examine the other party's witnesses and interrogate the evidence presented to the Committee for Compliance with the Charter (CCC). There should be a case presenter appointed for each hearing and such a person should be one who has no interest to declare in the matter at hand.
- 8.7 Once both parties have closed their cases the Committee for Compliance with the Charter shall make a determination as to whether there has been an act of impropriety, misconduct or contravention of the Charter and thereafter call upon the accused Councillor to place mitigating circumstances in the case of a finding against him/her, and the case presenter to place aggravating circumstances on record. The respondent may call witnesses in mitigation of the sanction, much as the case presenter can call witnesses in aggravation of the sanction.
- 8.8 In the case of determination that there is no act of impropriety, misconduct or contravention of the Charter, the matter shall be deemed to be finalised.
- 8.9 Should the Committee for Compliance with the Charter find that there was an act of impropriety, misconduct or contravention of the Charter it shall impose one of the following sanctions:
- a) Caution and reprimand.
 - b) A fine not exceeding R15000-00.
 - c) Removal from Council/ A recommendation to the Minister for removal from Council.
 - d) Restitution.
 - e) Any other sanction agreed by Council

9. APPEAL

- 9.1 In the case of sanction (a), (b) & (d), the Councillor who has been sanctioned may appeal the decision to the Minister or the competent division of the High Court of the Republic of South Africa
- 9.2 In the case of sanction (c), the aggrieved person may approach a competent division of the High Court of the Republic of South Africa.

**PRESIDENT OF THE
SOUTH AFRICAN NURSING COUNCIL**

DATE