

NORTH WEST PROVINCIAL LEGISLATURE
PORTFOLIO COMMITTEE ON PROVINCIAL AFFAIRS & FINANCE



**REPORT ON PROFILING AND ANALYSIS OF THE MOST
COMMON MANIFESTATIONS OF CORRUPTION AND ITS
RELATED RISKS IN THE PUBLIC SERVICE**

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1. INTRODUCTION

On 21 November 2011, the Office of the Public Service Commission presented the report on profiling and analysis of the most common manifestations of corruption and its related risks in the public service to the portfolio committee for scrutiny.

This was done in line with its mandate from section 195 and 196 of the Constitution 1996. The Public Service Commission is tasked and empowered to, amongst others, investigate, monitor and evaluate the organisation and administration of the Public Service. This mandate also entails the evaluation of achievements or lack thereof of Government programmes.

The Public Service Commission also has an obligation to promote measures that would ensure effective and efficient performance within the Public Service and to promote values and principles of public administration as set out in the Constitution throughout the Public Service.

2. OBJECTIVES OF THE NATIONAL ANTI CORRUPTION HOTLINE (NACH)

- ✓ Deter potential corruption by making all employees and members of the public aware that the Public Service is not a soft target.
- ✓ Detects incidents of corruption through encouraging whistle blowers to report incidents which they witness occurring in the Public Service
- ✓ Ensure the successful investigation of alleged corruption and to provide feedback to whistle blowers.
- ✓ Enable callers to report corruption anonymously thus encouraging whistle blowing.

3. KEY FINDINGS

- ✓ Staffing – fifty percent (50%) of respondents indicated that their staffing within the anti-corruption units contributes to the capacity constraints experienced by departments regarding investigations., on average the number of officials employed by the departments per anti-corruption unit is four (4). The units are generally led by middle managers.
- ✓ Disciplinary sanctions – the departments are too lenient in imposing disciplinary sanctions against corrupt officials found guilty of fraud and corruption e.g. a written or final written warning is taken against officials who are found guilty of misconduct or no action is taken against officials. Moreover, the departments do not refer cases of alleged corruption to the SAPS for criminal prosecution where it is necessary.
- ✓ Suspensions – this is too costly for Government as the officials are being suspended from duty with full pay, officials are being suspended for more than a year.

4. DELIBERATIONS / CLARITY SEEKING QUESTIONS

- 4.1 The committee seeks clarity on whistle blowing mechanisms with regards to 30% of corruption cases that were received by anonymous callers, is there any reported cases where whistle blowers are shifted out from prosecutions.
- 4.2 The committee wanted to know the tool that Public Service Commission have with the department which are not complying in terms of finalising corrupt cases.
- 4.3 The committee raised a concern on senior officials who fails to raise on occasion of facing disciplinary sanctions, has the PSC take action against those officials.
- 4.4 The committee wanted to know what happens if the culprit is Head of Department.

- 4.5 The committee wanted to know the advisability to centralised the Anti-Corruption Investigative Units, would it fast track the capture of the information.

5. RESPONSES BY THE PUBLIC SERVICE COMMISSION

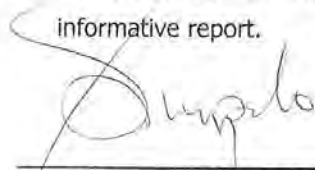
- 5.1 In some case when the whistle blowers report the case and then some departments would know the whistle blowers, the PSC is aware about these matters but are to prevent action has to be taken against whistle blowers.
- 5.2 In a case where the department are not finalising their cases, the PSC do conduct surprised audits to various departments, has been received tremendous feedback from the department and other cases has been closed.
- 5.3 In this instance when the Head of Department is the culprit, the Executive Authority need to take action against the Head of Department or appoint the investigation team.
- 5.4 According to the Constitution of 1996, the Public Service Commission give recommendations to the committee and also give directives, but when the Commission is awaiting responses from the departments and not submitting on a prescribed period then the Commission has the power to summons the Head of Department.
- 5.5 The Public Service Commission advised the committee to look into their findings and recommendations of the reports and check whether the departments in the province are compiling accordingly.

6. RECOMMENDATIONS OF THE COMMITTEE

- 6.1 Head of Department should be held accountable and responsible if they do not ensure that a disciplinary enquiry is resolved within 60 days, depending on the complexity of the matter and the lengthy of the investigation.
- 6.2 Accounting Officer should specifically focus on, analyse corruption risk and implement fraud prevention plans as required in terms of the PFMA of 1999.
- 6.3 The role of MECs in combating corruption and accordingly accounting to the agents of the oversights.

7. CONCLUSION

The chairperson thanked and complimented the Public Service Commission for their informative report.



HON. S.O.R. MAHUMAPELO
CHAIRPERSON: PROVINCIAL AFFAIRS & FINANCE

07/03/2012

DATE