

# Special Investigating Unit



**POISED TO STRIKE**  
*against corruption*

## Annual Performance Plan

**2016/2017**

## FOREWORD

This is the final version of the Special Investigating Unit's ("SIU") Annual Performance Plan ("APP") for the 2016/2017 financial year. The APP will reflect how the targets set out in the Strategic Plan 2015 – 2020 will be achieved throughout the 2016/2017 financial year.

The SIU continues to play a key role as one of the entities participating in South Africa's multi-agency approach to the fight against corruption and maladministration. Corruption, malpractices and maladministration are among the most serious challenges facing State institutions in South Africa and the principal goal of the SIU is to investigate corruption, malpractice and maladministration and facilitate appropriate remedial action

The SIU seeks to achieve this by using its forensic services and capacity to institute and conduct civil proceedings as weapons to redress improper conduct. The purpose is to deter parties from participating in corruption, malpractice and maladministration by applying processes that are aimed at taking the profit out of such activities. The results thereof are measured through the following four outcomes: criminal referrals; civil referrals; disciplinary referrals; and recommendations to address systemic weaknesses.

In order to properly implement their operational methodology, the SIU will have to continuously improve to achieve the desired outcomes mentioned above. There have been some challenges with achieving the SIU's targets during this financial year. This has resulted in a complete review of our technical indicators so that the SIU can ensure it has accurate measures that can reflect the key role it plays in the fight against corruption, malpractice and maladministration.

### **Capacity building**

The SIU now has the legislative power to conduct civil proceedings in its own name, or the name of the affected State Institution. This means that the SIU can go much further than merely making recommendations and can approach our Courts for appropriate relief. The main outcomes have become:

- Civil proceedings (a direct SIU responsibility)

- Criminal prosecutions (this requires the SIU to make referrals to the relevant Prosecuting Authority (e.g. the National Prosecuting Authority (“NPA”))
- Disciplinary proceedings (this requires the SIU to make referrals for misconduct or irregular conduct to State Institutions, authorities, entities or persons)
- Systemic Recommendations (this requires the State Institutions to address control and system weaknesses)

The Presidency will now simultaneously be copied in on all of these four main outcomes. These outcomes all have a significant legal focus and have placed a significant additional burden on the legal capacity of the SIU. The SIU has completed a mentorship programme for junior lawyers already in the employ of the SIU, but also intends on embarking on a recruitment drive to increase its own internal senior legal capacity.

### **Working with our partners in fighting corruption**

The SIU continues to actively participate in multi-agency efforts to fight corruption. The SIU actively promotes co-operation with other role-players in the fight against corruption, malpractice and maladministration. It realises that South Africa has adopted a multi-agency approach in this fight and that the SIU cannot win this fight all by itself. The SIU has a particular role to play and this will only be effective if done in co-operation with its partners in this fight.

The SIU displays this approach in its interaction with other role-players, but particularly through the significant role it plays in the activities of the Anti-Corruption Task Team (“ACTT”).

## APPROVAL

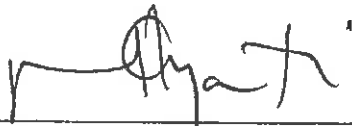
The signatories hereof, duly authorised thereto, by their signatures hereto authorise the execution of the work detailed herein, or confirm their acceptance of the contents hereof and authorise the implementation/adoption thereof, as the case may be, for an on behalf of the parties represented by them.



Head: Project Management Office ("PMO")

Mr C Kwant

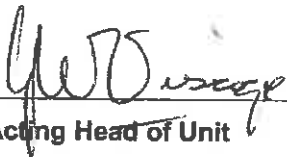
26/1/2016  
Date



Head: Business Support on behalf of the Chief Financial Officer ("CFO")

Ms M Nyathi

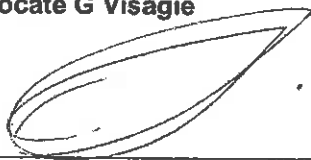
27/01/2016  
Date



Acting Head of Unit

Advocate G Visagie

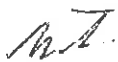
27/01/2016  
Date



Director-General: Justice and Constitutional Development

Ms N Sindane

15/02/16  
Date



Minister of Justice and Correctional Services  
Advocate TM Masutha (Member of Parliament ("MP"))

09/03/2016  
Date

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## **PART A: STRATEGIC OVERVIEW**

### **1 UPDATED SITUATIONAL ANALYSIS**

The SIU has made a dramatic change in its approach. Previously, the SIU looked for ways to make its proclamations as generic and wide in ambit as possible. Consequently, the SIU's new strategy is to draft its motivations and proclamations as specific as possible, where we only seek to investigate matters, tenders and contracts that relate directly to the allegations that have been received. This allows the SIU to investigate and report on matters within a reasonable period. The reason for "narrowing" the scope of the proclamations was because with a wide and generic ambit there were specific risks that were identified. These risks included:

- The validity of proclamations that could be challenged;
- The duration of investigations because of the number of matters that had to be investigated;
- The assumption that all processes and contracts are regular because no negative finding has been made against a particular contract that was included in the allegations.

The SIU fully endorses the accepted approach to strategy as applied in the public sector. It wishes, however, to highlight the practical difficulty it has in setting accurate targets as part of its Annual Performance Plan (APP). The final APP has to be submitted by the end of January each year. At that stage the SIU has very limited sight of the number and/or nature of the Proclamations that will be signed and the matters it will investigate in the financial year that starts two months later, let alone the outcomes of these potential investigations.

The SIU will continue to seek accurate measures that can reflect the key role it plays in the fight against corruption and maladministration. Going forward, this will be addressed through properly reviewed performance measures aligned to the new investigation approach adopted by the SIU.

## 2 REVISION OF LEGISLATIVE AND OTHER MANDATES

The mandate of the SIU is derived from the SIU Act. The principal functions of the SIU are to investigate serious malpractices, maladministration and corruption in connection with the administration of State institutions and to take appropriate and effective civil action against wrongdoers and assist in bringing wrongdoers to book, through misconduct hearings and criminal prosecutions.

## 3 OVERVIEW OF 2015/2016 BUDGET AND MTEF ESTIMATES

The SIU budget and the Medium Term Expenditure Framework ("the MTEF") estimates are set out in Table 1 hereunder.

### 3.1 Expenditure Estimates

R million	Audited Outcome			Revised Estimate	MTEF Estimate		
	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19
Administration	132.4	147.5	171.7	167.4	208.1	214.9	216.9
Operations	280.9	234.7	290.6	331.6	364.6	425.0	467.6
<b>Total</b>	<b>413.3</b>	<b>382.2</b>	<b>462.2</b>	<b>499</b>	<b>572.6</b>	<b>639.9</b>	<b>684.5</b>
<b>Revenue</b>							
Sale of Goods and Services	124.7	216.3	226.9	185.0	250.9	288.2	312.3
Other Income	3.8	4.1	5.1	4.8	5.0	5.5	6.0
Transfers Received	369.2	305.6	301.9	309.2	316.7	346.2	366.2
<b>Total revenue</b>	<b>497.7</b>	<b>526.0</b>	<b>534.0</b>	<b>499.0</b>	<b>572.6</b>	<b>639.9</b>	<b>684.5</b>
<b>Current payments</b>							
Compensation of employees	235.6	259.1	275.7	315.9	369.3	430.8	470.2
Goods and services	160.5	114.4	179.8	174.8	194.5	199.5	204.2
Depreciation	17.2	8.7	6.7	8.2	8.9	9.6	10.1
<b>Total Expenses</b>	<b>413.3</b>	<b>382.2</b>	<b>462.2</b>	<b>499.0</b>	<b>572.6</b>	<b>639.9</b>	<b>684.5</b>
<b>Surplus/(Deficit)</b>	<b>84.3</b>	<b>143.8</b>	<b>71.8</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

### **3.2 Revenue and Expenditure Trends**

#### ***Performance history - FY 2012/13 to 2014/15***

The revenue increased from R497.7 million in 2012/13 to R534.0 million in 2014/15.

#### ***Current year - FY 2015/16***

The decrease in revenue from partnership funding from R226.9 million in 2014/15 to the projected R185.0 million in 2015/16 is due to the fact that the SIU does not have control over the number of Proclamations issued in any financial year. The projection in partnership funding for the current financial year is based on active Proclamations.

Goods and services projected in the current financial year relates to the costs to be incurred in the anticipated Pretoria Office lease re-tender. Support services will also embark on country wide skills development endeavours through training and workshops.

#### ***Performance over the MTEF period - FY 2016/17 to 2018/19***

Revenue is projected to increase from R572.6 million in 2016/17 to R684.5 million in 2018/19. This is mainly due to the projected increase in partnership funding with the anticipated new proclamations which might be signed in the future.

The projected increase in goods and services over the MTEF is mainly driven by the normal inflationary increase in goods and services to be procured.

## **PART B: SIU BUDGET PROGRAMME**

### **4 BUDGET PROGRAMMES**

The SIU has the following budget programmes.



#### **4.1 Administration**

This component is responsible for directly supporting the core business, operations, to deliver on the set objectives and achieve the desired outcomes. It includes sub- components designed to provide administration and support aimed at building a resilient capacity for forensic investigations and civil proceedings.

#### **4.2 Operations (Forensic Investigations and Civil Proceedings)**

This component is primarily responsible for conducting results-driven and case specific forensic investigations and civil proceedings in line with the provisions of the SIU Act.

It is directly responsible for delivery of outputs that contribute to attaining our Strategic Outcome-Oriented Goals. It supports the following strategic objectives:

- Conduct quality forensic investigations;
- Facilitate or initiate appropriate remedial action;
- Co-operate effectively with other role players.

In terms of determining budgets and performance targets, the three strategic objectives are considered together rather than separately, as they in effect constitute a range of inter-related activities.

It must be emphasised that Proclamations vary significantly as to their scope and ambit and usually envisage a large number of sub-investigations, which would be covered by a single Proclamation. This can be illustrated by Proclamation No R38 of 2010 that empowers the SIU to investigate procurement at the Department of Public Works over a period of five years and Proclamation No R59 of 2014 that empowers the SIU to investigate lease contracts entered into by the Department of Public Works over a period of eleven years.

## **5 ADMINISTRATION**

### **5.1 Annual Targets for 2016/2017**

There are no performance indicators or targets for this Programme.

## 5.2 Reconciling Performance Targets with the Budget and MTEF

There are no performance indicators or targets for this Programme.

Table 2: Administration							
R million	Audited Outcome			Revised Estimate	MTEF Estimate		
	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19
<b>Revenue</b>							
Sale of Goods and Services	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Other Income	3.8	4.1	5.1	4.8	5.0	5.5	6.0
Transfers Received	369.2	305.6	301.9	309.2	316.7	346.2	366.2
<b>Total revenue</b>	<b>373.0</b>	<b>309.7</b>	<b>307.0</b>	<b>314.0</b>	<b>321.7</b>	<b>351.7</b>	<b>372.2</b>
<b>Current payments</b>							
Compensation of employees	59.0	56.7	28.0	29.6	31.2	32.9	30.4
Goods and services	56.2	82.1	136.9	129.6	168.0	172.5	176.4
Depreciation	17.2	8.7	6.7	8.2	8.9	9.6	10.1
<b>Total Expenses</b>	<b>132.4</b>	<b>147.5</b>	<b>171.6</b>	<b>167.4</b>	<b>208.1</b>	<b>215.0</b>	<b>216.9</b>
<b>Surplus/(Deficit)</b>	<b>240.6</b>	<b>162.2</b>	<b>136.0</b>	<b>146.6</b>	<b>113.6</b>	<b>136.7</b>	<b>155.3</b>

## 6 OPERATIONS (FORENSIC INVESTIGATIONS AND CIVIL PROCEEDINGS)

### 6.1 Annual Targets for 2016/2017

The SIU targets over the MTEF period are set out in Table 3 hereunder.

Table 3: Performance Indicators and Targets over the MTEF							
Performance Indicators	Audited Actual Performance			Estimated Performance	MTEF		
	2012/13	2013/14	2014/15		2016/17	2017/18	2018/19
<b>Strategic Outcome-Orientated Goal 1: To investigate corruption and maladministration and facilitate or initiate appropriate remedial action</b>							
<b>Strategic Objective 1: Conduct Quality Forensic Investigations</b>							
The number of investigations closed out	0	0	0	Baseline established	200	250	300
The number of reports submitted to the Presidency	0	0	0	Baseline established	5	5	5
<b>Strategic Objective 2: Facilitate or Initiate Appropriate Remedial Action</b>							
The value of money and/or assets potentially recoverable	R171m	R261m	R844m	R220m	R240m	R260m	R280m
The actual value of money and/or assets recovered	R0m	R75.8m	R145m	R120m	R140m	R160m	R180m
The value of potential loss prevented	R0m	R0m	R0m	Baseline established	R18m	R21m	R24m
The value of contract(s) and/or administrative	R0m	R0m	R0m	Baseline	R600m	R660m	R730m

Table 3: Performance Indicators and Targets over the MTEF

Performance Indicators	Audited Actual Performance				Estimated Performance	MTEF		
	2012/13	2013/14	2014/15	2015/16		2016/17	2017/18	2018/19
decision(s)/action(s) set aside or deemed invalid				established				
The value of matters in respect of which evidence was referred for the institution or defence/opposition of civil proceedings (including arbitration or counter civil proceedings)	R0m	R0m	R0m	Baseline established	R1.2bn	R1.3bn	R1.4bn	
<b>Strategic Objective 3: Co-operate Effectively with other Role-players</b>								
The number of referrals made to the Relevant Prosecuting Authority	0	0	171	45	60	75	90	
The number of referrals made for disciplinary, executive and/or administrative action	0	0	3 769 <sup>1</sup>	60	75	90	105	
The number of SIU member(s) participating in Joint Operation(s) or seconded to assist State Institution(s)	0	0	0	Baseline established	30	30	30	

Note 1: This figure was high because of the 3,475 recommendations that were made to Eskom for disciplinary action and was an extraordinary outcome

## 6.2 Reconciling Performance Targets with the Budget and MTEF

Table 4. Operations (Forensic Investigations and Civil Proceedings)							
	Audited Outcome			Revised Estimate	MTEF Estimate		
R million	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19
<b>Revenue</b>							
Sale of Goods and Services	124.7	216.3	226.9	185.0	250.9	288.3	312.3
Other Income	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Transfers Received	0.0	0.0	0.0	0.0	0.0	0.0	0.0
<b>Total revenue</b>	<b>124.7</b>	<b>216.3</b>	<b>226.9</b>	<b>185.0</b>	<b>250.9</b>	<b>288.3</b>	<b>312.3</b>
<b>Current payments</b>							
Compensation of employees	176.5	202.4	247.7	286.3	338.0	398.0	439.8
Goods and services	104.4	32.3	42.9	45.3	26.5	27.0	27.8
Depreciation	0.0	0.0	0.0	0.0	0.0	0.0	0.0
<b>Total Expenses</b>	<b>280.9</b>	<b>234.7</b>	<b>290.6</b>	<b>331.6</b>	<b>364.5</b>	<b>425.0</b>	<b>467.6</b>
<b>Surplus/(Deficit)<sup>1</sup></b>	<b>(156.2)</b>	<b>(18.4)</b>	<b>(63.6)</b>	<b>(146.6)</b>	<b>(113.6)</b>	<b>(136.7)</b>	<b>(155.3)</b>

<sup>1</sup> The SIU's Grant income is used to cover costs for Administration and Operations. When the budget is allocated between the two Programmes, it appears as if the Unit budgets for a deficit under the Operations Programme, which is not the case. The Unit breaks even, when taking into account the surplus under the Administration Programme.

## ANNEXURE A: VISION, MISSION & VALUES

### VISION

Working together towards ridding society of corruption, malpractice and maladministration.

### MISSION

Co-operating with other State entities to fight corruption, malpractice and maladministration effectively through forensic investigations, civil proceedings, referrals for criminal prosecution and referrals for disciplinary action.

### VALUES

It is evident that the war on corruption and maladministration cannot be won by:

- a. any single Agency acting alone, and it requires co-operation between all the Agencies and other Stakeholders; and
- b. Agencies that have corrupt elements in their midst. As such, only fit and proper persons may be engaged by the Special Investigating Unit (“SIU”), while the SIU expects from all its members at all times to maintain the highest standards of proper conduct and integrity.

In attempting to ensure that there is no doubt as to what is required, the SIU has developed a set of core values. They are set out in the table immediately hereunder.

SIU Values	
Value	Value Statement
Integrity	Maintaining and ensuring proper conduct among members of the SIU.
Co-operation	Nurturing excellent co-operation and co-ordination with other Corruption-Busting and Law-Enforcement Agencies.
Professionalism	Conducting forensic investigations and/or facilitating civil proceedings in a professional manner.
Drive and passion	Ensuring that all our tasks are performed with the requisite drive and passion.

SIU Values	
Value	Value Statement
Effectiveness	Aligning and improving systems and processes to convert minimum resources into maximum results within the shortest possible time.
Independence	Acting without fear, favour or prejudice.

## ANNEXURE B: STRATEGIC OUTCOME ORIENTATED GOALS

The National Development Plan (“NDP”) envisions that by 2030 people living in South Africa will feel safe at home, at school and at work and will enjoy a community life free of fear. In line with this vision, the strategic outcome-oriented goals of the SIU are linked to the achievement of outcome 3 (an outcome for which the Minister of Justice and Correctional Services is responsible) as identified and adopted by Cabinet in January 2010 and encompassed in the NDP. **Outcome 3** states: “All people in South Africa are and feel safe and secure.”

The activities of the SIU will specifically focus on **Output 3 (of Outcome 3), which is to combat corruption and maladministration**. To this end, the SIU will contribute to the achievement of the outcomes listed below.

### ULTIMATE OUTCOME

SIU Ultimate Outcome	
Strategic Outcome-Oriented Goal	Goal Statement
1. To investigate corruption and maladministration and facilitate or initiate appropriate remedial action	Take measures to expose, combat and prevent corruption and maladministration and facilitate or initiate remedial action in order to recover losses suffered by the State



## ANNEXURE C: AMENDMENTS TO TECHNICAL INDICATORS

Amendments to Indicators					
No	Description of Change / Amendment	Indicator Title	Targets as reflected in the SIU Strategic Plan 2015 – 2020	Targets as reflected in the SIU APP 2016/2017	Reason for Change or Additions
1.	Indicator removed from Strategic Plan and APP	Number of proclamations issued	N/A	N/A	This indicator was meant to measure the impact of detecting corruption and retarding maladministration and malpractice. However it has become difficult to measure because of the reliance on allegations received from other parties in obtaining these proclamations. This target has not been achieved for 2 consecutive years.
2.	Indicator removed from Strategic Plan and APP	Percentage of issued proclamations finalised	N/A	N/A	Many of the proclamations that are issued are done so in the 3 <sup>rd</sup> or the 4 <sup>th</sup> quarter. This makes it very difficult to

**Amendments to Indicators**

No	Description of Change / Amendment	Indicator Title	Targets as reflected in the SIU Strategic Plan 2015 – 2020	Targets as reflected in the SIU APP 2016/2017	Reason for Change or Additions
					achieve the target of 60% within 9 months of the date of issue. This target has not been achieved for 2 consecutive years.
3.	Indicator removed from Strategic Plan and APP	Number of civil matters instituted in court or the Special Tribunal	N/A	N/A	This indicator did not accurately reflect the amount of work done by the SIU in the institution / defence or opposition of civil proceedings.
4.	Indicator amended	Number of referrals made for disciplinary / executive / administrative action	2016/17 – 75 2017/18 – 90 2018/19 – 105 2019/20 - 120	2016/17 – 75 2017/18 – 90 2018/19 – 105	This indicator was amended to accurately reflect all evidence that points to misconduct or irregular conduct of the part of all parties
5.	New indicator	Number of investigations	2016/17 – 200	2016/17 – 200	This indicator was added to measure

**Amendments to Indicators**

No	Description of Change / Amendment	Indicator Title	Targets as reflected in the SIU Strategic Plan 2015 – 2020	Targets as reflected in the SIU APP 2016/2017	Reason for Change or Additions
		closed out	2017/18 – 300 2018/19 – 400 2019/20 - 500	2017/18 – 300 2018/19 – 400	the SIU's ability to conduct and close out forensic investigations under a published proclamation.
6.	New indicator	Number of reports submitted to the Presidency	2016/17 – 5 2017/18 – 5 2018/19 – 5 2019/20 - 5	2016/17 – 5 2017/18 – 5 2018/19 – 5	This indicator was added to measure the SIU's ability to conduct and close out forensic investigations under a published proclamation while being able to report on these findings to the President.
7.	New indicator	The value of potential loss prevented	2016/17 – R18m 2017/18 – R21m 2018/19 – R24m 2019/20 – R27m	2016/17 – R18m 2017/18 – R21m 2018/19 – R24m	This indicator was added to measure the prevention of the potential loss generated as a result of the SIU's action(s) or through the use of the SIU's evidence.

**Amendments to Indicators**

No	Description of Change / Amendment	Indicator Title	Targets as reflected in the SIU Strategic Plan 2015 – 2020	Targets as reflected in the SIU APP 2016/2017	Reason for Change or Additions
8.	New indicator	The value of contracts / administrative decisions / actions set aside or deemed invalid	2016/17 – R600m 2017/18 – R660m 2018/19 – R730m 2019/20 – R800m	2016/17 – R600m 2017/18 – R660m 2018/19 – R730m	This indicator was added to measure the work done by the SIU in instituting, conducting and/or facilitating the appropriate remedial action.
9.	New indicator	The value of matters in respect of which evidence was referred for the institution or defence / opposition of civil proceedings	2016/17 – R1.2bn 2017/18 – R1.3bn 2018/19 – R1.4bn 2019/20 – R1.5bn	2016/17 – R1.2bn 2017/18 – R1.3bn 2018/19 – R1.4bn	This indicator was added to measure the work done by the SIU in its core business through the institution, facilitation, opposition or defence of civil proceedings (including arbitration proceedings)
10.	New indicator	Number of members participating in joint operations or seconded to	2016/17 – 30 2017/18 – 30	2016/17 – 30 2017/18 – 30	This indicator was added to measure the extent to which the SIU assists State Institutions and/or co-operates

**Amendments to Indicators**

No	Description of Change / Amendment	Indicator Title	Targets as reflected in the SIU Strategic Plan 2015 – 2020	Targets as reflected in the SIU APP 2016/2017	Reason for Change or Additions
		State Institutions	2018/19 – 30 2019/20 – 30	2018/19 – 30	with government anti-corruption initiatives or anti-corruption forums

## ANNEXURE D: TECHNICAL INDICATOR DESCRIPTIONS

Indicator Title 1	Number of Investigations Closed Out
Short Definition	This is the number of investigations that are closed out under a published proclamation.
Purpose/Importance	It measures the ability to conduct and close out forensic investigations.
Method of calculation	It is the sum of the number of investigations closed out under a published proclamation. The date of calculation is the date that the Project Management Office (“PMO”) receives a formal close out memo and a spreadsheet reflecting the population of the investigations closed out under a published proclamation.
Data Limitations	The ability of the team to formally close out an investigation under a published proclamation may depend on specialist skills or external counsel/parties and the availability of information, records and/or witnesses.
Indicator type	Measures outputs
Source/collection of data	A register of all investigations conducted under a published proclamation is to be held at the PMO with the closed out investigations clearly indicated as such. The register will include close out memorandums that are signed off by the Projects Director (“PD”)
Calculation type	Cumulative for the reporting period
Reporting cycle	Annual
New indicator	Yes
Desired performance	Maximise the number of investigations closed out under published proclamations.
Indicator responsibility	Projects Director

<b>Indicator Title 2</b>	<b>Number of Reports Submitted to the Presidency</b>
Short Definition	This is the number of investigation reports that are submitted to the Presidency.
Purpose/Importance	It measures the ability to conduct and complete forensic investigations, while being able to report on the findings thereof to the President.
Method of calculation	It is the sum of all signed presidential reports that are submitted to the Presidency. The date of calculation is the date that the Presidency acknowledges receipt of these reports.
Data Limitations	Outcomes are sometimes delayed by reliance on specialist skills or external counsel/parties, the availability of information, records and/or witnesses and the availability of responsible officials at the Presidency to attend the requisite briefing and to accept hand-over of such reports. The ability to submit final reports is limited to the number of active proclamations.
Indicator type	Measures outputs
Source/collection of data	A register will be maintained by the PMO with the acknowledgements of receipt.
Calculation type	Cumulative for the reporting period
Reporting cycle	Annual
New indicator	Yes
Desired performance	Maximise the number of final reports submitted to the Presidency
Indicator responsibility	Projects Director

Indicator Title 3	Value of Money and/or Assets Potentially Recoverable
Short Definition	The value of money and/or assets that is potentially recoverable.
Purpose/Importance	It is an indicator of the value of money and/or assets that may potentially be recovered for the State and/or relevant third parties (e.g. as envisaged in section 2(2)(g) of the <i>Special Investigating Units and Special Tribunals Act, 1996 (Act No. 74 of 1996)</i> (“ <b>SIU Act</b> ”).
Method of calculation	<p><u>Acknowledgement(s) of Debt (“AoD(s)”) </u></p> <ul style="list-style-type: none"> <li>• It is the actual amount owing at the time of signing the AoD plus interest per annum at the legal rate up until the principal amount is fully paid</li> <li>• The date of calculation is the date on which the AoD is signed by the Debtor/Defendant/Respondent</li> </ul> <p><u>Restraining Order(s)</u></p> <ul style="list-style-type: none"> <li>• It is the value of money and/or assets, as reflected in a Restraining Order issued by the Court</li> <li>• The date of calculation is the date that appears on the Restraining Order issued by the Court</li> </ul> <p><u>Civil Order(s) (i.e. Court Orders and/or Arbitration Awards.)</u></p> <ul style="list-style-type: none"> <li>• It is the value of the money and/or assets, as reflected in a Court Order issued by the Court or an Arbitration Award issued by an Arbitrator</li> <li>• The date of calculation is the date that appears on the Court Order or Arbitration Award</li> </ul> <p><u>Settlement Agreement(s)</u></p> <ul style="list-style-type: none"> <li>• It is the value of the money and/or assets, as reflected in a Settlement Agreement signed by the parties</li> <li>• The date of calculation is the date that appears on the Settlement Agreement</li> </ul> <p><u>Compensation Order(s)</u></p> <ul style="list-style-type: none"> <li>• Compensation orders made in criminal cases, e.g. through section 297 or section 300 of the <i>Criminal Procedure Act, 1977 (Act No. 51 of 1977)</i></li> </ul>



Indicator Title 3	Value of Money and/or Assets Potentially Recoverable
	<ul style="list-style-type: none"> <li>• It is the value of the compensation order, as reflected in a Compensation Order issued by the Court</li> <li>• The date of calculation is the date when the Compensation Order is issued by the Court</li> </ul> <p><u>South African Revenue Service (“SARS”) Referral(s)</u></p> <ul style="list-style-type: none"> <li>• It is the value of claims that are referred to SARS by the SIU for potential recovery</li> <li>• The date of calculation is the date that SARS acknowledges receipt of the SIU referral</li> </ul>
Data Limitations	Outcomes are sometimes delayed by third party reliance. Individual high value matters may significantly influence this indicator. The over-burdened court-rolls and legal/technical points included in motions prepared for civil proceedings can also result in delays.
Indicator type	Measures outputs
Source/collection of data	The AoD, Restraining Order, Civil Order, Settlement Agreement, Compensation Order and SARS Referral Letter is obtained from the investigation team and is captured on a central system (Performance Information Management System (“PIMS”)) at the PMO.
Calculation type	Cumulative for the reporting period
Reporting cycle	Annual
New indicator	No
Desired performance	Maximise the amount of money and/or assets that may potentially be recovered for the State and/or relevant third parties
Indicator responsibility	Projects Director

<b>Indicator Title 4</b>	<b>Actual Value of Money and/or Assets Recovered</b>
Short Definition	The actual value of money and/or assets that are recovered.
Purpose/Importance	It is an indicator of the actual value of money and/or assets that has been recovered for the State and/or relevant third parties (e.g. as envisaged in section 2(2)(g) of the SIU Act).
Method of calculation	<p>The date of calculation is the date on which the recovery becomes final or the money appears in the SIU Accounts.</p> <p><u>SIU Accounts</u></p> <ul style="list-style-type: none"> <li>• The value of money paid by Debtors/AoD Debtors/Defendants/Respondents into the SIU Account</li> <li>• The date of calculation is when the money appears in the SIU bank account</li> </ul> <p><u>Credit note(s) passed or amount(s) recovered by means of set-off</u></p> <ul style="list-style-type: none"> <li>• The value of credit notes passed and/or the value of money that was recovered by means of a set-off that was made in favour of the State institution or the relevant third party, as a result of SIU action or through the use of SIU evidence</li> <li>• The date of calculation is the date appearing on the credit note or the date that the State or third party acknowledges that a recovery was made by means of a set-off that had been affected against debts owing by the State or the relevant third party to the Debtor/Defendant/Respondent</li> </ul> <p><u>Money and/or Assets recovered by State institutions or relevant third parties</u></p> <ul style="list-style-type: none"> <li>• The sum of the value of money and/or assets recovered by State Institutions or the relevant third parties, as a result of SIU action or through the use of SIU evidence</li> <li>• The date of calculation is the date when the State institution or the relevant third party reports the final recovery of the money or receipt of the asset to the SIU investigation team</li> </ul> <p><u>Money/Assets recovered through execution of Civil Orders or Arbitration Awards</u></p> <ul style="list-style-type: none"> <li>• The sum of the value of money/assets recovered through the execution of Civil Orders as a result of SIU actions or through the</li> </ul>

<b>Indicator Title 4</b>	<b>Actual Value of Money and/or Assets Recovered</b>
	<p>use of SIU evidence</p> <p><u>Asset Forfeiture Unit (“AFU”) confiscation or final forfeiture orders</u></p> <ul style="list-style-type: none"> <li>• It is the value of money or assets as reflected in the final Confiscation or Forfeiture Order(s)</li> <li>• The date of calculation is the date that appears on the final Confiscation or Forfeiture Order issued by the Court</li> </ul> <p><u>South African Revenue Service (“SARS”) confirmations of recoveries</u></p> <ul style="list-style-type: none"> <li>• It is the value of money received by SARS</li> <li>• The date of calculation is the date that SARS documents are obtained that show payments made to SARS</li> </ul>
Data Limitations	Outcomes are sometimes delayed by third party reliance and the availability of information, records and/or witnesses. Individual high value matters may significantly influence this indicator.
Indicator type	Measures outputs
Source/collection of data	<ul style="list-style-type: none"> <li>• A summary of the SIU Accounts indicating the AoD repayments are obtained from the AoD enforcement department</li> <li>• Bank reconciliation report conducted by the SIU Finance department, as read with reports obtained from the investigation team indicating that the payment is in respect of a specific matter</li> <li>• Reports on money recovered by State institutions, Confiscation Orders, Forfeiture Orders, documents received from the Sheriff of the Court, Credit notes, indication of set-off or acknowledgement of recovery by SARS documents are obtained from the SIU investigation team</li> <li>• All data is captured on a central system (PIMS) at the PMO</li> </ul>
Calculation type	Cumulative for the reporting period
Reporting cycle	Annual
New indicator	No
Desired performance	Maximise the amount of money and/or assets that has been recovered for the State and/or relevant third parties

<b>Indicator Title 4</b>	<b>Actual Value of Money and/or Assets Recovered</b>
Indicator responsibility	Projects Director

Indicator Title 5	The Value of Potential Loss Prevented
Short Definition	<p>The prevention of potential loss generated as a result of SIU action or through the use of SIU evidence.</p> <p>Examples:</p> <ul style="list-style-type: none"> <li>• the prevention of the taking of an administrative decision/action, the prevention of an award of a tender/grant/license and/or the prevention of the conclusion of a contract (including a renewal or extension of an existing contract);</li> <li>• the termination/cancellation of a contract and/or the withdrawal of an administrative decision/grant/license;</li> <li>• the stopping of a payment or the stopping of the delivery or transfer of goods/assets/property;</li> <li>• the removal of a recurrent payment such as a social grant or any other payment due under an existing contract/grant or other administrative decision/action,</li> <li>• the successful institution or defence of civil proceedings (including Arbitration proceedings), pending or otherwise, by the SIU or State institutions relying on SIU evidence.</li> </ul>
Purpose/Importance	The prevention of potential loss.
Method of calculation	<p>The date of calculation is the date that the State Institution acknowledges:</p> <ul style="list-style-type: none"> <li>• that a proposed administrative decision/action has not been taken;</li> <li>• that the award of a tender/grant/license has not been made;</li> <li>• that a contract has not been concluded, renewed or extended,</li> <li>• that the contract has been terminated/cancelled;</li> <li>• that the administrative decision/action or the grant/licence has been withdrawn;</li> <li>• that a payment was stopped or the delivery/transfer of goods/an asset/property has been stopped;</li> <li>• the recurrent payment has been cancelled,</li> </ul>

<b>Indicator Title 5</b>	<b>The Value of Potential Loss Prevented</b>
	<ul style="list-style-type: none"> <li>• that the SIU or the State Institution initiated civil proceedings or counter civil proceedings;</li> <li>• that civil proceedings (including Arbitration proceedings), instituted against the State Institution, has been successfully defended/opposed.</li> </ul> <p>The value of the potential loss prevented is calculated by subtracting the value of goods/services to be received (as determined by the investigation team) from the original contract value.</p>
Data Limitations	Reliance on external counsel and the availability of information, records and/or witnesses. The over-burdened court rolls and legal/technical points included in motions prepared for civil proceedings can also result in delays Complexity of matters and significant legal challenges. Considerations of public interest.
Indicator type	Measures outputs
Source/collection of data	The letter from the State Institution is obtained from the investigation team and is captured on a central system (PIMS) at the PMO.
Calculation type	Cumulative for the reporting period
Reporting cycle	Annual
New indicator	Yes
Desired performance	Maximise the value of this number as it reflects the savings for the State institutions
Indicator responsibility	Projects Director

<b>Indicator Title 6</b>	<b>The Value of Contract(s) and/or Administrative Decision(s)/Action(s) Set Aside or Deemed Invalid</b>
Short Definition	The value of contract(s) and/or administrative decision(s)/action(s) (e.g. tender awards or appointments etc.) set aside, deemed invalid, terminated or prevented, as a result of SIU action or through the use of SIU evidence.
Purpose/Importance	It gives an indication of the work done by the SIU in instituting, conducting and/or facilitating the appropriate remedial action.
Method of calculation	<p>The date of calculation is the date that:</p> <p>(a) the contract and/or administrative decision/action has been terminated/set aside by:</p> <ul style="list-style-type: none"> <li>(i) agreement between the parties;</li> <li>(ii) the State Institution concerned having terminated or withdrawn the contract or administrative decision/action;</li> <li>(iii) an Order of the Special Tribunal or by Order of any Court or Arbitration Award; or</li> <li>(iv) the opposing/other party terminating or relinquishing it;</li> </ul> <p>or</p> <p>(b) the relevant State Institution deals with the contract or administrative decision/action in a manner that indicates that the contract or administrative decision/action is void/invalid or deemed as such.</p> <p>It is the face value of contracts/administrative decision/action that are set aside or terminated by agreement between the parties, by the State Institution having terminated it or having withdrawn it, by the opposing/other party having terminated or relinquished it, by Order of the Special Tribunal or by Order of any Court or Arbitration Award or by the State institution concerned dealing with it as void/invalid.</p>
Data Limitations	Reliance on external counsel and the availability of information, records and/or witnesses. The over-burdened court rolls and legal/technical points included in motions prepared for civil proceedings can also result in delays Complexity of matters and

<b>Indicator Title 6</b>	<b>The Value of Contract(s) and/or Administrative Decision(s)/Action(s) Set Aside or Deemed Invalid</b>
	significant legal challenges. Considerations of public interest.
Indicator type	Measures outputs
Source/collection of data	<ul style="list-style-type: none"> <li>• Letter from the State Institution confirming that the contract and/or administrative decision/action has been terminated/set aside or is void/invalid or deemed as such;</li> <li>• Agreement that contract and/or administrative decision/action has been terminated/set aside;</li> <li>• Order of the Special Tribunal or by Order of any Court or Arbitration Award;</li> <li>• Letter confirming that opposing/other parties have terminated or relinquished the contract and/or administrative decision/action</li> </ul> <p>The source documents are obtained from the investigation team and are captured on a central system (PIMS) at the PMO</p>
Calculation type	Cumulative for the reporting period
Reporting cycle	Annual
New indicator	Yes
Desired performance	Maximise the number of high impact matters
Indicator responsibility	Projects Director



<b>Indicator Title 7</b>	<b>The Value of the Matters in respect of which Evidence was Referred for the Institution or Defence/Opposition of Civil Proceedings (including Arbitration or counter civil proceedings)</b>
Short Definition	Value of matters in respect of which the SIU instituted or facilitated civil proceedings or where civil proceedings (including Arbitration or counter civil proceedings) were instituted or opposed/defended by means of SIU evidence.
Purpose/Importance	It gives an indication of the work done by the SIU in its core business of collecting evidence and recovering or safeguarding State money or assets through the institution, facilitation, opposition or defence of civil proceedings (including Arbitration proceedings).
Method of calculation	The sum of the value of all matters as defined above.  The date of calculation is the date upon which the SIU institutes civil proceedings or intervenes/joins in civil proceedings or the date upon which the State institution, State Attorney or Attorneys/Counsel for the State institution acknowledges receipt of the SIU referred evidence for purposes of instituting, defending or opposing civil proceedings, Arbitration proceedings or counter civil proceedings.
Data Limitations	Reliance on external counsel and the availability of information, records and/or witnesses. The over-burdened court rolls and legal/technical points included in motions prepared for civil proceedings can also result in delays Complexity of matters and significant legal challenges. Considerations of public interest.
Indicator type	Measures outputs
Source/collection of data	<ul style="list-style-type: none"> <li>• Court documents for civil proceedings;</li> <li>• Acknowledgement of receipt for evidence referred;</li> <li>• Arbitration documents or other documents supporting a counter civil proceeding.</li> </ul> <p>The source documents are obtained from the investigation team</p>

<b>Indicator Title 7</b>	<b>The Value of the Matters in respect of which Evidence was Referred for the Institution or Defence/Opposition of Civil Proceedings (including Arbitration or counter civil proceedings)</b>
	and are captured on a central system (PIMS) at the PMO
Calculation type	Cumulative for the reporting period
Reporting cycle	Annual
New indicator	Yes
Desired performance	Maximise the value of matters referred as they reflect unauthorised, irregular and fruitless and wasteful expenditure by the State.
Indicator responsibility	Projects Director

<b>Indicator Title 8</b>	<b>Number of referrals made to the Relevant Prosecuting Authority (e.g. National Prosecuting Authority (“NPA”))</b>
Short Definition	Referral of evidence pointing to the commission of offences to the relevant Prosecuting Authority (e.g. the NPA or foreign prosecuting authorities etc.). This includes evidence referred to the AFU (which forms part of the NPA) and the Anti-Corruption Task Team (“ACTT”) (which includes NPA Prosecutors) who deals with criminal matters.
Purpose/Importance	This indicates the referral of evidence pointing to or regarding the commission of a criminal offence.
Method of calculation	The date of calculation is the date upon which the relevant Prosecuting Authority (e.g. NPA, AFU, ACTT or foreign prosecuting authority etc.) acknowledges receipt of the referral letter.  The sum of referrals to the relevant Prosecuting Authority.
Data Limitations	The availability of information, records and/or witnesses and the number of Proclamations received by the SIU
Indicator type	Measures outputs
Source/collection of data	The letter of referral with the acknowledgement of receipt is obtained from the investigation team and is captured on a central system (PIMS) at the PMO.
Calculation type	Cumulative for the reporting period
Reporting cycle	Annual
New indicator	No
Desired performance	Maximise the number of referrals to the relevant Prosecuting Authority
Indicator responsibility	Projects Director

<b>Indicator Title 9</b>	<b>Number of Referrals made for Disciplinary, Executive and/or Administrative Action</b>
Short Definition	Referral of SIU evidence pointing to misconduct or irregular conduct on the part of: (a) Employees of State Institutions; (b) Board members or directors of State institutions (including State Owned Enterprises); (c) Councillors of State institutions (e.g. Municipalities); (d) Vendors, Contractors, Suppliers and/or Service Providers of State institutions (e.g. for black-listing purposes etc.); and/or (e) Members subject to Regulatory Authorities (e.g. Estate Agents, Engineers, Security service providers, Counsel, Attorneys or Accountants, etc.).
Purpose/Importance	This indicates the referral of SIU evidence pointing to misconduct or irregular conduct on the part of the abovementioned persons, to State institutions, authorities, entities or persons for purposes of the institution of disciplinary, executive, administrative or other forms of civil sanctions.
Method of calculation	The date of calculation is the date upon which the abovementioned State institutions, authorities, persons or entities acknowledge receipt of the referral letter.  The sum of referrals made to the abovementioned State institutions, authorities, persons or entities.
Data limitations	The availability of information, records and/or witnesses and the number of Proclamations received by the SIU
Indicator type	Measures output
Source/collection of data	The referral letter and the acknowledgement of receipt is obtained from the investigation team and is captured on a central system (PIMS) at the PMO
Calculation type	Cumulative for the reporting period
Reporting cycle	Annual

<b>Indicator Title 9</b>	<b>Number of Referrals made for Disciplinary, Executive and/or Administrative Action</b>
New indicator	No
Desired performance	Maximise the number of referrals for disciplinary, executive and/or administrative action
Indicator responsibility	Projects Director

<b>Indicator Title 10</b>	<b>Number of SIU Member(s) participating in Joint Operation(s) or Seconded to assist State institution(s)</b>
Short Definition	Number of SIU members who: (a) participated in joint operations (e.g. ACTT, anti-corruption forums or other Government led initiatives); or (b) were seconded to assist State institutions.
Purpose/Importance	This is an indicator of the extent to which the SIU assists State institutions, co-operates with Government anti-corruption initiatives or anti-corruption forums.
Method of calculation	The sum of members who are allocated on the Project Management Timesheet System (“PTMS”) to the relevant project code irrespective of the level of commitment.  The date of calculation is the date upon which the Projects Director approves the allocation of these members for purposes of secondment/joint operations/anti-corruption initiatives.
Data limitations	Dependant on the need for SIU assistance in the abovementioned instances.
Indicator type	Measures output
Source/collection of data	<ul style="list-style-type: none"> <li>• Secondment agreement;</li> <li>• Signed memo from the PMO to the PD approving the allocation of members who will participate in joint operations.</li> </ul>
Calculation type	Cumulative for the reporting period
Reporting cycle	Annual
New indicator	Yes
Desired performance	Maximise the number of SIU members who participate in joint operations or who are seconded to assist State institutions.
Indicator responsibility	Projects Director