

**MINISTRY: PUBLIC SERVICE AND ADMINISTRATION**

**REPUBLIC OF SOUTH AFRICA**

**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**DATE: 12 MAY 2023**

**QUESTION NO.: 1636.**

**Dr M M Gondwe (DA) to ask the Minister for the Public Service and Administration:**

(1) What (a) total number of public servants were investigated for corruption, theft and/or fraud in the Public Service during the (i) 2019-20, (ii) 2020-21 and (iii) 2021-22 financial years and (b) is the breakdown of the specified number for each national and provincial department;

2) (a) in what total number of the investigations was consequence management taken and (b) what type of consequence management was taken by each national and provincial department;

(3) in instances where consequence management was not taken, what are the reasons that it was not taken;

(4) what total amount is involved in each of the investigations into fraud, corruption and theft;

(5) what total amount was recovered in the course of each investigation? **NW1877E**

**REPLY:**

BACKGROUND

Discipline management is a decentralised function. Information pertaining to discipline is captured by departments on the PERSAL System. When this data is accessed by the DPSA, it provides a holistic picture on discipline management in the Public Service. When information is not captured or available (either due to non-existent categories on the PERSAL System, or negligence on the side of a department), this impact the perceived picture.

RESPONSE

What (a) total number of public servants were investigated for corruption, theft and/or fraud in the Public Service during the (i) 2019-20, (ii) 2020-21 and (iii) 2021-22 financial years and (b) is the breakdown of the specified number for each national and provincial department;

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| --- |
| **Number of Public Servants disciplined for Fraud, Theft or Corruption** |
| **National/Provincial Department** | **(i)2019/2020** | **(ii)2020/2021** | **(iii)2021/2022** | **(b)Total** |
| **Total** | **1367** | **296** | **225** | **1888** |
| Eastern Cape | **Total** | **1** | **0** | **28** | **29** |
| Roads and Public Works | 0 | 0 | 28 | **28** |
| Transport | 1 | 0 | 0 | **1** |
| Gauteng | **Total** | **1** | **0** | **0** | **1** |
| Infrastructure Development | 1 | 0 | 0 | **1** |
| KwaZulu-Natal | **Total** | **42** | **36** | **124** | **202** |
| Agriculture and Rural Development | 0 | 0 | 1 | **1** |
| Economic Development, Tourism and Environmental Affairs | 0 | 0 | 1 | **1** |
| Education | 1 | 2 | 3 | **6** |
| Health | 31 | 33 | 116 | **180** |
| Human Settlements | 10 | 1 | 3 | **14** |
| Limpopo | **Total** | **0** | **1** | **0** | **1** |
| Education | 0 | 1 | 0 | **1** |
| Mpumalanga | Total | **0** | **1** | **0** | **1** |
| Health | 0 | 1 | 0 | **1** |
| National | **Total** | **1268** | **252** | **15** | **1535** |
| Correctional Services | 3 | 33 | 7 | **43** |
| Employment and Labour | 0 | 1 | 0 | **1** |
| Environment, Forestry and Fisheries | 0 | 0 | 1 | **1** |
| Higher Education and Training | 0 | 0 | 1 | **1** |
| Justice and Constitutional Development | 49 | 28 | 6 | **83** |
| Police Service | 1216 | 190 | 0 | **1406** |
| North West | **Total** | **0** | **1** | **22** | **23** |
| Community Safety and Transport Management | 0 | 1 | 12 | **13** |
| Education | 0 | 0 | 10 | **10** |
| Northern Cape | **Total** | **1** | **0** | **0** | **1** |
| Health | 1 | 0 | 0 | **1** |
| Western Cape | **Total** | **54** | **5** | **36** | **95** |
| Education | 34 | 5 | 4 | **43** |
| Health and Wellness | 0 | 0 | 32 | **32** |
| Infrastructure | 20 | 0 | 0 | **20** |
| *Data source: PERSAL* |  |
| *Compiled by the DPSA* |
| *Excluding Defence and State Security Agency* |

2) (a) in what total number of the investigations was consequence management taken and (b) what type of consequence management was taken by each national and provincial department;

|  |
| --- |
| **(a)Investigator and Chairperson findings and (b)Sanctions** |
| **Investigator findings** | **Chairperson guilty indicator** | **Sanction corrective counselling** | **Sanction demotion** | **Sanction dismissal** | **Sanction verbal warning** | **Sanction written warning** | **Sanction fine** | **Sanction suspended for period not exceeding 2 months** | **Sanction suspended without pay** |
|  | **No** | **Yess** | **Yes** | **Yes** | **Yes** | **Yes** | **Yes** | **Yes** | **Yes** | **Yes** |
| **Total** | **1 333** | **280** | **275** | **25** | **2** | **19** | **2** | **15** | **1** | **41** | **100** |
| Not specified | 788 | 49 | 21 | 0 | 0 | 1 | 1 | 3 | 0 | 8 | 3 |
| A prima facie case of misconduct in terms of Reg 5 (4) (x) | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| A prima facie case of misconduct in terms of Reg 5 (4)(x) | 0 | 8 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| A prima facie case of misconduct in terms of Reg 5 (4)(x) Recommended | 0 | 0 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | 4 | 0 |
| Allegations Substantiated | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Allegations were serious and warranted formal inquiry | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| Case withdrawn | 10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Charge officer | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Charges of misconduct | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| Committed misconduct | 0 | 0 | 1 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 |
| Contravene Reg 5(4)(F) and Reg 5(3)(H) | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Departmental steps to be instituted | 0 | 7 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Disciplinary hearing | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Disciplinary steps must be taken | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| Employee fraud the medical certificate for late coming and being under the influence of alcohol | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Employee stole school money in September and October 2022. | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Final written warning | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| For trial | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Formal charges | 0 | 0 | 28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 28 |
| Formal Disciplinary Hearing | 0 | 0 | 1 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 |
| Found that official submitted fraudulent medical certificates. Matter to be referred to DUI | 0 | 0 | 1 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 |
| Fraud | 0 | 0 | 10 | 0 | 0 | 10 | 0 | 0 | 0 | 0 | 0 |
| Go on trail | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Grounds to charge | 0 | 0 | 2 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 1 |
| Guilty | 105 | 0 | 31 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 30 |
| Guilty of misconduct | 0 | 0 | 24 | 0 | 0 | 0 | 0 | 0 | 0 | 24 | 0 |
| Guilty | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Employee failed to deal with insubordination and also condoned capturing of marks of learners without moderation | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Hearing | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Insufficient evidence | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Insufficient evidence exists to charge official and matter finalised | 8 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Insufficient evidence to charge official and matter regarded as finalised | 4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Insufficient evidence to charge official and matter regarded as finalised | 8 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Investigation in progress | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Investigation pending. Matter regarded as finalised. Official entered into plea bargaining agreement with the department | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 |
| Investigator indicated that the case must be withdrawn against the member because of invalid evidence concerning insult | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Matter is regarded as finalised. Insufficient evidence to charge | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Matter is regarded as finalised. No substance to charge | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Matter is regarded as finalised. Insufficient evidence to formally charge the employee with misconduct | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Matter referred for disciplinary hearing | 0 | 0 | 2 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 |
| Matter referred for departmental hearing | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Matter to be forwarded to a hearing | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Member must be disciplined according to Res 1/2006 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Member to appear for a departmental hearing | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Member to be trailed through expeditious process | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Members found guilty | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Misconduct founded | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Employee did not follow procedure as in line with logistical administration policy and procedure | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Employee committed a misconduct by displaying activities related to fraud and dishonesty | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| Employee committed misconduct by displaying activities related to fraud and dishonesty | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| No departmental case against the member | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| No departmental steps must be taken against the member | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| No grounds to charge | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| No grounds to charge or proof that employee stole the items. SAPS also withdrew charges | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| No prima facie case | 28 | 10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| No prima facie case | 63 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| No prima facie case | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| No steps taken | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Not guilty | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Officer be charged with a misconduct | 0 | 0 | 7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| OBE discipline | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 0 |
| Prima facie case of misconduct | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Prima facie case | 86 | 38 | 21 | 0 | 0 | 1 | 0 | 10 | 0 | 0 | 0 |
| Prima facie case | 25 | 49 | 79 | 25 | 0 | 1 | 0 | 0 | 0 | 2 | 27 |
| Prima facie case | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 |
| Prima facie case of misconduct | 16 | 1 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 2 |
| Prima facie case of serious misconduct. Recommends disciplinary investigation | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| Prima facie case  | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Prima facie evidence | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Recommendation of disciplinary steps | 0 | 0 | 1 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 |
| Recommends departmental steps to be instituted against employee | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| Refer for hearing | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Refer for trial | 0 | 24 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Referred to hearing | 0 | 48 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Referred to hearing | 48 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Steps taken | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Steps to be taken against the member | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Steps to be taken | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Steps to be taken | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Still pending | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Substance to charge | 0 | 0 | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 |
| Sufficient evidence to charge | 1 | 0 | 2 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 1 |
| The member was found guilty on one charge ito Reg 5(3)(g g) and was given final written warning | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| The charges against the official was withdrawn. The matter is regarded as finalised | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| The Member be charged for contravening Reg 5(4)k and x | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| The official must appear before a formal disciplinary hearing | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| The official must appear before a formal disciplinary hearing | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| The official must be formally charged for the misconduct committed | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| Theft incident was circulated in social media and tarnished the image of the department and education | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Prima facie case exist. Expeditious process | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| There is a prima facie case against the member. Recommend expeditious process | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| There is no prima facie evidence to charge the employee with misconduct | 28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| There was enough evidence to charge the employee. | 0 | 0 | 1 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 |
| To be send to the provincial office for hearing | 24 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| To proceed with the disciplinary enquiry | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| To proceed with the disciplinary inquiry | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Trial | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Verbally intimidated some staff. | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Withdrawal of charges | 0 | 28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Withdrawn by IPID | 6 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| *Data source: PERSAL* |
| *Compiled by the DPSA* |
| *Excluding Defence and State Security Agency* |

1. **In instances where consequence management was not taken, what are the reasons that it was not taken?**

The PERSAL System only makes provision for department to enter records where action was taken and captured by departments.

1. **What total amount is involved in each of the investigations into fraud, corruption and theft?**

The information at our disposal through the PERSAL System does not reflect the specific amounts involved in the specific areas.

1. **What total amount was recovered in the course of each investigation?**

The information at our disposal through the PERSAL System does not reflect the amounts involved, however this may be sourced directly from each department.

End