

**MINISTRY: PUBLIC SERVICE AND ADMINISTRATION**

**REPUBLIC OF SOUTH AFRICA**

**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**DATE: 26 NOVEMBER 2021**

**QUESTION NO.: 2588.**

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

Whether her department has conducted an investigation into the reasons that some government departments are battling to finalise and/or conclude disciplinary cases within the stipulated time frame; if not, what is the position in this regard; if so, what (a) are the reasons that some government departments are battling to finalise their disciplinary cases within the stipulated time frame and (b) steps has her department taken in order to capacitate government departments that are failing to finalise their disciplinary cases within the stipulated time frames? **NW3064E**

**REPLY:**

The Department of Public Service and Administration (DPSA) has conducted an investigation into the reasons why some government departments are battling to finalise and/or conclude disciplinary cases within the stipulated time frame.

During Quarter (Q) 3 of the previous financial year (October to December 2020), the Public Administration Ethics, Integrity and Disciplinary Technical Assistance Unit (PAEIDTAU), assisted by the Strengthening Ethics and Integrity Project that are funded by the Canadian Government, contracted an independent expert to conduct research into the reasons for case backlogs and long overdue precautionary suspensions.

1. The following reasons were identified why some government departments are battling to finalise their disciplinary cases within the stipulated time frame:
* Interference were reported, where it was alleged that suspensions were sometimes used as a tool to neutralize opposition, or employees from different camps or interest groups.
* Heads of Departments and labour relations officials are scared to address interferences due to a fear for retaliation.
* Unavailability of chairpersons in provinces.
* Use of legal services to assist with discipline management cases without involving the labour relations official.
* Appeals instituted on the side of the employer with the aim to keep an official out of the work place, usually when this person reported wrongdoing or corruption.
* Shortage of labour relations employees.
* Unavailability of tools of the trade, especially where educators are involved.
* Complexity of cases due to sector specific challenges, such as in Education and Health.
1. To capacitate government departments that are failing to finalise their disciplinary cases within the stipulated time frames, the DPSA launched a project where the Minister for the Public Service and Administration (MPSA) held one-on-one meetings with Executive Authorities of departments identified to have long overdue disciplinary cases and precautionary suspensions to ascertain the reasons for backlogs and to pledge support. This was immediately followed by a workshop conducted by the PAEIDTAU to the identified departments to address their backlogs. The PAEIDTAU developed, with the assistance of the Strengthening Ethics and Integrity Project, an electronic tool that was utilised by the affected departments to register their backlog cases on, and to provide monthly feedback. In January 2021, the Director-General (DG) DPSA embarked on provincial meetings, where the issue of discipline management is addressed and compliance statistics are shared with departments. The MPSA also addressed a special FOSAD meeting in May 2021 to raise this issue with director-generals.

To assist departments with managing discipline and to address the findings of the PAEIDTAU research, a new *Guide on managing discipline in the public service* was adopted and approved by the MPSA. From 1 April 2021, the implementation of this Guide is compulsory. This guide specifically addresses the issues of appeals and precautionary suspensions. During 2020, the DPSA also facilitated the training of 204 (out of 246) public service employees on a PSETA accredited course for presiding officers (chairpersons and initiators) to address the issue of capacity. With the assistance of the Strengthening Ethics and Integrity Project, the PAEIDTAU is currently developing training material for labour relations officials and managers, to improve implementation of the newly adopted guide.

The above outlined interventions undertaken by the MPSA, PAEIDTAU and DG yielded significant success. A decrease in suspensions and in the costs of precautionary suspensions, as well as an improvement in the capturing of cases on the Personnel Salary System (PERSAL) were noted at the end of March 2021. By the end of March 2021, provinces finalised 78% of their backlogs (up from only 1% in Q1, 8% in Q 2, and 18% in Q 3). The cost of precautionary suspensions for National Departments stabilised around R 20 million per quarter and the cost for precautionary suspensions in provinces decreased to a new low level - almost R 25 million less than what the year started with (Q1: R 87 million compared to Q4: R62 million). The two provinces that had the most precautionary suspensions also managed to reduced their backlogs. The Free State reduced their cost from R 12 million in Q 3 to R 6 million in Q 4. Kwa-Zulu Natal managed to reduce their cost from a high of R 92 million in Q 3 to R 21 Million in Q 4. The amounts reflected here are based on all disciplinary cases captured on PERSAL.

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