

**MINISTRY: PUBLIC SERVICE AND ADMINISTRATION**

**REPUBLIC OF SOUTH AFRICA**

**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**DATE: 13 SEPTEMBER 2019**

**QUESTION NO.: 953**

**DR L A SCHREIBER (DA) TO ASK THE MINISTER OF PUBLIC SERVICE AND**

**ADMINISTRATION**

(1) What number of public service employees have been found to have criminal records (a) in each of the past five calendar years and (b) since 1 January 2019;

(2) What mechanisms has his department put in place to conduct vetting of potential public service employees to ensure that those with criminal records are not employed as public servants? **NW2107E**

**REPLY**

1. The personnel suitability checks as prescribed by the Minister for the Public Service and Administration emanate from the National Vetting Strategy that resides with the State Security Agency. Departments keep their own databases on criminal records and information is not captured on the PERSAL system. A similar question was posed to me, when it was asked in the NCOP in relation to the murder of a 19 year old student of the University of Cape Town. My response to the question entailed that the Department of Public Service and Administration will be embarking on a number of initiatives to address the matter which includes, but is not limited to, the creation of a database of employees who have criminal records with the assistance of other relevant departments.
2. In terms of the provisions of the Public Service Regulations an Executive Authority must subject an employee or a candidate for employment to personnel suitability checks as directed by the Minister for the Public Service and Administration. The personnel suitability checks contemplated in Regulation 57(1) (c) of the Public Service Regulations, 2016 shall consist of the following:

(i) Criminal record checks

(ii) Citizenship verification

(iii) Financial checks

(iv) Qualification/ Study verification

(v) Previous employment verification (Reference checks)

Should a verification confirm a criminal record, the department has to consider the relevance thereof to the person’s suitability for employment in a particular post on the following basis:

(a) The nature and severity of the negative finding.

(b) The relevance of the finding to the job duties and work environment in question.

(c) The amount of time that has passed since the negative incident and the applicant’s subsequent behaviour since then.

(d) The record of the applicant in respect of multiple incidents of misbehaviour and convictions.

A department’s decision to reject an application on the aforesaid grounds must, however, conform to the concept of a fair administrative action as provided for in the Promotion of Administrative Justice Act, 2000.