



the dpsa

Department:
Public Service and Administration
REPUBLIC OF SOUTH AFRICA

Presentation to the Portfolio Committee on Public Service and Administration

“Report regarding suspensions on full pay within the Public Service”

2 May 2012

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INTRODUCTION

- Delivery Agreement between the MPSA and President instructs the MPSA to develop strategy to ensure that suspensions with full pay are finalised within the prescribed timeframes
- DPSA conducted study on management of discipline and incapacity due to poor performance in Public Service in 2010
- Study found that disciplinary cases not finalised within the 60 days (90 days if Appeal lodged) prescribed by the *Disciplinary Code and Procedure and Chpt 7 of SMS Handbook*

Introduction

- In June 2011, the PSC released a report on the management of precautionary suspensions in the Public Service.
- The PSC Report found, among others, that the prescribed 60 day period was not always adhered to.
- This presentation is based on 2010/11 data.
- The presentation also deals with DPSA's interventions to improve the situation, some of which talk to the recommendations made by the PSC in their June 2011 Report.

OVERALL STATISTICAL REPORT

- DPSA developed and sent out a template to be completed by departments.
- Twenty two National Departments and 5 provincial administrations responded
- The information received shows that in 2010/11, the total number of employees on precautionary suspension was 356
- At least 201 of the cases were finalized, (176 in favour of the employer, and 25 against)

STATISTICAL REPORT

- The total number of SMS members in the public service charged for misconduct for the period 2010/11 is 216 (51 of whom were on precautionary suspension).
- 183 of the cases were finalised
- Of these finalised cases, 165 were in favour of the employer.

CHALLENGES

- HODs and EAs do not sign off files timeously
 - Limited delegations to finalise cases and appeals
- Senior managers and Executive Authorities do not always heed advice
 - Instruct Labour Relations (LR) officials to suspend in circumstances where it may not be warranted
- LR skills and competency constraints
 - To conduct the investigative work, prosecutorial and adjudication functions
 - Use consultants who are not familiar with public service
- Discipline information not always properly captured and reported on

WAY FORWARD

- DPSA has developed a Precautionary Suspension Guideline underpinned by the following principles:
 - Discipline should be managed by management not lawyers and consultants unless it is S188A process (Labour Relations Act)
 - Precautionary suspension should lapse after 60 days and disciplinary process to continue with employee at work. Extension in special circumstances in consultation with MPSA

Way Forward

- Despite the prescribed period employers should strive to complete investigations within 14 days of suspension
- Employees must be given an opportunity to state reasons why they should not be suspended before the suspension is effected.

...WAY FORWARD

- DPSA has set up a National Labour Relations Management Forum to improve the capacity and skills for amongst others, investigative, prosecutorial and adjudication functions of LROs across the Public Service
- DPSA is reviewing the disciplinary code and procedures to address the problems which render the system inefficient.
- Reporting template has been issued to all departments to facilitate meaningful reporting on suspensions

WAY FORWARD

- DPSA to implement an automated case management system that will generate progress reports on suspension.
- DPSA to establish a centralised disciplinary structure to assist departments with investigative work as well as prosecutorial and adjudication functions for all outstanding cases.
- Amendments to Public Service Act and Regulations where appropriate during the 2012/13 financial year.
- However, ultimately discipline is a decentralised function, and individual Executive Authorities and Heads of Department must be held accountable.

THANK YOU