

12 September
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Department:
Correctional Services
REPUBLIC OF SOUTH AFRICA

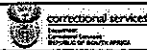
Report to the Portfolio Committee

Oversight visit Ncome Management Area

12 September 2012

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Purpose

- To provide a briefing on the issues identified at Ncome Management area during the visit by the Portfolio Committee.
- To report on remedial measures undertaken by the Regional Management Committee in an effort to address the anomalous situation at Ncome Management Area.

Background...

- The Portfolio Committee visited Medium A and B, however during the debriefing the focus was on the following issues:
 - The division amongst managers;
 - The division between managers and personnel;
 - The leaking of confidential and sensitive information by managers who are loyal to a group of employees at Ncome who are said to be a driving force in creating an unstable situation at Ncome;

Background...

- The present situation at Ncome has been a systematic run-down over years and there has been a break down of managerial control. The area is presently controlled by a group of core members who are becoming a law unto themselves.
- The unstable situation at Ncome has deteriorated to the extent that officials disrespect authority.
- Former Area Commissioner (Mr B J Hlatshwayo) left the premises unceremoniously, being escorted by armed guards. The situation was so volatile at the time that he could not return to Ncome;

Background ...

- Ms M M Mthembu was appointed as the Area Commissioner of Ncome. When she took over, the volatile situation had not yet abated. She managed to bring calm with assistance from Security forces at Ulundi.
- Ms M M Mthembu, was transferred to Waterval Management Area as the Area Commissioner due to health reasons, the post was advertised. She served both Ncome and Waterval during the process of filling the post. She managed to maintain stability at Ncome until the appointment of Mr V Hlatshwayo as Area Commissioner.
- Appointment of Mr V Hlatshwayo did not become a panacea to the Ncome problem; instead it compounded the problem hence the only alternative was to move him out of Ncome.

Background...

- Appointment of Mr E P Korabie as Area Commissioner provided the much needed relief as he managed to stabilise the situation, although he was subjected to victimization and threats
- Departure of Mr E P Korabie to Empangeni Management Area and the subsequent appointment of Ms N N Zulu marked a turning for the worst.
- Disobedience, disrespect for authority, defiance, insolence, harassment and victimization became the order of the day at Ncome. Disrespect for the authority and defiance of instructions of the RC led to the suspension of Ms Zulu.
- Mr Taaljard was appointed as acting Area Commissioner, and his appointment was also characterized by defiance and disrespect for authority by officials

Background...

- The issue of the shift patterns in KwaZulu-Natal and the breakdown of relations at Provincial level between management and leadership compounded the situation in that POPCRU members were given orders by their Provincial Principals to defy management in so far as the shift system was concerned
- The Provincial leaders of **POPCRU and PSA lost total control** to address labour issues at Ncome, despite numerous calls by management for their intervention.
- Unstable situation at Ncome Management Area is characterized by the following:
 - **Division amongst managers.** Lead to mistrust and lack of synergy, and collapse of the management functions.
 - **Division between managers and officials.** This impacts negatively on work performance as well as employee relations characterized by a total breakdown in communication between managers and staff (no staff meeting take place at present). This subsequently impacted negatively on administration as well as the management of discipline

Summarized report

AREA OF CONCERN	FINDINGS	ROOT CAUSES	IMPLICATION OF THE FINDINGS (IF THE STATUS QUO REMAINS)	PROPOSED SOLUTIONS/STRATEGY
Management issues	Division amongst managers	The former Area Commissioner had 2 groups that she worked with causing the division. Some were loyal to her objectives and other did not support these ideas. The lack of union involvement and control at Ncome created division. Poor relations between management and organised labour contributed to the current situation. A cordial relation between labour and management is non-existent.	Lack of spirit of collegiality and sense of faith/trust between managers. Some personnel in managerial positions "leak" information and decisions taken to a "core" group of members who appear to be in control at Ncome. There is a lack of unity amongst managers to take a decisions to manage the Management Area. Managers at Ncome are not operating or functioning as one team, and cannot communicate during meetings as a unit with personnel due to the division. Cracks filter down to lower levels. Members play one manager up against the other to get approval for issues such as leave (if one says no they would simply approach another manager for approval).	Urgent vetting of all managers.

Summarized report...

AREA OF CONCERN	FINDINGS	ROOT CAUSES	IMPLICATION OF THE FINDINGS (IF THE STATUS QUO REMAINS)	PROPOSED SOLUTIONS/STRATEGY
	<p>Lack of strong leadership</p> <p>General culture of a 'lasses-faire' attitude at managerial level</p>	<p>Managers are intimidated and victimised by some members in control of Ncome and fail to take a decision as a result of this</p> <p>There is a 'core group' of members controlling Ncome Management Area</p> <p>There is a reluctance of managers to initiate or chair disciplinary action or they find reasons to excuse themselves out of fear of victimisation</p>	<p>Managers don't perform their managerial function - role clarification is unclear</p> <p>Managers seem to fulfil a 'shop-steward' position instead of managing</p> <p>An inconsistent application of discipline and no disciplinary action as a result discipline is at an all time low (lasses-faire attitude)</p>	<p>The identification and appointment of credible managers for key strategic functions e.g. Heads of Centre</p> <p>To transfer the members identified as the 'core group' out of Ncome Management Area</p>

Summarized report...

AREA OF CONCERN	FINDINGS	ROOT CAUSES	IMPLICATION OF THE FINDINGS (IF THE STATUS QUO REMAINS)	PROPOSED SOLUTIONS/STRATEGY
2. Organisational Culture	<p>Historical issues at Ncome contributed to the present situation</p> <p>Defiance of authority coming from past experiences</p>	<p>During 2005 the reinstatement of 127 dismissed officials and the arrangement that they could come back to Ncome after being redeployed for 2 years to other management areas</p> <p>They returned to Ncome with a worse attitude because they saw this as a victory becoming 'untouchable' and even targeting those who were responsible for their dismissal</p> <p>Although during 2004/5 the problematic officials were transferred away, they were thereafter allowed to come back and the problem remains</p>	<p>The impact is that the reinstated officials have an established culture of being 'untouchable' and are generally negative, disrespectful, disregard management and uncooperative</p> <p>This created an us and them situation after their reinstatement</p>	<p>The culture of reinstatement must be reviewed and consideration must given to not send them back to the area from where they were dismissed</p> <p>After a member has been dismissed redeployment must be considered after reinstatement in the interest of sound labour relations</p>

Summarized report...

AREA OF CONCERN	FINDINGS	ROOT CAUSES	IMPLICATION OF THE FINDINGS (IF THE STATUS QUO REMAINS)	PROPOSED SOLUTIONS/STRATEGY
	<p>Managers were shot and killed in this area, others forcefully transferred themselves out of fear for their lives, some were forcefully removed and locked out by members from even entering the premises (appointed Area Commissioners).</p> <p>There were activities taking place where there was forceful take-over of the arsenal, senior managers were removed from their offices and junior members took over. They had self-appointed persons that would have taken over critical posts – some managers were held hostage.</p>	<p>The deep rooted anarchy and disrespect coupled with failure of top management to take decisive action created an extreme situation wherein members became a law unto themselves, without fearing the consequences for their actions.</p> <p>These were well orchestrated activities to deal with the imbalances of the past and to deal with oppression and emanating from this with some unfilled promises.</p> <p>Those who were appointed were never prepared for those positions with the necessary competencies to occupy those positions.</p>	<p>There is an inability of managers to take the corrective action out of fear because of what has happened to previous managers which still continues.</p> <p>Management will continue to fail to take over the functions of the management out of fear for victimisation if the situation is left unchanged.</p> <p>Even the strongest and most dedicated manager, if the situation prevails, will become weak under these circumstances.</p>	<p>Identifying the rogue elements and transfer them away from Noome.</p> <p>Placement and appointment of competent managers.</p>

Document ref number 10

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AREA OF CONCERN	FINDINGS	ROOT CAUSES	IMPLICATION OF THE FINDINGS (IF THE STATUS QUO REMAINS)	PROPOSED SOLUTIONS/STRATEGY
	<p>There is a defiance of authority coming from this "core group" where Noome is being run by an organised anarchy, lack of commitment to work, performance, fragmented organisational culture.</p> <p>There is a collapse of discipline.</p>	<p>Inconsistent application of discipline on wrongdoers, out of fear of victimisation and personal injury or property.</p> <p>Lack of decisiveness in dealing with lack of discipline.</p> <p>The rate at which members transgress the code of conduct in DCS is almost impossible to keep up with the appropriate action required.</p>	<p>This results in different groups pursuing their own diverse interests.</p>	<p>The "core group" should be meticulously identified and transferred from Noome, out of the Region.</p> <p>In cases where exact information is still available consideration should be given to lay disciplinary or criminal charges against them.</p> <p>Twenty (20) officials were identified as part of the "core group".</p> <p>The intervention of both organised labour leadership and management to deal with the rogue elements needs to be addressed through Regional structures.</p> <p>The identification of a pool of managers to be specifically trained and allocated to deal with disciplinary issues in the Region.</p> <p>This pool should be a separate unit on the organisational structure.</p> <p>All sensitive and complicated matters are to be referred to Code Enforcement at Head Office.</p>

Document ref number 11

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AREA OF CONCERN	FINDINGS	ROOT CAUSES	IMPLICATION OF THE FINDINGS (IF THE STATUS QUO REMAINS)	PROPOSED SOLUTIONS/STRATEGY
3. Organised Labour	<p>Organised labour at Ncome is not clear because there is no support for the POPCRU and PSA unions.</p> <p>Unions seems to operate as one.</p> <p>There seems to be 4 groups of labour activities taking place at Ncome e.g. POPCRU, PSA, POPCRU & PSA jointly then there are members just coming together to represent other members as their spokespersons.</p> <p>Inability of the Regional union leaders to control labour at Ncome – they seem to be nursing Ncome to retain membership.</p>	<p>Organised labour is not functional at Ncome.</p> <p>Employee Relations are poor.</p>	<p>The members at Ncome do not take their cue from Regional Management, they seem to be implementing their own independent processes/shift systems.</p> <p>Members are not following the norms and standards set by the recognised unions because if they do not listen to their Regional principles, how will they then listen to their unions?</p> <p>The non-subscription to collective decisions in the Region are disregarded.</p> <p>Union leaders have a role to play at Ncome and if they are reluctant to visit the Ncome members, how can the agreements made with Regional Management be effected under these circumstances.</p>	<p>The intervention of both organised labour leadership and management to deal with the rogue elements needs to be addressed through Regional structures.</p> <p>The recognised Labour at Ncome Management Area must be "reschooled" in Recognition Agreement.</p>

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4. Security	<p>Non-compliance with security directives, policies and a total collapse of the function at Medium B.</p> <ul style="list-style-type: none"> Gates not locked. Lack of searching. Unauthorised items are brought into the centre. 		<p>This has implications for State Security, National Security (State & Human Security), and for the Northern KZN Region, KZN Region and possibly South Africa.</p> <p>State Security.</p> <ul style="list-style-type: none"> Information security is at risk. Firearms can be used for political issues – how can such a few people hold the systems to ransom. This could destabilise the entire area around Ncome – impacting on crime in the area and affecting the country economically. Offenders can be taken out under these circumstances – commit a crime and return to the centre unnoticed because they are supposed to be incarcerated. 	<p>Apart from the administrative interventions in order to remedy the security irregularities it is proposed that there should be a request for involvement from Traditional Leadership (His Majesty the King, local Chiefs), political intervention (MBC, Transport Safety & Liaison).</p> <p>That the EST should be tasked to search and remove all unauthorised items and removed items to be destroyed.</p>

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5 Administration	<p>The administration function has been taken over by these members:</p> <ul style="list-style-type: none"> • They work their own shift and not necessarily working the 2x12. • The removal of duty lists from notice boards and replacement thereof with own compiled lists 	<p>A "core groups" of members influencing the Management Area</p> <p>Lack of control for fear of intimidation</p>	<p>Managers cannot place members to, for example take inmates to courts and to work where they are required for operational purposes because they work their own shifts.</p>	<p>After the replacement of the identified members an inspection audit should be conducted to develop a plan of action to rectify all areas that have fallen into disarray emanating from the present situation.</p>

Document ref number 14

Summarized report...

AREA OF CONCERN	FINDINGS	ROOT CAUSES	IMPLICATION OF THE FINDINGS (IF THE STATUS QUO REMAINS)	PROPOSED SOLUTIONS/STRATEGY
	<p>Payment of outstanding overtime payments and members not working the required shifts causes overtime payments</p> <p>The Ncome 12 hour shift system results in 3 hours overtime being worked weekly and members wanting to claim overtime whereas they should work 45 hour weeks.</p>	<p>Reluctance to adhere to the required shift system and a court order obtained by Ncome members to work the 12 hour shift system</p>	<p>Members claiming to be reimbursed for overtime worked.</p> <p>Overtime payments cannot be paid because there is no budget allocated, leading to disgruntled employees</p>	<p>The matter currently at the Departmental Bargaining Council should be expedited to ensure that implementation of a workable shift system</p>

Document ref number 15

Summarized report...

AREA OF CONCERN	FINDINGS	ROOT CAUSES	IMPLICATION OF THE FINDINGS (IF THE STATUS QUO REMAINS)	PROPOSED SOLUTIONS/STRATEGY
6 Rehabilitation	No effective rehabilitation programmes taking place. There is a shortage of Offender Development Staff. 42.8% Vacancy rate at Ncome of specialised staff, this is exacerbated by the Ncome shift system in place at present does not support or provide for effective rehabilitation objectives.	There is a disjuncture between Head Office structures, Regional structures, Area Commissioner and Correctional Centre structure for the Development & Care component. The discrepancy between the DCS and other Departments who pay the rural allowances affects the retention. The court interdict that was obtained by members appointing their own representatives (not through recognised labour) to implement the 12 hour shift system.	Offenders are not adequately prepared to take their rightful place in the community after release. There is a likelihood of re-offending in the absence of proper rehabilitation programmes. Offenders are not kept occupied due to a lack of staff. Care of offenders cannot be properly effected due to a lack of Nursing staff.	The development of a remuneration package which will allow the Department to attract and retain these scarce skills. Align the remuneration structure with other Government structure to address the disparity in salaries and rural allowances paid to retain and attract such personnel. Notwithstanding the lack of staff, the inculcation of Development and SRAC activities be established to curb idleness. Act RH Corrections KZN is to conduct a full audit of needs for infrastructure to be registered as New Project.

Document ref number 16

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AREA OF CONCERN	FINDINGS	ROOT CAUSES	IMPLICATION OF THE FINDINGS (IF THE STATUS QUO REMAINS)	PROPOSED SOLUTIONS/STRATEGY
	Due to the shift pattern currently implemented at Ncome viz a viz the acute shortage of personnel, there are always no staff available to escort the services providers at Ncome. In the remdtle area such as Ncome there are few external service providers available to provide services as required. There is a general lack of needs directed infrastructure for the implementation of rehabilitation programmes e.g. Multi-purpose halls, classrooms, resources.		The lack of programmes gives rise to higher prevalence and breeding ground for gang related activities. Offenders health could be affected or could die due to lack of proper care being provided by external services providers leading to litigation against the State. No programmes will be rendered to offenders and their health will be affected. The impact thereof is the reluctance of service providers to visit the institutions.	

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Proposed solutions ...

- Four members are considered for transfers away from Medium A
- Head of Centre position at Medium B presently filled by an acting appointment, to be filled with a permanent appointment; whether through reshuffling or recruitment.
- All managers at Medium B should be transferred and replaced.
- Situation of the professionals should be taken into account and there is a proposal that professional staff and operational managers transfer or placement should be considered separately;
- All operational line function managers from the level of SCO must be transferred and replaced with "new blood";
- There are (9) nine members that will be considered for transfer away from Medium B

Proposed solutions ...

- There is a need to effect some changes in the office of the Area Commissioner as well as moving some officials from the office.
- The vacant post of Head Correctional Centre must be filled with extreme urgency whether through reshuffling or recruitment;
- Some officials should be considered for transfer away from Vryheid, Melmoth, Nongoma, Nkandla, Nquthu Comcor
- Twenty (20) members of the Ncome "core group " have been identified as part of the group influencing the situation at Ncome. They are being considered for a transfer out of Ncome Management Area.
- Nkandla's Head of Correctional Centre post must be filled.



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Thank you

