

ICD

Independent Complaints Directorate

Annual Report | 2011-2012



**independent
complaints directorate**

Department:
Independent Complaints Directorate
REPUBLIC OF SOUTH AFRICA

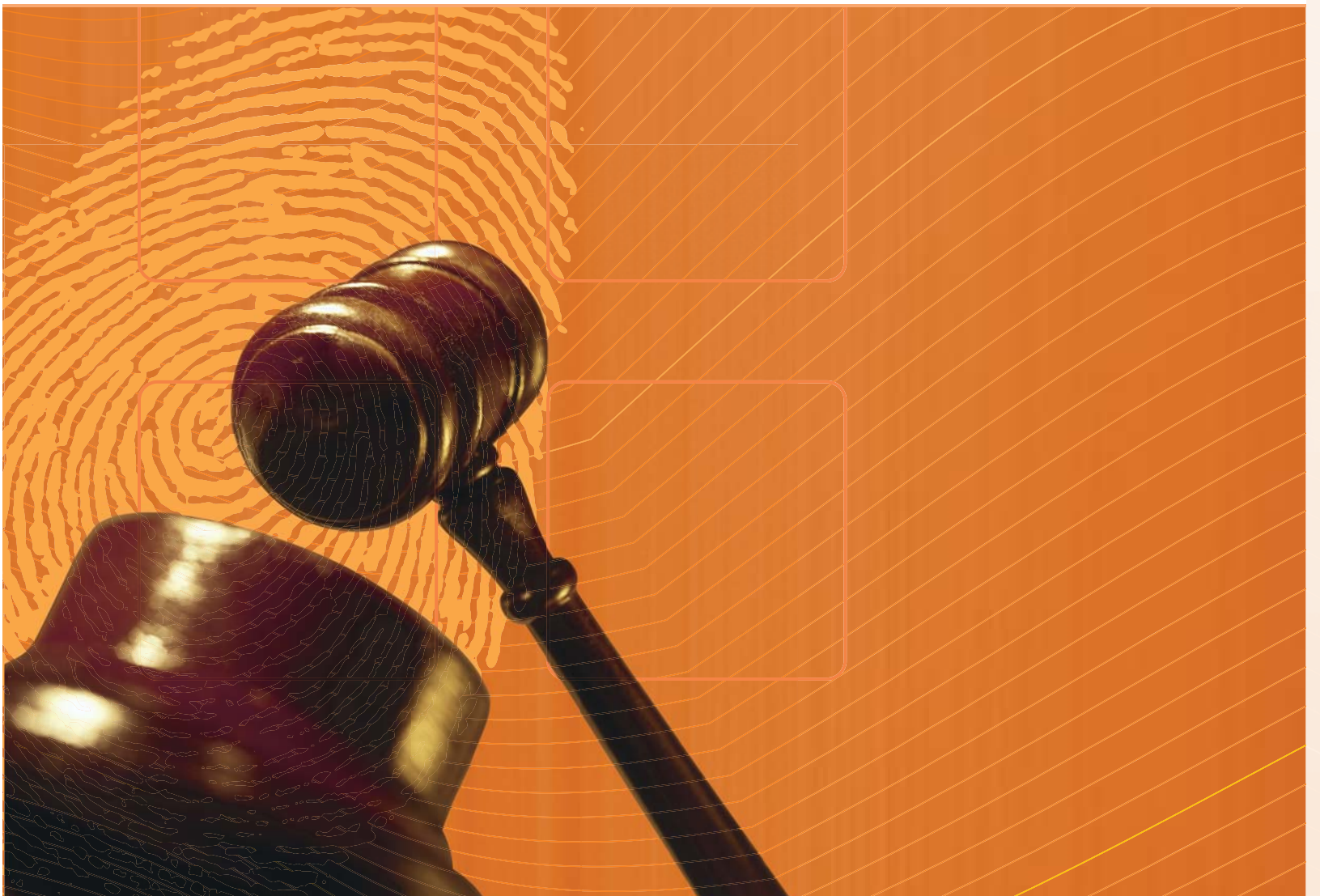
Submission of Annual Report to the Minister of Police

Mr EN Mthethwa
Minister of Police

I have the honour of submitting the Annual Report of the Independent Complaints Directorate for the period 1 April 2011 to 31 March 2012.



Mr Francois Beukman
Executive Director
31 July 2012



DEPARTMENT: INDEPENDENT COMPLAINTS DIRECTORATE
VOTE 23

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I. General Information

1.1. Mission Statement

The aim of the Independent Complaints Directorate (ICD) is to ensure independent oversight over the South African Police Service (SAPS) and the Municipal Police Services (MPS), and to conduct independent and impartial investigations of identified criminal offences allegedly committed by members of the SAPS and the Municipal Police Services, and make appropriate recommendations.

1.1.1. Vision

To promote proper police conduct in accordance with the principles of the Constitution.

1.1.2. Mission

An effective, independent and impartial investigating and oversight body that is committed to justice and acting in the public interest while maintaining the highest standards of integrity and excellence.

1.1.3. Values

The ICD aspires to adhere to the highest standards of ethical behaviour, integrity and the continuous application of our values. The following values are the core from which we operate and respond:

- Mutual respect and trust
- Integrity and honesty
- Transparency and openness
- Equity and fairness
- Courtesy and commitment

1.2. Legislative and Other Mandates

1.2.1. Constitutional mandate

Section 206(6) of the Constitution of the Republic of South Africa makes provision for the establishment of an independent police complaints body and stipulates that:

“On receipt of a complaint lodged by a provincial executive, an independent police complaints body established by national legislation must investigate any alleged misconduct of, or offence committed by, a member of the police services in the province.”

1.2.2. Current legislative mandates

1.2.2.1. South African Police Service Act

Chapter 10 of the SAPS Act 68 makes provision for the establishment of the ICD at both national and provincial levels. The ICD functions independently from the SAPS.

In terms of section 53(1)(a) of the Act, the principal function of the ICD is to achieve the objective contemplated in section 222 of the 1993 Interim Constitution:

“There shall be established and regulated by an Act of Parliament an independent mechanism under civilian control, with the object of ensuring that complaints in respect of offences and misconduct allegedly committed by members of the service are investigated in an effective and efficient manner.”

In terms of section 3(a) of the SAPS Act, no organ of state and no member or employee of an organ of state or any other person shall interfere with the executive director or a member of the personnel of the Directorate in performing his or her duties.

In terms of section 4 of the Act, all organs of state shall offer any assistance that may be reasonably required for the protection of the independence, impartiality, dignity and effectiveness of the directorate.

Section 53(2) of the Act stipulates that the ICD:

- (a) May *mero motu* or upon receipt of a complaint, investigate any misconduct or offence allegedly committed by a member, and may, where appropriate, refer such investigation to the commissioner concerned.
- (b) Shall *mero motu* or upon receipt of a complaint, investigate any death in police custody or as a result of police action.

May investigate any matter referred to the ICD by the minister or member of the executive council (MEC).

The executive director of the ICD may, in terms of sections 53(6)(b), (c) and (i):

- (a) Request and obtain information from any commissioner or police official as may be necessary for conducting any investigation (section 53(6)(b)).
- (b)
 - (i) Monitor the progress of
 - (ii) Set guidelines regarding
 - (iii) Request and obtain information regarding an investigation referred to a commissioner under section 53(2)(a) (section 53(6)(c)).

(c) Make recommendations to the commissioner concerned (section 53(6)(i)).

Under section 53(8) of the SAPS Act, the national or provincial commissioner of the SAPS must notify the ICD of all cases of death in police custody or as a result of police action.

In terms of section 64 of the Act, read with regulation 9 and appendix 5 of the Regulations for Municipal Police Services, the ICD's civilian oversight duties also apply to the Municipal Police Services.

1.2.2.2. Domestic Violence Act

Section 18 of the Domestic Violence Act 116 (1998) stipulates that failure by a member of the SAPS to comply with an obligation imposed by the Act or the national instructions in subsection (3) of the Act constitutes misconduct as contemplated in the SAPS Act. The ICD must immediately be informed of any misconduct reported to the SAPS. Unless the ICD directs otherwise, the SAPS must institute disciplinary proceedings against any member who allegedly failed to comply with an obligation.

The ICD must submit a report to Parliament every six months regarding the number and particulars of matters reported to it in terms of subsection (4)(a), and set out the recommendations made. The national commissioner of the SAPS must submit a report to Parliament every six months regarding steps taken as a result of recommendations made by the ICD.

1.2.2.3. New legislative mandate: The Independent Police Investigative Directorate Act (Act 1 of 2011)

The ICD was established in terms of the SAPS Act (1995), which pre-dates the 1996 Constitution. The implementation date of the IPID Act is 1 April 2012. The new legislation will not only have an impact on the investigative capacity and public profile of the ICD, but will also have a direct impact on the administrative structure that will support the adjusted functions of the ICD. The IPID will, however, continue to reside under the Ministry of Police and will function independently of the SAPS.

The IPID Act provides for the establishment and assignment of national and provincial functions to the directorate. The IPID Act will give effect to the provision of section 206(6) of the Constitution, ensuring independent oversight of the SAPS and the Municipal Police Services.

The net results of the new legislation include the:

- Renaming and reorganisation of the ICD
- Granting of an extended mandate that focuses on more serious and priority crimes committed by members of the SAPS
- Streamlining and reorganisation of the complaint-handling process and investigation functions
- Establishment of a dedicated legal services programme
- Establishment of a formal liaison mechanism between the ICD and the Civilian Secretariat for the Police Service
- Improvement of reporting and accountability practices
- Overall improvement of the management structure of the directorate.

Renaming the ICD will brand the Directorate as a body that functions independently of the police service and focuses on conducting investigations into offences by police members, rather than merely receiving complaints.

The thrust of the work of the directorate, in the process of conducting investigations, is to address systemic problems within the police service and recommend appropriate interventions.

The IPID Act grants the Directorate an extended mandate that focuses on more serious and priority crimes committed by members of the SAPS and the Municipal Police Services. The work of the Directorate will help ensure that the police services become more professional and operate in the spirit of our Constitution.

The IPID Act regulates the functions of the Directorate and further provides for:

- The establishment of a management committee and consultative forum and their respective functions
- The appointment and powers of investigators
- Reporting obligations and cooperation by members of the SAPS and the Municipal Police Services
- Transitional arrangements, the repeal and amendment of certain laws and related matters.

Other objectives of the Act are to:

- Align provincial and national strategic objectives to enhance the functioning of the directorate
- Provide for independent and impartial investigation of identified criminal offences allegedly committed by members of the SAPS and the Municipal Police Services
- Make disciplinary recommendations to the SAPS and the Municipal Police Services resulting from investigations conducted by the directorate
- Provide for close cooperation between the Directorate and the secretariat
- Enhance accountability and transparency of the SAPS and the Municipal Police Services in accordance with the principles of the Constitution.

Statement by the Minister of Police



The philosophical orientation of our goal is to realize that the South African Police Service (SAPS) is one of the most central of all the institutions of the democratic state; which is charged and is responsible for guaranteeing the stability and the consolidation of our democracy.

What this philosophy means is that, our police officers must be seen and see themselves as guardians of human rights generally and the Constitution in particular. When society gets affected by crime, they need to have hope that police will do their best to protect them, not violate their rights.

This is the last Annual Report from the Independent Complaints Directorate (ICD); the next report will be from the newly formed Independent Police Investigative Directorate (IPID). In changing the focus and the name of the ICD to the IPID we were sending a clear message on the new focus for IPID.

From the next financial year, the directorate's primary focus must not just be about processing complaints but emphasis is now on developing strong investigative capacity. Not only will the Directorate have the legislative capacity to investigate any police officer involved in human right abuses, but will also be able to use this investigative capacity to investigate issues of systemic crime and corruption.

The new approach seeks to establish and put in place mechanisms which ensures that the rule of law in is observed even by police themselves. We further want to ensure that the new approach supports our community-policing philosophy. It should also help our efforts as we create and transform the SAPS into a type of police service we envisage.

The issue of civilian oversight of the police must not just become a rhetoric slogan. In this context there is no possibility of us moving towards a police state, as some in society have alleged.


As government we have committed ourselves to actively combat crime including serious and violent crime by being tougher on criminals and organized syndicates. We have however always emphasized that this tough stance on crime must be balanced by our philosophy that policing must also be based and entrenched on a human right culture and be community-orientated and sensitive.

Historically there have been problems with the ICD having investigative powers and then having to submit their recommendations to the National Commissioner of Police. The ICD has had no powers to ensure the implementation of its recommendations. With the IPID legislation, the strengthening of this Directorate means that the reporting would go directly to the ministry.

With further strengthening of the ICD, as the police leadership we have committed ourselves to continue working for the entrenchment of the human rights culture. We have now provided the new IPID with the necessary tools and it will be up to the leadership of this body to implement their mandate.

This Annual Report must demonstrate to Parliament, clear performance measurements for evaluating the effectiveness of the institution over the past financial year. The report must show how targets set in the Annual Performance Plan of the ICD were met, must provide details that will enable us to measure the output and impact of the ICD.

The police must recognize that we are a developmental state, as such embrace effective service delivery within the Service. We require police officers that demonstrate through their deeds, firm commitment to ensure government priorities are realized.



EN Mthethwa (MP)
Minister of Police

Statement by the Deputy Minister of Police



As the Ministry of Police, we are pleased that the Independent Complaints Directorate (ICD) once again has obtained an unqualified audit from the Auditor-General for the third year running. This clearly demonstrates a commitment by the management of this institution to improve corporate governance. We hope that this commitment does not change going forward.

The ICD has always strived for thorough investigations of complaints against transgressions of police officers. In this regard, the investigative work of the ICD has been focusing on:

- Completing investigations of deaths in custody or as a result of police conduct.
- Completing investigations of complaints of criminality against members of the SAPS or Municipal Police Services.

The completion of such investigations is an important measure of the ICD's performance. The Ministry has noted that the ICD managed to finalise 90 percent of cases of deaths in custody or as a result of police action. Equally, the ICD completed 86 percent of its investigations into allegations of criminality against members of the SAPS.

These performance figures are a clear indication of improvement in the efforts made to strengthen civilian oversight over the police.

Notwithstanding, the Ministry of Police notes the challenges that have been experienced by the ICD in the delivery of its mandate, including the following:

- The late or non-reporting of deaths and priority crimes.
- The lack of co-operation with regards to identification parades.
- The lack of implementation of ICD's recommendations and a lack of feedback from the SAPS in that regard.
- The limited footprint of the ICD which not only impacts on the accessibility to its services, but also on investigators' ability to immediately attend crime scenes, without delay.

In this instance, the Ministry of Police had seen the need to strengthen the ICD by adopting a report that proposed the idea of separate legislation for the ICD. Parliament is now working towards the promulgation of a new Independent Police Investigative Directorate Act (IPID Act).

The new IPID legislation which comes into effect on 1 April 2012, gives the ICD the teeth that it needs. The Ministry of Police is confident that the new IPID Act will enable this institution to shift the focus from being a complaints-driven

body to one that, in conducting its investigations, addresses systematic problems within the police service, and a body that recommends appropriate interventions.

In conclusion, we support the ICD in its quest to investigate police brutality. From the safety and security perspective, a better life for all requires, among other things, an independent investigative body that is committed to contribute to combat crime and corruption while at the same time entrench a culture of human rights and community-centered approach in policing.

In the same vein, as the Ministry of Police, we endorse an ICD that allows police officers to do their job properly by confronting and taking action against crime, and not leaving police to feel they have one hand tied behind their back due to fear of unreasonable instigation of enquiry.



Makhotso Maggie Sotyu (MP)
Deputy Minister of Police

Accounting Officer's Overview



This is the last report that we table as the Independent Complaints Directorate (ICD). The next time we report we will be the Independent Police Investigative Directorate (IPID). The IPID Act No. 1 of 2011 which was signed into law by the President, is a result of the hard work that has been going on for the past two years or so. A large part of our efforts in the period April 2011 to March 2012 were focussed on ensuring that we are ready for the implementation of the new Act.

The Independent Police Investigative Directorate Act (IPID Act), No. 1 of 2011 takes us out of the SAPS Act and therefore entrenches our independence from the police.

The IPID Act focuses the investigative mandate of the Directorate to the following specified serious matters:

- Any deaths in police custody and deaths as a result of police actions;
- Any complaint relating to the discharge of an official firearm by any police officer;
- Rape by a police officer whether on or off duty;
- Rape of any person while the person is in police custody;
- Any complaint of torture or assault against a police officer; and
- Corruption matters within the police.

Achieving of targets set for completing investigations

In addition to getting the organisation ready for the implementation of the new legislation, the work of the ICD had to continue in line with our strategic objectives and priorities. I am pleased to report that the ICD's strategic decision to prioritise serious cases (deaths that occur in police custody or as a result of police action) resulted in 90 percent of these cases being finalised in 2011/12. This exceeded the target of 65 percent.

In 2011/12, the ICD made significant progress towards reaching its target to carry over only 10 percent of cases from the year under review. The Directorate made good progress by reducing the backlog and as a result it will carry over only five hundred and fifty (550) cases. This is in contrast to 2010/11 when one thousand one hundred and three (1 103) cases were carried over into the current reporting period.

The directorate's investigative capacity came under the spotlight in the reporting period with high profile investigations in various parts of the country such as Ficksburg where Andries Tatane died as a result of police action. The ICD is proud

to report that 86 percent of investigations into complaints of criminal behaviour laid against the SAPS and the Municipal Police Services were finalised in 2011/12, against a target of 55 percent.

Ninety-one percent of 4 923 complaints received by the ICD were registered and allocated within 48 hours. The 9% shortfall in meeting this target happened mainly in the Western Cape office and Gauteng. Interventions have been put in place to ensure better performance in future.

Reaching out to communities

The Directorate held 279 outreach events in 2011/12 to raise public awareness of the ICD's activities and responsibilities. The target for this strategic objective was 260 events. The ICD also stepped up its efforts to communicate its activities to the media by issuing 60 statements on cases and holding media briefings in various parts of the country.

Financial and asset management

The Directorate received an adjusted budget allocation of R153 534 000 for three main divisions during the 2011/12 audited financial year. The actual spending was 99% of the allocated budget, which translates to R153 532 000 in monetary value. Only R2 000 of the total budget allocation was reported as under spending and the Directorate is making efforts to ensure 100% spending.

The assets management compliances with minimum requirements have been achieved as expected. The Assets Register of the Directorate reflects all the required information such as description of assets; ICN; unique asset number/Bar codes; accountability information (Cost Centre Manager responsible - location and custodian); assets value. The BAS reconciliation was also performed on a monthly basis to address the discrepancies between the two used systems. The asset management system is fully implemented and complied with.

Lastly I wish to thank ICD staff for their hard work, dedication and commitment to the activities of the department.

The roles of the Portfolio Committee of Police and the NCOP Select Committee on Justice and Constitutional Affairs are important in overseeing our work. I thank the members of those committees for their support.

The ICD wants to record its appreciation for the support and active interest of the Minister of Police, the Honourable Minister EN Mthethwa, MP in the activities of the ICD.



Francois Beukman
Executive Director

2. Information on Predetermined Objectives

2.1 Overall Performance

This section looks at the overall environment in which the ICD worked to achieve the strategic objectives set out in the 2011 to 2016 strategic plan, while continuing to improve the quality of the service it delivers to the public.

Voted funds

MAIN APPROPRIATION R'000	ADJUSTED APPROPRIATION R'000	ACTUAL AMOUNT SPENT R'000	(OVER)/UNDER EXPENDITURE R'000
151 600	153 534	153 532	2
Responsible minister/ member of the executive council	Minister of Police		
Administering department	Independent Complaints Directorate		
Accounting officer	Executive Director		

Aim of vote

The ICD is a national department listed in schedule 1 of the Public Service Act (1994), and listed as Vote 23 in the Estimates of National Expenditure 2011. The Directorate is financed from money that is appropriated to it by Parliament.

Vote 23 gives financial effect to the ICD's duty to service the public interest by acting with integrity and in accordance with its legislative mandate to investigate, among others, any misconduct or offences committed by members of the SAPS and the Municipal Police Services.

Summary of programmes

The ICD's work is performed through three main programmes.

- *Programme 1: Administration*

This programme is responsible for the overall management of the ICD and its support services. It consists of the internal audit unit, auxiliary services, human resources management, financial management, supply chain management, asset management, risks and ethics management, labour relations, employee wellness management and security services.

- *Programme 2: Complaints processing, monitoring and investigation*

This programme receives, registers, processes and investigates complaints of deaths in police custody or as a result of police action, and complaints of misconduct and criminality against the police. It also has a legal services component that provides legal advice to ICD officials.

- *Programme 3: Information management and research*

This programme maintains a crucial database that registers all complaints. It manages the ICD's information technology needs and the distribution of its products, provides services to stakeholders and conducts research.

Key strategic objectives and priorities

The ICD's strategic plan for 2011 to 2016 sets out strategic objectives for both ICD and the new IPID. These objectives were the result of a strategic-planning process that started in August 2009 and included ICD staff members and stakeholders.

The strategic objectives and priorities were:

- Provide overall accountability and strategic direction to the Directorate
- Generate recommendation reports for all investigations within 30 days of completion
- Strengthening of the financial management unit to ensure effective financial planning, management and accounting services according to best practice in compliance with the prescripts of the Public Finance Management Act
- Establish an efficient corporate governance unit to monitor and evaluate performance reporting and risk management
- Promote public awareness of the impending changes brought about by the new IPID Act
- Maintain a reliable database on case management and statistical information
- Ensure effective and efficient investigation of all reported cases
- Make recommendations to the SAPS resulting from investigations conducted
- Develop policy, reporting frameworks and standard operating procedures

Some of these strategic objectives were not applicable to the year under review, and the next section ("Key strategic achievements") looks only at those objectives that shaped the ICD's work in 2011/12.

Overview of the 2011/12 service-delivery environment

The ICD's 2011 to 2016 strategic plan identified four key areas in which to improve service delivery:

- Effectively investigate criminal offences committed by members of the SAPS and the Municipal Police Services
- Report and monitor recommendations that were made in respect of members of the SAPS and the Municipal Police Services resulting from investigations conducted by the IPID
- Improve reporting and accountability practices
- Develop policy, reporting frameworks and standard operating procedures to regulate investigations.

Key strategic achievements

- The legislation that will transform the Independent Complaints Directorate to the Independent Police Investigative Directorate, the Independent Police Investigative Directorate Act, Act No. 1 of 2011, was signed into law by the President on 12 May 2011. The implementation date was set for 1 April 2012 after the approval of the regulations by the Minister of Police.
- The ICD's strategic decision to prioritise serious cases (deaths that occur in police custody or as a result of police action) resulted in 90 percent of these cases being finalised in 2011/12. This exceeded the target of 65 percent.
- In 2011/12, the ICD made significant progress towards reaching its target to carry over only 10 percent of cases from one year to the next. The Directorate made good progress by reducing the backlog and as a result it will carry over only five hundred and fifty (550) cases. This is in contrast to 2010/11 when one thousand one hundred and three (1 103) cases were carried over into the current reporting period.
- The Directorate held 279 outreach events in 2011/12 to raise public awareness of the ICD's activities and responsibilities. The target for this strategic objective was 260 events. The ICD also stepped up its efforts to communicate its activities to the media by issuing 60 statements on cases and holding media briefings in various parts of the country.
- The directorate's investigative capacity came under the spotlight in the reporting period with high profile investigations in various parts of the country such as Ficksburg where Andries Tatane died as a result of police action. The ICD is proud to report that 86 percent of investigations into complaints of criminal behaviour laid against the SAPS and the Municipal Police Services were finalised in 2011/12, against a target of 55 percent.
- Ninety-one percent of 4 923 complaints received by the ICD were registered and allocated within 48 hours. The 9% shortfall in meeting this target happened mainly in the Western Cape office and Gauteng. Interventions have been put in place to ensure better performance in future.
- The ICD is proud that its investigators completed 98 percent of investigations into complaints of misconduct lodged against SAPS members in 2011/12, against a target of 55 percent.

Overview of the 2011/12 organisational environment

The ICD is a national organisation with provincial offices. The national office is in Pretoria and is headed by the Executive Director. The national office provides overall strategic leadership to the directorate. Investigations are conducted at provincial level.

Key policy developments and legislative changes

One of the most significant developments during 2011/12 was the finalisation of a new legislative framework for the ICD.

The ICD is currently legally constituted by a provision in the SAPS Act. To ensure more independent, impartial and effective civilian oversight of the SAPS and the Municipal Police Services, and the directorate's independence of the SAPS, the IPID Act was signed into law by the President on 12 May 2011. The implementation date for the legislation is 1 April 2012.

Departmental revenue, expenditure and transfer payments

Revenue collection

Departmental revenue is mainly generated from parking fees, commissions on insurance deductions and bursary debt recovery.

	2008/09 ACTUAL	2009/10 ACTUAL	2010/11 ACTUAL	2011/12 TARGET	2011/12 ACTUAL	% DE- VIATION FROM TARGET
Sales of goods and services other than capital assets	2	69	89	110	111	1%
Interest, dividends and rent on land	3	24	5	4	(1)	-125%
Transactions in financial assets and liabilities	64	61	74	9	15	67%
TOTAL DEPARTMENTAL RECEIPTS	69	154	168	123	125	2%

Departmental expenditure

The Directorate received an adjusted budget allocation of R153 534 000 for three main divisions during the 2011/12 audited financial year. The actual expenditure was 99% of the allocated budget, which translates to R153 532 000 in monetary value. Only R2 000 of the total budget allocation was reported as under spending and the Directorate is making efforts to ensure 100% spending. All programmes have utilised their budget allocation to the satisfactory level and action required other than encouraging value for money.

Transfer payments

A transfer payment has been effected to the Safety and Security Sector Education Authority (SASSETA) with regard to administrative fees in terms of the Skills Development Levy. This has been disclosed in the Annexure reflecting Transfers to Departmental Agencies and Accounts (ref to Annexure 1A).

In terms of section 38(1)(j) of the PFMA, the above transfer payment was made after receiving the tabled Annual Report of SASSETA including the relevant Auditors Report.

Conditional grants and earmarked funds

No conditional grants were received by the ICD.

The ICD received earmarked funds of R8 633 000 from the Department of Public Works for the expenditure on office accommodation and municipal services. The ICD utilised all the earmarked funds received to pay for office accommodation and municipal services.

Capital investment, maintenance and asset-management plan

Capital investment

The department has no capital investments.

Maintenance

The ICD occupies leased buildings and does not own any property. In view thereof, the ICD is not affected by any maintenance backlogs.

Asset management

Quarterly assets verifications were conducted by all staff to ensure that assets were managed effectively and efficiently. Quarterly asset verifications were also conducted by Asset Management to ensure that all assets were managed properly and thus prevented theft and fraudulent use. The Asset Management team also embarked on provincial visits in order to reconcile the existence of the actual assets per office to the electronic Asset Register on the LOGIS. Details such as unique asset numbers, ICN numbers and locations were reconciled to the electronic Asset Register.

Verification of the correctness of the Asset Register against Vulindlela/ELBIS reports was conducted on a monthly basis to ensure the accuracy of reporting at financial year end.

The Asset Register was appropriately updated to account for these disposals. Details of asset movements are disclosed in the disclosure note related to movement of tangible assets.

During the 2011/12 financial year the department completed the implementation of the new Barcoding Asset Management System. All assets were physically barcoded in the 2011/12 financial year. LOGIS was also updated to reflect the unique asset barcoded numbers.

2.2 Programme performance

Programme I: Administration

Purpose

This programme is responsible for the overall management of the ICD and its support services. The programme consists of the internal audit unit, auxiliary services, human resources management, financial management, supply chain management, asset management, risks and ethics management, labour relations, employee wellness management and security services.

Strategic objectives

In 2011/12, the work of Programme I was in compliance with the strategic objectives set out in the 2011 to 2016 strategic plan:

- Increase compliance with the Employment Equity Act by ensuring that 50 percent of staff employed in senior management positions are women. The ICD aims to achieve this target fully in 2012/13.
- Comply with the Employment Equity Act by ensuring that 2 percent of ICD staff are disabled persons.
- Maintain the overall vacancy rate below 10 percent (by 2012/13), and fill vacancies within three months of a position becoming vacant.
- Implement government's strategy on asset management in line with the Public Finance Management Act by maintaining and updating an electronic assets register.
- Promote discipline in the ICD by finalising any disciplinary procedure within 90 days.
- Evaluate the effectiveness of internal controls and ensure the ICD's compliance with the applicable rules by finalising all internal audit activities by 31 March annually.
- Promote the wellness of all employees by launching health and wellness campaigns.
- Combat corruption and fraud, and encourage ethical behaviour in the organisation by investigating all cases reported to the ethics helpline within 90 days of receiving a complaint.
- Effectively manage risk in the ICD by providing quarterly risk-management progress reports in line with the directorate's risk-management strategy.
- Improve service delivery by revitalising the Batho Pele programme and updating the service-delivery improvement plan by 31 March every year.
- Ensure the quality of staff training programmes by using recognised service providers only.
- Conduct proper policy reviews by reviewing 70 percent of the ICD's policies and procedures by 31 March annually.
- Comply with the minimum information security standard policy by conducting security audits.

Service-delivery objectives and indicators

The programme managed to meet most of its objectives. In the majority of instances, the targets were exceeded. Those that it could not meet were largely due to factors beyond its control. These include the finalisation of disciplinary hearings, the delays in finalisation were due to reliance on outside parties and the appointment of nine interns into permanent posts which reduced the actual number of interns in the total staff complement of the ICD.

The employment of people with disabilities remains a challenge that will be addressed on a continuous basis. Some positions have now been designated to be filled by people with disabilities.

The ICD is a small department with a very low staff turnover at senior management level, vacancies at that level do not often become available. To address this anomaly, most of the senior posts that will become available as a result of the implementation of the IPID Act, will be designated for women. The filling of such posts is with effect from 01 April 2012.

The target of maintaining the ICD's vacancy rate below 10 percent, was also reached in 2011/12 as planned two years ago. As at 31 March 2012, the Directorate had a vacancy rate of 7.9 percentage. The ICD employs a generally youthful staff who are mostly looking for opportunities to grow. Because of its small size, promotion opportunities at the ICD are limited, and young, ambitious employees look for better positions in other departments.

The table below provides detailed information on all Programme 1 service-delivery objectives and indicators.

Measurable objective: To ensure effective leadership, management, financial and administrative support to the Directorate through continuous refinement of organizational strategy and structure, in compliance with appropriate legislation and best practice						
	SUB-PROGRAMME	OUTPUT	INDICATOR	ACTUAL PERFORMANCE AGAINST TARGET		REASON FOR VARIANCE
				TARGET	ACTUAL	
1	INTERNAL AUDIT	Evaluate the effectiveness of internal controls and ensure the ICD's compliance with applicable prescripts	Number of internal audit reviews conducted	16 audit reviews	32	Target exceeded. The 32 reviews include audits of all provincial offices as well as 8 follow up audit reviews.
2	CORPORATE GOVERNANCE	Establish a corporate governance component which will be responsible for the constant monitoring, evaluation and reporting on strategic objectives	Number of performance monitoring and evaluation reports submitted	Component yet to be established		The unit will be established on 1 April 2012 under the IPID
		Timely identification and effective mitigation of risks in the department	Number of risk management reports submitted	16	16	Target met
		Encourage ethical behaviour by staff and prevent corruption and fraud within the department	Number of ethics and integrity workshops held	10	9	Target not met
3	FINANCIAL MANAGEMENT	Ensure effective and efficient financial planning, management and accounting services according to best practice	Number of expenditure reports submitted	16	16	Target met
		Implement government's strategy on asset management in line with the prescripts of the Public Finance Management Act	Number of asset verifications and updates of Asset Register completed	4	4	Target met

	SUB-PROGRAMME	OUTPUT	INDICATOR	ACTUAL PERFORMANCE AGAINST TARGET		REASON FOR VARIANCE
				TARGET	ACTUAL	
4	CORPORATE MANGEMENT	Ensure efficient management of the minimum information security standard and compliance with the security risk management policy	Number of security audits conducted	10	15	Target exceeded – Component managed to audit all 9 provincial offices and 6 satellite offices. The audits at the satellite offices were not planned but the component felt that there was a need to audit these offices to determine the level of security compliance in order for security systems to be installed
			Number of workshops on minimum information security standard and security risk management policy	10	11	Target exceeded. Additional workshop was unplanned
		Reduce vacancy rate by effectively administering the recruitment, selection and appointment of employees and develop and implement a retention policy to retain skilled personnel	% vacancy rate	10%	7.9%	Target met
		Increase compliance with prescribed equity and employment of people with disabilities	% of people with disabilities	2%	1%	Target not met. The ICD had 4 employees with disabilities. One employee left the department. People with disabilities do not always apply for posts even though the adverts indicate that the Directorate promotes representivity in terms of race gender and disability
			% females at senior and top management level	50%	35%	Target not met. Posts designated for filling by women candidates were created in the new organisational structure to be filled in the next financial year
		Improve service delivery by revitalising the Batho Pele programme	Number of updates of servicedelivery improvement plan	1	1	Target met. The Service Delivery Improvement Plan is developed once a year
			Number of awareness sessions to monitor implementation of the service-delivery improvement plan	10	12	Target exceeded

Information on Predetermined Objectives

	SUB-PROGRAMME	OUTPUT	INDICATOR	ACTUAL PERFORMANCE AGAINST TARGET		REASON FOR VARIANCE
				TARGET	ACTUAL	
		Develop, manage and ensure effective implementation of human resource and organisational policies and strategies	% of policies evaluated and updated annually	70%	70%	Target met
		Manage and monitor the training and skills development of employees, as well as learnership and internship programmes	Number of skills development programmes implemented	60 training programmes coordinated and monitored	65	Target exceeded
			% of interns in total staff complement	5% internships	3.5%	Target not met due to the appointment of nine interns in permanent posts by 31 March 2012 which reduced the actual percentage of interns in the total staff complement
		Coordinate and facilitate employee health and wellness programmes and ensure compliance with occupational health and safety regulations	Number of internal HIV/AIDS awareness campaigns conducted	10	7	Target not met
			Number of team-building sessions conducted	40	40	Target met
		Promote discipline in the department	% of disciplinary hearings finalised within 90 days	70%	29%	Target not met due to postponements
			% of grievances finalised within 60 days	70%	0%	Capacity constraints in the Labour Relations Component. Investigators appointed from other government departments to assist with the investigation of grievances

REASONS FOR MAJOR VARIANCES:

See reasons provided in the preceding tables.

Programme 2: Complaints processing, monitoring and investigation

Purpose

This programme has two components:

- Complaints processing, monitoring and investigation.
- Legal services provides legal advice to ICD officials

The purpose of this programme is to:

- Receive, register and process complaints.
- Investigate deaths in police custody or as a result of police action.
- Investigate and/or monitor complaints of criminality and misconduct against the police.
- Monitor the implementation of the Domestic Violence Act.

Strategic objectives

This programme aims to promote proper police conduct. Progress towards achieving this objective is measured by four outputs:

- Finalising investigations of deaths in custody or as a result of police conduct.
- Finalising investigations of complaints of criminality against members of the SAPS or Municipal Police Services.
- Conducting police station audits for compliance with the Domestic Violence Act.
- Processing applications for exemption in cases of non-compliance with the Domestic Violence Act.

Service-delivery objectives and indicators

ICD senior management decided to continue to prioritise and to focus on finalising all investigations of deaths in custody or as a result of police action, as well as cases involving serious police brutality.

It was decided that emphasis would be placed on specific serious crimes, such as allegations of rape by a police officer, irrespective of whether the police officer was on or off duty when the offence was committed, as well as allegations of rape of a complainant by other detainees while the complainant was in the custody of the police. The other focus are was on torture cases involving the police.

The ICD's Monitoring and Evaluation Committee, consisting of four senior ICD staff, played an important role in ensuring that the focus on serious crimes was implemented vigorously and consistently. The committee was responsible for several strategic interventions in the process of monitoring the work of the provincial offices. Some recommendations of the committee included the deployment of investigators from other provinces in those that were struggling with workload.

These interventions helped investigators to finalise 90 percent of cases of deaths in custody or as a result of police action, exceeding the target of 65 percent by 25 percent.

A strategy to reduce backlog cases was introduced in 2010/11. This strategy was further implemented in 2011/12 with positive results. In terms of this strategy, provinces with a large backlog of cases had to dedicate a team of investigators to complete all outstanding work, and all provinces were expected to have finished work on backlog cases within the first six months of 2011/12. The result of the implementation of this strategy is that only five hundred and fifty (550) cases

were carried over to 2012/13.

The table below provides detailed information on all Programme 2 service-delivery objectives and indicators.

PROGRAMME 2: COMPLAINTS PROCESSING, MONITORING AND INVESTIGATION				
STRATEGIC OBJECTIVE	MEASURE/INDICATOR	ACTUAL PERFORMANCE AGAINST STRATEGIC OBJECTIVE		REASON FOR VARIANCE
		TARGET	ACTUAL	
Register and allocate all new cases within 48 hours of receipt	Percentage of complaints registered and allocated within 48 hours	100% (5 450)	91% 4 499 cases registered and allocated within 48 hours out of 4 923 received	Target not met in Western Cape and Gauteng due to capacity constraints
Investigate deaths in custody or as a result of police action	Percentage of investigations of deaths in custody or as a result of police action completed	65% (470)	90% 839 investigations completed out of a workload of 932 (720+212)	Target exceeded
Investigate and/or monitor complaints of criminality and misconduct	Percentage of investigations of criminality completed	55% (1 100)	86% 2 497 investigations completed out of a workload of 2 912 (2 320+592)	Target exceeded
	Percentage of investigations of misconduct completed	55%	98% 2 031 investigations completed out of a workload of 2 072 (1 795+277)	Target exceeded
Monitor the implementation of the Domestic Violence Act*	Number of police stations audited for compliance with the Domestic Violence Act	108	222	Target exceeded
	Percentage of applications for exemption in terms of the Domestic Violence Act completed within 30 days	100 (50)	99% 109 applications for exemption completed out of a workload of 110	Target not met

REASONS FOR MAJOR VARIANCES:

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Programme 3: Information management and research

Purpose

Programme 3 manages the ICD's information needs, conducts research and performs various oversight activities. It also manages all communication and marketing activities. The programme maintains a database that serves as a register for all complaints, and it manages the directorate's information technology requirements.

Strategic objectives

The strategic objectives for 2011/12 were to:

- Analyse information in relation to the Domestic Violence Act.
- Increase the number of community-awareness programmes.
- Strengthen the ICD's information and communication technology by developing and implementing an action plan.

Service-delivery objectives and indicators

Programme 3 met the majority of its strategic objectives in 2011/12. Part of the achievement is in relation to disseminating information to various stakeholders, particularly the media, by putting up sixty-two media statements during the period under review.

The programme conducted an extensive public education campaign in two hundred and seventy nine (279) communities across the country, mostly in rural areas. The target set for the department was exceeded despite limited resources.

This programme was less successful in meeting the target on conducting research and compiling reports based on the outcomes of that research. As of 1 April 2012, the research unit will cease to exist due to the implementation of the IPID Act.

Significant progress was made in implementing the ICD's information and communication technology plan. Local area networks (LANs) were established in Thohoyandou and Upington satellite offices. The ICD's disaster recovery plan (DRP) was approved.

The table below provides detailed information on all Programme 3 service-delivery objectives and indicators.

PROGRAMME 3: INFORMATION MANAGEMENT AND RESEARCH				
STRATEGIC OBJECTIVE	MEASURE/INDICATOR	ACTUAL PERFORMANCE AGAINST TARGET		REASON FOR VARIANCE
		TARGET	ACTUAL	
Promote public awareness of the ICD/IPID role and services	Number of community awareness and outreach programmes launched	260	279	Target exceeded
	Number of updates to departmental web site	ongoing	62	Fifty eight media statements and four media advisories were posted on the departmental website
Conduct proactive research	Number of research projects and recommendation reports compiled	3	2	Target not met due to capacity constraints
Establish efficient information systems to support strategic business objectives	Develop effective and efficient information and communication technology (ICT) systems	Revised and approved ICT operational plan Implement 15% of ICT operational plan	ICT operational plan was revised and approved. 15% of ICT operational plan was implemented	Target met

REASONS FOR MAJOR VARIANCES:

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2.3 Statistics

Notifications and complaints received in 2011/12

The ICD received 4 923 complaints in 2011/12. Gauteng and the Western Cape received the largest number of complaints compared to other provinces. The intake is substantially lower than in the previous years.

TABLE 2.3.1: Complaints and notifications received in 2011/12, per province

PROVINCES	TOTAL	PERCENTAGES
Eastern Cape	351	7%
Free-State	562	11%
Gauteng	938	19%
KwaZulu-Natal	484	10%
Limpopo	456	9%
Mpumalanga	433	9%
North West	454	9%
Northern Cape	388	8%
Western Cape	857	18%
Grand Total	4923	100%

Table 2.3.2 shows that of the 4 923 complaints received, 720 were deaths, 88 domestic violence cases, 2 320 allegations of criminal offences and 1 795 misconduct cases.

TABLE 2.3.2: Complaints and notifications received, by class of offence, 2011/12

PROVINCES	DEATH	DVA	CRIMINAL	MISCONDUCT	TOTAL
Eastern Cape	107	10	147	87	351
Free-State	47	9	263	243	562
Gauteng	189	16	440	293	938
KwaZulu-Natal	180	4	219	81	484
Limpopo	56	3	216	181	456
Mpumalanga	45	3	243	142	433
North West	28	7	174	245	454
Northern Cape	14	7	270	97	388
Western Cape	54	29	348	426	857
Grand Total	720	88	2 320	1 795	4 923

Performance information

- Workload – 2011/12*

In 2011/12, the ICD had a workload of 6 026 cases, including 1 103 cases carried over from the previous year.

TABLE 2.3.3: Workload – backlog and new cases

PROVINCES	CARRIED OVER INTO 2011/12 AS AT 1 APRIL	CASES RECEIVED DURING 2011/12	WORKLOAD
Eastern Cape	34	351	385
Free-State	31	562	593
Gauteng	209	938	1 147
KwaZulu-Natal	266	484	750
Limpopo	23	456	479
Mpumalanga	187	433	620
North West	7	454	461
Northern Cape	6	388	394
Western Cape	340	857	1 197
Grand Total	1 103	4 923	6 026

Table 2.3.4 gives a breakdown of the workload per classification. Most of the cases were criminal offences (2 912), followed by misconduct cases (2 072), deaths in police custody and as a result of police action (932) and non-compliance with the Domestic Violence Act (110).

TABLE 2.3.4: Workload, by class of offence

PROVINCES	DEATH CASES	DVA NON- COMPLI- ANCE CASES	CRIMINAL CASES	MISCON- DUCT CASES	TOTAL
Eastern Cape	120	10	165	90	385
Free-State	48	9	269	267	593
Gauteng	217	16	572	342	1 147
KwaZulu-Natal	268	4	348	130	750
Limpopo	58	3	229	189	479
Mpumalanga	81	4	373	162	620
North West	28	7	179	247	461
Northern Cape	14	7	276	97	394
Western Cape	98	50	501	548	1 197
Grand Total	932	110	2 912	2072	6 026

- *Cases completed in 2011/12*

The ICD completed 91 percent of its workload in 2011/12. In terms of provincial performance, the Free State completed 100% of its workload, whereas the Northern Cape and North West both achieved a completion rate of 98 percent, followed by Limpopo with 96 percent. All the other provinces performed better than expected.

TABLE 2.3.5: Completed cases

PROVINCES	WORKLOAD	COMPLETED	% OF COMPLETED CASES
Eastern Cape	385	356	92%
Free-State	593	593	100%
Gauteng	1 147	869	76%
KwaZulu-Natal	750	661	88%
Limpopo	479	458	96%
Mpumalanga	620	562	91%
North West	461	454	98%
Northern Cape	394	388	98%
Western Cape	1 197	1 135	95%
Grand Total	6 026	5 476	91%

Most of the completed cases were criminal offences (2 497), followed by misconduct matters (2 031), deaths in police custody and deaths as a results of police action (839) and non-compliance with Domestic Violence Act (109).

TABLE 2.3.6: Completed cases, per class of offence

PROVINCES	DEATH CASES	DVA NON-COMPLIANCE CASES	CRIMINAL CASES	MISCONDUCT CASES	TOTAL
Eastern Cape	115	10	141	90	356
Free-State	48	9	269	267	593
Gauteng	164	16	371	318	869
KwaZulu-Natal	246	4	287	124	661
Limpopo	55	3	211	189	458
Mpumalanga	77	4	321	160	562
North West	28	7	175	244	454
Northern Cape	14	7	270	97	388
Western Cape	92	49	452	542	1 135
Grand Total	839	109	2 497	2 031	5 476

- *Cases completed in 2011/12, compared to set targets for the year*

The ICD finalised 90 percent of its cases of deaths in police custody or as a result of police action, exceeding the target of 65 percent. Free State, North West, and Northern Cape all achieved 100 percent completion rates. Other provinces achieved completion rates of between 76% and 96% percent.

TABLE 2.3.7: Deaths in police custody and as a result of police action – target, 65%

PROVINCES	WORKLOAD	COMPLETED CASES	PERCENTAGES	TARGET
Eastern Cape	120	115	96%	Target Exceeded
Free-State	48	48	100%	Target Exceeded
Gauteng	217	164	76%	Target Exceeded
KwaZulu-Natal	268	246	92%	Target Exceeded
Limpopo	58	55	95%	Target Exceeded
Mpumalanga	81	77	95%	Target Exceeded
North West	28	28	100%	Target Exceeded
Northern Cape	14	14	100%	Target Exceeded
Western Cape	98	92	94%	Target Exceeded
Grand Total	932	839	90%	Target Exceeded

Table 2.3.8 shows the completion rate for criminal matters per province. The ICD exceeded its strategic target of completing 55 percent of its workload. All provincial offices exceeded the target.

TABLE 2.3.8: Criminal cases – target, 55%

PROVINCES	WORKLOAD	COMPLETED CASES	PERCENTAGES	TARGET
Eastern Cape	165	141	85%	Target Exceeded
Free State	269	269	100%	Target Exceeded
Gauteng	572	371	65%	Target Exceeded
KwaZulu-Natal	348	287	82%	Target Exceeded
Limpopo	229	211	92%	Target Exceeded
Mpumalanga	373	321	86%	Target Exceeded
North West	179	175	98%	Target Exceeded
Northern Cape	276	270	98%	Target Exceeded
Western Cape	501	452	90%	Target Exceeded
Grand Total	2 912	2 497	86%	Target Exceeded

The completion rate for misconduct matters was exceeded by 43 percent. The Eastern Cape, Northern Cape, Free State and Limpopo all achieved 100 percent completion rate. All other provinces achieved completion rates of between 93 percent and 99 percent.

TABLE 2.3.9: Misconduct cases – target, 55%

PROVINCES	WORKLOAD	COMPLETED CASES	PERCENTAGES	TARGET
Eastern Cape	90	90	100%	Target Exceeded
Free State	267	267	100%	Target Exceeded
Gauteng	342	318	93%	Target Exceeded
KwaZulu-Natal	130	124	95%	Target Exceeded
Limpopo	189	189	100%	Target Exceeded
Mpumalanga	162	160	99%	Target Exceeded
North West	247	244	99%	Target Exceeded
Northern Cape	97	97	100%	Target Exceeded
Western Cape	548	542	99%	Target Exceeded
Grand Total	2 072	2 031	98%	Target Exceeded

- Recommendations and outcomes – 2011/12*

The ICD made 545 recommendations to the Director of Public Prosecutions regarding criminal matters, including deaths.

TABLE 2.3.10: Recommendations to court or Director of Public Prosecutions, by province and class of offence

PROVINCE	DEATHS	CRIMINAL MATTERS	TOTAL
Eastern Cape	24	42	66
Free State	5	18	23
Gauteng	9	4	13
KwaZulu-Natal	68	44	112
Limpopo	10	38	48
Mpumalanga	19	53	72
North West	3	72	75
Northern Cape	3	107	110
Western Cape	21	5	26
Total	162	383	545

In the 43 cases where members of the SAPS were convicted for various criminal offences, 18 were convicted in relation to deaths in police custody and deaths as a result of police action, and 25 convictions were related to other criminal offences.

TABLE 2.3.11: Criminal convictions, by province and class of offence

PROVINCE	DEATH CASES	CRIMINAL CASES	TOTAL
Eastern Cape	-	-	-
Free State	2	3	5
Gauteng	1	0	1
KwaZulu-Natal	3	1	4
Limpopo	0	2	2
Mpumalanga	0	1	1
North West	2	9	11
Northern Cape	1	6	7
Western Cape	4	1	5
Total	13	23	36

Table 2.3.12 sets out the details of acquittals in criminal matters. There were 21 acquittals in murder cases, and 17 for other criminal offences.

TABLE 2.3.12: Acquittals in criminal cases, by province and class of offence

PROVINCE	DEATHS CASES	CRIMINAL CASES	TOTAL
Eastern Cape	7	6	13
Free State	3	0	3
Gauteng	0	2	2
KwaZulu-Natal	3	1	4
Limpopo	3	2	5
Mpumalanga	0	0	0
North West	0	3	3
Northern Cape	0	3	3
Western Cape	5	0	5
Total	21	17	38

The ICD made a total of 1 276 recommendations to the SAPS for various offences. Of these, 444 were for misconduct, and 608 were for criminal offences. Recommendations to SAPS were also made in respect of deaths in 168 cases.

TABLE 2.3.13: Recommendations to the SAPS, by province and class of offence

PROVINCE	DEATHS CASES	DVA NON-COMPLIANCE CASES	CRIMINAL CASES	MISCONDUCT CASES	TOTAL
Eastern Cape	19	6	35	0	60
Free State	25	0	139	88	252
Gauteng	13	13	52	45	123
KwaZulu-Natal	59	3	88	35	185
Limpopo	5	1	33	9	48
Mpumalanga	23	1	64	10	98
North West	8	7	48	93	156
Northern Cape	6	2	78	5	91
Western Cape	10	23	71	159	263
Total	168	56	608	444	1 276

Table 2.3.14 gives a listing of cases in which police officers were convicted in departmental trials and the penalties imposed.

TABLE 2.3.14: Departmental convictions, by province and class of offence

NO.	CCN	STATION	NATURE OF COMPLAINT	SENTENCE / SANCTION	DATE
1	2011010073	Bisho	Attempted Murder	Fined R500, to be deducted in equal installments and dismissal suspended for 6 months	2011/08/31
2	2011040363	Kempton Park	Death as result of police actions	Dismissed from the service	2011/09/05
3	2011030347	Pretoria West	Death as result of police actions	Dismissed from the service	2011/09/10
4	2011040363	Kempton Park	Death as result of police actions	Dismissed from the service	2011/09/01
5	2010100208	Booyens	Improper performance of duties	Reprimanded	2011/10/25
6	2011060454	Ennerdale	Improper performance of duties	Dismissed from the service	2011/10/25
7	2011050305	Eldorado Park	Improper performance of duties	Fine of R1 500	2011/10/25

Information on Predetermined Objectives

NO.	CCN	STATION	NATURE OF COMPLAINT	SENTENCE / SANCTION	DATE
8	2011060333	Ennerdale	DVA Non Compliance	Written warning	2011/11/25
9	2011070223	Garsfontein	Improper performance of duties	Written warning	2011/12/20
10	2011010582	Barrage	Attempted Murder	Dismissed from the service	2011/12/07
11	2011020623	Etwatwa	Murder	Dismissed from the service	2011/12/12
12	2010070341	KwaMashu	Rape	Dismissed from the service	2011/04/13
13	2006060253	White River	Assault GBH	Admission of guilt	2011/03/10
14	2011010161	Ermelo	Murder	Dismissed from the service	2012/03/27
15	2010020288	Jouberton	Improper performance of duties	Written warning	2011/06/28
16	2004010649	Bothitong	Attempted Murder	Dismissed from the service	2011/06/28
17	2006070017	Lichtenburg	Assault GBH	Written warning	2011/06/29
18	2008020302	Rustenburg	Common Assault	Fined R500	2011/06/29
19	2009050080	Mafikeng	Assault GBH	Written warning	2011/06/27
20	2009110540	Itsoseng	Improper performance of duties	Reprimanded	2011/06/29
21	2010020436	Lehurutshe	Improper performance of duties	Written warning	2011/06/29
22	2007040236	Lomanyaneng	Improper performance of duties	Written warning	2011/06/29
23	2009040403	Mmabatho	Improper performance of duties	Written warning	2011/06/28
24	2009050359	Mmabatho	Improper performance of duties	Reprimanded	2011/06/29
25	2009060414	Motswedi	Improper performance of duties	Verbal warning	2011/06/29
26	2009080096	Itsoseng	Improper performance of duties	Reprimanded	2011/06/29
27	2009090099	Mmabatho	Improper performance of duties	Verbal warning	2011/06/28

NO.	CCN	STATION	NATURE OF COMPLAINT	SENTENCE / SANCTION	DATE
28	2009090119	Kanana	Improper performance of duties	Verbal warning	2011/06/29
29	2009100332	Makwasie	Improper performance of duties	Verbal warning	2011/06/10
30	2009110543	Madikwe	Improper performance of duties	Reprimanded	2011/06/28
31	2009110546	Mmabatho	Improper performance of duties	Verbal warning	2011/06/29
32	2009110640	Mmabatho	Improper performance of duties	Reprimanded	2011/06/29
33	2009120092	Mooifontein	Improper performance of duties	Verbal warning	2011/06/28
34	2010010111	Mmabatho	Improper performance of duties	Reprimanded	2011/06/29
35	2010030037	Mafikeng	Improper performance of duties	Verbal warning	2011/06/29
36	2010050061	Stella	Improper performance of duties	Written warning	2011/06/29
37	2010050575	Mafikeng	Improper performance of duties	Verbal warning	2011/06/29
38	2010050627	Lomanyaneng	Improper performance of duties	Written warning	2011/06/28
39	2010070014	Setlagole	Improper performance of duties	Reprimanded	2011/06/29
40	2010070068	Mmabatho	Improper performance of duties	Verbal warning	2011/06/29
41	2010070614	Bray	Improper performance of duties	Verbal warning	2011/06/29
42	2010080177	Klerksdorp	Improper performance of duties	Verbal warning	2011/06/28
43	2010080439	Lomanyaneng	Improper performance of duties	Verbal warning	2011/06/28

Information on Predetermined Objectives

NO.	CCN	STATION	NATURE OF COMPLAINT	SENTENCE / SANCTION	DATE
44	2010100146	Mafikeng	Improper performance of duties	Verbal warning	2011/06/29
45	2010110006	Mafikeng	Improper performance of duties	Verbal warning	2011/06/10
46	2010110022	Mmabatho	Improper performance of duties	Verbal warning	2011/06/28
47	2009070311	Morokweng	Improper performance of duties	Reprimanded	2011/07/19
48	2009100719	Vryburg	Improper performance of duties	Verbal warning	2011/07/19
49	2010030249	Mafikeng	Improper performance of duties	Verbal warning	2011/07/18
50	2010040516	Mmabatho	Improper performance of duties	Reprimanded	2011/07/19
51	2009080210	Phokeng	Assault Common	Written warning	2011/07/26
52	2009050060	Mmabatho	Improper performance of duties	Written warning	2011/08/05
53	2010030544	Mafikeng	Improper performance of duties	Verbal warning	2011/08/05
54	2010090276	Mmabatho	Corruption - Abuse of informers fees	Reprimanded	2011/09/10
55	2009060416	Mogwase	Improper performance of duties	Written warning	2011/10/18
56	2010040077	Khuma	Reckless Driving	Referred for counseling	2011/11/18
57	2009100479	Tlhabane	Failure to dispatch a police vehicle to a scene of domestic violence	Reprimanded	2011/11/02
58	2010100290	Delareyville	Improper performance of duties	Reprimanded	2011/11/19
59	2011020102	Boitekong	Improper performance of duties	Reprimanded	2011/11/15

NO.	CCN	STATION	NATURE OF COMPLAINT	SENTENCE / SANCTION	DATE
60	2011070116	Lomanyaneng	Improper performance of duties	Reprimanded	2011/11/28
61	2011020281	Phokeng	Improper performance of duties	Verbal warning	2011/11/09
62	2007020531	Makapanstad	Improper performance of duties	Verbal warning	2011/11/15
63	2007070484	Mafikeng	Assault Common	Written warning	2011/11/17
64	2011020476	Marikana	Improper performance of duties	Verbal warning	2011/11/18
65	2010030527	Mogwase	Improper performance of duties	Verbal warning	2011/12/05
66	2010070127	Brits	Improper performance of duties	Reprimanded	2012/01/12
67	2010090195	Rustenburg	Improper performance of duties	Verbal warning	2012/01/05
68	2010100255	Sun City	Improper performance of duties	Verbal warning	2012/01/13
69	2010100009	Assen	Improper performance of duties	Reprimanded	2012/01/09
70	2010120029	Mmakau	Improper performance of duties	Verbal warning	2012/01/09
71	2011010265	Klipgat	Improper performance of duties	Verbal warning	2012/01/09
72	2011050106	Mooinooi	Improper performance of duties	Written warning	2012/01/09
73	2011070023	Brits	Improper performance of duties	Verbal warning	2012/01/05
74	2011050454	Phokeng	Improper performance of duties	Verbal warning	2012/01/05
75	2011070129	Mogwase	Improper performance of duties	Verbal warning	2012/01/03

Information on Predetermined Objectives

NO.	CCN	STATION	NATURE OF COMPLAINT	SENTENCE / SANCTION	DATE
76	2009040466	Boitekong	Reckless Driving	Verbal warning	2012/01/09
77	2009030645	Boitekong	Attempted Murder	Written warning	2012/01/13
78	2009090052	Hartebee-spoortdam	Assault	Verbal warning	2012/01/16
79	2010080106	Boitekong	Improper performance of duties	Verbal warning	2012/01/12
80	2009050158	Klerksdorp	Improper performance of duties	Verbal warning	2012/01/10
81	2010050042	Itsoseng	Improper performance of duties	Verbal warning	2012/02/10
82	2011090008	Wolmanranstad	Improper performance of duties	Written warning	2012/03/05
83	2010070552	Mmabatho	Improper performance of duties	Written warning	2012/03/05
84	2010080487	Delareyville	Improper performance of duties	Verbal warning	2012/03/05
85	2010120035	Mafikeng	Assault Common	Verbal warning	2012/03/08
86	2011120024	Khuma	Failure to open a case docket Where a criminal charge has been laid	Written warning	2012/03/07
87	2010070389	Kimberley	Improper performance of duties	Written warning	2011/11/03
88	2010070553	Rosedale	Improper performance of duties	Final written warning	2011/08/15
89	2010080076	Kakamas	Assault	Verbal warning	2011/09/20
90	2010050347	Midelpos	Assault	Dismissed from the service	2011/07/20

Table 2.3.15 shows that there were 5 acquittals in departmental trials.

TABLE 2.3.15: Departmental acquittals, by province and class of offence

NO.	CCN	STATION	NATURE OF COMPLAINT	SENTENCE / SANCTION	DATE
1	2010080227	Ikageng	Improper Performance	Not guilty and discharged	2011/08/30
2	2007080248	Klerksdorp	Improper Performance	Not guilty and discharged	2011/08/30
3	2009030380	Hartebee-spoortdam	Improper Performance	Not guilty and discharged	2011/11/29
4	2010050308	Rustenburg	Improper Performance	Not guilty and discharged	2011/11/29
5	2010050013	Boitekong	Improper Performance	Not guilty and discharged	2011/11/29

- *Court attendance – 2011/12*

ICD investigators spent a total of 1 202 man days in court.

TABLE 2.3.16: Court attendance in days, by province and class of offence

PROVINCE	DEATHS	CRIMINAL MATTERS	TOTAL
Eastern Cape	76	71	147
Free State	93	101	194
Gauteng	60	6	66
KwaZulu-Natal	183	76	259
Limpopo	97	107	204
Mpumalanga	68	22	90
North West-	16	142	158
Northern Cape	12	26	38
Western Cape	43	3	46
Total	648	554	1202

Table 2.3.17 sets out the details of convictions for criminal offences in which SAPS members were found guilty.

TABLE 2.3.17: Convictions in criminal cases

NO.	CCN	STATION	NATURE OF COMPLAINT	SENTENCE / SANCTION	DATE
1	2010060348	Ladybrand	Assault GBH	R2000 or 6 months imprisonment and suspended for 3 years	2011/04/14
2	2010120191	Botshabelo	Murder	Sentenced to 12 years imprisonment	2011/05/10
3	2008110318	Mangaung	Assault GBH	5 years under house arrest	2011/06/21
4	2009120312	Henneman	Murder	5 years imprisonment	2011/09/16
5	2007100618	Kopanong	Attempted murder	R900 fine or 2 months imprisonment of which R450 and 1 month is suspended for 3 years	2012/02/07
6	2009120326	Evaton	Murder	15 years imprisonment	2011/07/26
7	2008100054	Durban Central	Corruption	5 years imprisonment	2011/09/20
8	2009060028	Ulundi	Murder	Life imprisonment	2011/06/12
9	2009060030	Ulundi	Murder	24 years imprisonment	2011/06/12
10	2011070201	Umlazi	Murder	17 years imprisonment	2011/12/01
11	2009070246	Matlala	Reckless driving	12 months imprisonment, suspended for 4 years	2011/09/02
12	2011040180	Mokopane	Assault GBH and defeating end of justice	R2000 fine or 5 years imprisonment, suspended for 5 years	2011/11/22
13	2010050354	KwaMhlanga	Assault GBH	R2000 fine or 4 months imprisonment half of the sentence was suspended for 5 years	2012/01/20
14	2009090101	Mmabatho	Corruption	R1000 or 18 months imprisonment	2011/05/17
15	2010020517	Mafikeng	Reckless and negligent driving	R2000 of which half is suspended for 5 years	2011/05/19
16	2009020602	Mogwase	Murder	R5000 or 2 years imprisonment	2011/05/23
17	2009060295	Rustenburg	Assault GBH	R2500 or 3 months imprisonment	2011/05/23
18	2008100411	Mafikeng	Assault GBH	R2000 or 4 months imprisonment, half of which is suspended for 3 years	2011/07/12
19	2010020517	Mmabatho	Reckless and negligent driving	R2000 fine or 2 years imprisonment, half of which is suspended for 5 years	2011/09/01
20	2008050036	Tlhabane	Culpable homicide	5 years imprisonment suspended for 3 years on condition that the accused compensates the family of the victim with an amount of R35 000 in installments of R700 per month. Driving license suspended for 6 months	2011/12/21

NO.	CCN	STATION	NATURE OF COMPLAINT	SENTENCE / SANCTION	DATE
21	2009030645	Boitekong	Attempted murder	5 years imprisonment or R5000 suspended for 5 years	2012/01/13
22	2011040086	Mafikeng	Assault GBH	Admission of guilt	2012/02/01
23	2009050552	Sun City	Assault GBH	Fined R2000 or 3 months imprisonment	2012/03/15
24	2010080468	Buffelshoek	Assault GBH	6 months imprisonment, suspended for 5 years	2012/03/09
25	2010060318	Kimberley	Fraud	R3000 fine or 6 months imprisonment, suspended for 5 years	2011/05/09
26	2011010319	Kagisho	Assault	Admission of guilt	2011/05/25
27	2011020168	Kagisho	Assault	Admission of guilt	2011/05/25
28	2010050075	Colesberg	Malicious damaged to property	Guilty plea, sentenced to R3000 or 6 months imprisonment, suspended for a period of 3 years	2011/08/22
29	2010010054	Kuruman	Corruption	Fined R2000 or 6 months imprisonment and 2 years, suspended for 5 years	2011/08/23
30	2011070371	Kimberley	Common assault and Crimen Injuria	Admission of guilt	2011/11/22
31	2009100062	Kagisho	Culpable homicide	3 years correctional supervision	2011/12/14
32	2006010260	Bellville South	Culpable homicide	12 months imprisonment, suspended for 5 years	2011/06/17
33	2007010531	Nyanga	Murder	10 years imprisonment	2011/06/17
34	2007060305	Presidential Protection Unit	Murder	1. Murder - 10 years imprisonment 2. Attempted Murder - 8 years 3. Discharging a firearm in a residential Area - 3 years 4. Handling a firearm while under the influence of a substance which has an intoxicating or narcotic effect - 3 years	2011/06/22
35	2010100044	Somerset West	Murder	10 years imprisonment, suspended for 3 years	2011/12/07
36	2008120373	Gugulethu	Assault GBH	Cautioned and discharged	2011/04/14

Table 2.3.18 gives a listing of acquittals in criminal cases. Members were found not guilty and discharged.

TABLE 2.3.18: Acquittals in criminal cases

NO.	CCN	STATION	NATURE OF COMPLAINT	SENTENCE / SANCTION	DATE
1	2007080052	New Brighton	Assault GBH	Acquitted	2011/07/01
2	2007110459	Kleinbulhoek	Assault common	Acquitted	2011/05/27
3	2008090290	Grahamstown	Attempted murder, intimidation and resisting arrest	Acquitted	2011/08/02
4	2009010253	Humansdorp	Murder	Acquitted	2011/06/14
5	2009020452	Kwadesi	Murder	Acquitted	2011/07/15
6	2006110358	Bizana	Murder	Acquitted	2011/08/02
7	2007100501	Maclear	Malicious damage to property	Acquitted	2011/09/27
8	2010020060	Mt Fletcher	Murder	Acquitted	2011/08/10
9	2008020198	Somerset East	Culpable homicide	Acquitted	2011/09/21
10	2008020003	Cala	Assault common	Acquitted	2011/09/02
11	2008090248	Ndevana	Murder	Acquitted	2011/11/21
12	2008100507	Mdantsane	Murder	Acquitted	2011/11/11
13	2009080083	East London	Crimen Injuria	Acquitted	2011/11/24
14	2009110062	Phuthaditjhaba	Culpable homicide	Acquitted	2011/06/09
15	2006120413	Kestell	Murder	Acquitted	2011/11/11
16	2011010291	Bethlehem	Murder	Acquitted	2011/12/15
17	2006060046	Sinoville	Murder	Acquitted	2011/09/30
18	2011120281	Sandton	Rape	Acquitted	2012/03/16
19	2004090355	Tongaat	Murder	Acquitted	2011/10/14
20	2009010458	Harding	Murder	Acquitted	2011/11/24
21	2009010458	Harding	Murder	Acquitted	2011/11/24
22	2011090060	Durban Central	Theft	Acquitted	2011/11/29
23	2008070159	Bolobedu	Murder	Acquitted	2011/08/15
24	2007090366	Bolobedu	Murder	Acquitted	2011/08/26
25	2007090366	Bolobedu	Murder	Acquitted	2011/08/26

NO.	CCN	STATION	NATURE OF COMPLAINT	SENTENCE / SANCTION	DATE
26	2003120001	Senwabarwana	Assault GBH and attempted murder	Acquitted	2011/11/04
27	2010010425	Polokwane	Assault GBH	Acquitted	2011/12/05
28	2009030066	Tlhabane	Assault GBH	Acquitted	2011/05/23
29	2008010366	Leeudoringstad	Assault GBH	Acquitted	2012/02/06
30	2010040363	Lehurutshe	Assault GBH	Acquitted	2012/03/15
31	2010050035	Kimberley	Theft	Acquitted	2011/06/11
32	2010090030	Kimberley	Assault GBH	Acquitted	2011/08/14
33	2008120048	Roodepan	Attempted murder	Acquitted	2011/09/21
34	2005100274	Nyanga	Murder	Acquitted	2011/07/29
35	2001100463	Khayelitsha	Murder	Acquitted	2011/09/02
36	2008050458	Nyanga	Murder	Acquitted	2011/07/29
37	2009030657	Knysna	Murder	Acquitted	2012/03/15
38	2009030657	Cape Town Central	Corruption	Acquitted	2011/07/06

- *Closed cases – 2011/12*

The ICD closed a total of 3 207 cases in the financial year 2011/12. The majority (1,593 or 50%) of the cases were cases of misconduct, 1,176 or 37% were criminal cases and 348 or 11% were deaths in police custody and deaths as a result of police action.

TABLE 2.3.19: Manner of disposal

CLASS	DEATH	DVA	CRIMINAL	MISCONDUCT	TOTAL
Substantiated	39	13	204	230	486
Unsubstantiated	307	73	892	1 336	2 608
Withdrawn	2	4	80	27	113
Total	348	90	1 176	1 593	3 207

2.4 Cases

This section provides a sample selection of ICD cases during the reporting period.

Case study: Murder and Assault GBH (Ficksburg)

The Independent Complaints Directorate was informed on Wednesday, 13 April 2011 about the death of Mr Andries Tatane in Ficksburg, the shocking footage of the assault and shooting of the deceased was broadcast on SABC TV News on the same day.

The (ICD) immediately dispatched a team from the ICD Free State provincial and satellite offices to start investigating the death in line with the ICD's mandate. The suspects were identified with the assistance of witnesses.

As a result, on 16 April 2011 the ICD arrested six suspects - two of them on murder charges, and four on assault GBH charges. Two additional suspects were arrested on charges of assault GBH. Charges have been withdrawn against one suspect, the other seven are currently on trial at the Ficksburg Regional Court.

Case study: Rape (Odendaalsrus)

On 25 May 2011, the ICD arrested two (2) Constables for raping a 16 year old in Odendaalsrus, Free State. The rape allegedly occurred on the evening of 22 May 2011.

After learning that the girl had opened a case of rape against the constables on 23 May 2011, one of the suspects went to the victim's home and allegedly threatened her with a firearm.

The ICD took over the investigation and arrested the 2 constables on rape charges. One of the suspects also faced a charge of intimidation.

The suspects, aged 34 and 28 years old, are based at the Organised Crime Unit in Odendaalsrus and at Odendaalsrus SAPS.

It is alleged that on 22 May 2011, a 16 year-old girl was walking home from a friends' house when a vehicle stopped next to her and the occupants called her and asked her to get inside the vehicle. Apparently the girl recognised the police officers as they had earlier given a talk at her school about child abuse.

The suspects then drove with the victim to a nearby open space where they stopped the car. The suspects allegedly took turns to rape the victim inside the car. After her ordeal, the victim was thrown out of the car and left on the spot. She was assisted by a motorist who took her home. The following morning she went to Odendaalsrus police station to report a case of rape.

Case study: Torture (Harburg)

The ICD arrested 3 policemen for torturing a suspect to death in Harburg, KwaZulu-Natal. The incident happened in June 2011. It was alleged that suspects were remanded back to the police cells from court and that these suspects had smuggled tobacco into the cells. Police officers from the CSC who were conducting cell visits detected that the detainees had been smoking so they searched the cells. The police officers wanted to find out who had smuggled the tobacco so they started assaulting the detainees in an office where it is alleged that the officers used a plastic bag to suffocate the detainees to extract the information. One of the detainees died.

The scene was attended by an ICD investigator, who managed to find the bag allegedly used by the policemen. The post mortem was attended and it was found that the deceased was murdered.

The arrest was made on 8 July 2011 and the suspects, a Warrant Officer and two Constables appeared in court on charges of murder, assault GBH and defeating the ends of justice. They were all released on R5000 bail each on condition that they do not interfere with witnesses and that they hand in their fire-arms to the station.

Case study: Corruption (Durban)

The Independent Complaints Directorate (ICD) has arrested a Warrant Officer (W/O) for corruption in Durban. The arrest occurred on 18 July 2011. The accused is W/O Lourens Nadasen (40 years old) of the Provincial Hijacking Task Team based in Isipingo.

The arrest was made following an approach to ICD investigators by a complainant after the complainant's brother was arrested on a charge of armed robbery. The complainant alleged that the investigating officer in the case wanted R5000 from each of the suspects in the armed robbery in order to have the charges withdrawn.

Authority was granted by the Director of Public Prosecutions (DPP) to conduct a trap operation. On 18 July 2011 the trap operation commenced with SAPS National Intervention Unit (NIU) providing tactical support to the ICD. The complainant was provided with marked money to the value of R2000 in cash.

A meeting took place between the complainant and the police officer (suspect) where the suspect insisted that the complainant climb into his vehicle. The suspect drove off with the complainant followed by ICD members and the NIU. The suspect dropped off the complainant after the money was handed over and drove off. The accused was then stopped and the scene secured. During a search of the suspect and the vehicle, the marked money was found inside the vehicle driven by the suspect.

The suspect was arrested on a charge of corruption and detained. The suspect appeared at the Durban Magistrate's Court on 19 July 2011 and was granted bail of R2000. The case has been postponed to 26 August 2011 for further investigation.

Case study: Murder (Diepsloot)

The Independent Complaints Directorate (ICD) has arrested four (4) policemen of whom one (1) is a Captain and three (3) are Constables, for the murder of 28 year old Mr Richard Mahlangu. The Captain is based at Diepsloot SAPS and the three constables are based at Honeydew Detective Services.

It is alleged that Mr Mahlangu was arrested at his home on 11 February 2012 between midnight and 01:00 the next morning. He was then allegedly assaulted by unknown policemen. Two other persons were also assaulted by these members of the SAPS. The suspect was then placed on the back of an open police bakkie and the police drove off with him. He was found dead at about 04:45 on 12 February 2012 at the Diepsloot police station. The deceased was found lying in the parking area of the police station.

The ICD started an investigation after being notified of the incident. An identification (ID) parade was held after which the suspects were arrested by the ICD's investigators.

The suspect policemen were arrested with a civilian, who managed to escape after being identified in the ID parade- he is currently being traced. The suspects will appear at the Pretoria Magistrates Court on 17 February 2012 on charges of murder and assault.

Case study: Murder (Cleveland)

The Independent Complaints Directorate (ICD) has arrested a Constable for the murder of Mr AS Netshikweta (27) on 27 March 2012 in Cleveland, Johannesburg.

It is alleged that in the evening of 27 March 2012, the police from Cleveland SAPS were responding to a complaint of two suspicious looking vehicles with Durban registration numbers. As the police were responding, they confronted a person who was coming out of a shop opposite the Cleveland Train Station and thereafter loaded him into the police vehicle. The police then approached the driver of an Audi vehicle, whom they ordered to lie down and at that moment a police firearm was discharged and it hit an innocent bystander who died at the scene.

3. HUMAN RESOURCE MANAGEMENT

3.1 Expenditure

TABLE 3.1.1: Personnel costs by programme, 2011/12

PROGRAMME	TOTAL EXPENDITURE (R'000)	PERSONNEL EXPENDITURE (R'000)	TRAINING EXPENDITURE (R'000)	PROFESSIONAL AND SPECIAL SERVICES (R'000)	PERSONNEL COST AS % OF TOTAL EXPENDITURE	AVERAGE PERSONNEL COST PER EMPLOYEE (R'000)
Administration	60 872	24 424	455	383	40	262
Complaints processing, monitoring & investigation	73 245	45 212	729	7	62	314
Information management	19 415	8 457	432	6	44	201
Total	153 532	78 093	1 616	396	51	279

TABLE 3.2.1: Personnel costs by salary band, 2011/12

SALARY BAND	PERSONNEL EXPENDITURE (R'000)	% OF TOTAL PERSONNEL COST	AVERAGE PERSONNEL COST PER EMPLOYEE (R'000)
Lower skilled (levels 1-2)	-	-	-
Skilled (levels 3-5)	13 277	17	136
Highly skilled production (levels 6-8)	24 448	31	252
Highly skilled supervision (levels 9-12)	27 320	35	780
Senior management (levels 13-16)	13 048	17	767
Contract	-	-	-
Abnormal appointment	-	-	-
Total	78 093	100	279

TABLE 3.3.1: Salaries, overtime, home-owners' allowance and medical assistance by programme, 2011/12

PROGRAMME	SALARIES		OVERTIME		HOME-OWNERS' ALLOWANCE		MEDICAL ASSISTANCE	
	AMOUNT (R'000)	SALARIES AS % OF PERSONNEL COST	AMOUNT (R'000)	OVERTIME AS % OF PERSONNEL COST	AMOUNT (R'000)	HOME-OWNERS' ALLOWANCE AS % OF PERSONNEL COST	AMOUNT (R'000)	MEDICAL ASSISTANCE AS % OF PERSONNEL COST
Programme 1	16 026	66	607	2	712	3	1 069	4
Programme 2	29 085	64	517	1	1 144	3	2 232	5
Programme 3	5 767	68	204	2	302	4	500	6
Total	50 877	65	1 327	2	2 159	3	3 801	5

TABLE 3.4.1: Salaries, overtime, home-owners' allowance and medical assistance by salary bands, 2011/12

SALARY BANDS	SALARIES		OVERTIME		HOME-OWNERS' ALLOWANCE		MEDICAL ASSISTANCE	
	AMOUNT (R'000)	SALARIES AS % OF PERSONNEL COST	AMOUNT (R'000)	OVERTIME AS % OF PERSONNEL COST	AMOUNT (R'000)	HOME-OWNERS' ALLOWANCE AS % OF PERSONNEL COST	AMOUNT (R'000)	MEDICAL ASSISTANCE AS % OF PERSONNEL COST
Lower skilled (levels 1-2)	-	-	-	-	-	-	-	-
Skilled (levels 3-5)	6 716	49.9	192	1.4	839	6.2	1 201	8.9
Highly skilled production (levels 6-8)	13 267	53.6	637	2.6	765	3.1	1 528	6.2
Highly skilled supervision (levels 9-12)	19 880	69	468	1.6	490	1.7	955	3.3
Senior management (levels 13-16)	11 014	75.9	0	0	66	0.5	115	0.8
Total	50 877	62.4	1 297	1.6	2 160	2.6	3 799	4.7

3.2 Employment and vacancies

TABLE 3.2.1: Employment and vacancies by programme as at 31 March 2012

PROGRAMME	NUMBER OF POSTS	NUMBER OF POSTS FILLED	% VACANCY RATE	NUMBER OF POSTS FILLED ADDITIONAL TO THE ESTABLISHMENT
Programme 1	101	93	7.9	-
Programme 2	158	144	8.9	-
Programme 3	44	42	4.5	-
Total	303	279	7.9	-

TABLE 3.2.2: Employment and vacancies by salary bands as at 31 March 2012

SALARY BAND	NUMBER OF POSTS	NUMBER OF POSTS FILLED	% VACANCY RATE	NUMBER OF POSTS FILLED ADDITIONAL TO THE ESTABLISHMENT
Lower skilled (levels 1-2)	-	-	-	-
Skilled (levels 3-5)	106	97	8.4	-
Highly skilled production (levels 6-8)	97	97	0	-
Highly skilled supervision (levels 9-12)	79	68	13.9	-
Senior management (levels 13-16)	21	17	19	-
Total	303	279	7.9	-

TABLE 3.2.3: Employment and vacancies by critical occupation as at 31 March 2012

The ICD had no critical occupations during the period under review.

3.3 Job evaluation

TABLE 3.3.1: Job evaluation, 1 April 2011 to 31 March 2012

SALARY BAND	NUMBER OF POSTS	NUMBER OF JOBS EVALUATED	% OF POSTS EVALUATED BY SALARY BAND	POSTS UPGRADED		POSTS DOWNGRADED	
				NUMBER	% OF POSTS EVALUATED	NUMBER	% OF POSTS EVALUATED
Lower skilled (levels 1-2)	0	0	0	0	0	0	0
Skilled (levels 3-5)	106	34	32.1	0	0	0	0
Highly skilled production (levels 6-8)	97	13	13.4	0	0	0	0
Highly skilled supervision (levels 9-12)	79	14	17.7	0	0	0	0
Senior management service band A	15	5	33.3	0	0	0	0
Senior management service band B	5	2	40	0	0	0	0
Senior management service band C	1	0	0	0	0	0	0
Senior management service band D	-	0	0	0	0	0	0
Total	303	68	22.4	0	0	0	0

TABLE 3.3.2: Profile of employees whose salary positions were upgraded due to their posts being upgraded, 1 April 2011 to 31 March 2012

There were no employees whose salary positions were upgraded due to their posts being upgraded during the period under review.

The following table summarises the number of cases where remuneration levels exceeded the grade determined by job evaluation. Reasons for deviations are provided in each case.

TABLE 3.3.3: Employees whose salary level exceed the grade determined by job evaluation, 1 April 2011 to 31 March 2012 (in terms of PSR I.V.C.3)

There were no employees whose salary level exceed the grade determined by job evaluation during the period under review.

Table 3.3.4 summarises the above beneficiaries in terms of race, gender and disability.

TABLE 3.3.4: Profile of employees whose salary level exceed the grade determined by job evaluation, 1 April 2011 to 31 March 2012 (in terms of PSR 1.V.C.3)

There were no employees whose salary level exceed the grade determined by job evaluation during the period under review.

Cases where remuneration bands exceeded the grade determined by job evaluation

Total number of employees whose salaries exceeded the grades determined by job evaluation in 2011/12	None
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3.4 Employment changes

TABLE 3.4.1: Annual turnover rates by salary band for the period 1 April 2011 to 31 March 2012

SALARY BAND	NUMBER OF EMPLOYEES PER BAND AS AT 1 APRIL 2011	APPOINTMENTS AND TRANSFERS TO THE DEPARTMENT	TERMINATIONS AND TRANSFERS FROM THE DEPARTMENT	TURNOVER RATE
Lower skilled (levels 1-2)	-	-	-	-
Skilled (levels 3-5)	96	23	17	17.7
Highly skilled production (levels 6-8)	91	9	6	6.5
Highly skilled supervision (levels 9-12)	69	1	7	10.1
Senior management service band A	11	1	-	-
Senior management service band B	4	-	1	25
Senior management service band C	1	-	-	-
Total	272	34	31	11.3

TABLE 3.4.2: Annual turnover rates by critical occupation for the period 1 April 2010 to 31 March 2011

There were no annual turnover rates by critical occupation during the period under review.

TABLE 3.4.3: Reasons why staff are leaving the department

TERMINATION TYPE	NUMBER	% OF TOTAL
Death	-	-
Resignation	5	16.1
Expiry of contract	-	-
Dismissal – operational changes	-	-
Dismissal – misconduct	-	-
Dismissal – inefficiency	-	-
Discharged due to ill-health	-	-
Retirement	1	3.2
Transfers to other public service departments	25	80.7
Other	-	-
Total	31	100
Total number of employees who left as a % of the total employment		11

TABLE 3.4.4 Promotions by critical occupation

The ICD had no critical occupations during the period under review.

TABLE 3.4.5: Promotions by salary band

SALARY BAND	EMPLOYEES 1 APRIL 2011	PROMOTIONS TO ANOTHER SALARY LEVEL	SALARY BANDS PROMOTIONS AS % OF EMPLOYEES BY SALARY LEVEL	PROGRESSIONS TO ANOTHER NOTCH WITHIN A SALARY LEVEL	NOTCH PROGRESSIONS AS % OF EMPLOYEES BY SALARY BAND
Lower skilled (levels 1-2)	-	-	-	-	-
Skilled (levels 3-5)	96	4	4.2	67	69.8
Highly skilled production (levels 6-8)	91	9	9.9	63	69.2
Highly skilled supervision (levels 9-12)	69	10	14.5	49	71
Senior management (levels 13-16)	16	1	6.3	11	68.8
Total	272	24	8.8	190	69.9

3.5 Employment equity

TABLE 3.5.1: Total number of employees (including employees with disabilities) in the following occupational categories as at 31 March 2012

OCCUPATIONAL CATEGORIES (SASCO)	MALE				FEMALE				TOTAL
	AFRICAN	COLOURED	INDIAN	WHITE	AFRICAN	COLOURED	INDIAN	WHITE	
Legislators, senior officials and managers	10	-	-	1	7	-	-	-	18
Professionals	28	3	3	8	20	1	-	4	67
Technicians and associate professionals	49	1	-	1	43	2	1	-	97
Clerks	33	-	-	-	53	9	2	-	97
Service and sales workers	-	-	-	-	-	-	-	-	-
Total	120	4	3	10	121	12	3	4	279
Employees with disabilities	2	-	-	-	2	-	-	-	4

TABLE 3.5.2: Total number of employees (including employees with disabilities) in each of the following occupational bands as on 31 March 2012

OCCUPATIONAL BANDS	MALE				FEMALE				TOTAL
	AFRICAN	COLOURED	INDIAN	WHITE	AFRICAN	COLOURED	INDIAN	WHITE	
Top management	-	-	-	-	-	-	-	1	1
Senior management	10	-	-	-	7	-	-	-	17
Professionally qualified and experienced specialists and mid-management	28	3	3	8	20	1	-	4	67
Skilled technical and academically qualified workers, junior management, supervisors, foremen and superintendents	49	1	-	1	43	2	1	-	97
Semi-skilled and discretionary decision making	33	-	-	-	53	9	2	-	97
Total	120	4	3	9	123	12	3	5	279

TABLE 3.5.3: Recruitment for the period 1 April 2011 to 31 March 2012

OCCUPATIONAL BANDS	MALE				FEMALE				TOTAL
	AFRICAN	COLOURED	INDIAN	WHITE	AFRICAN	COLOURED	INDIAN	WHITE	
Top management	-	-	-	-	-	-	-	-	-
Senior management	1	-	-	-	-	-	-	-	1
Professionally qualified and experienced specialists and mid-management	-	-	1	-	-	-	-	-	1
Skilled technical and academically qualified workers, junior management, supervisors, foremen and superintendents	3	1	-	-	4	-	-	-	8
Semi-skilled and discretionary decision making	14	-	-	-	10	-	-	-	24
Total	18	1	1	-	14	-	-	-	34
Employees with disabilities	-	-	-	-	-	-	-	-	-

TABLE 3.5.4: Promotions for the period 1 April 2011 to 31 March 2012

OCCUPATIONAL BANDS	MALE				FEMALE				TOTAL
	AFRICAN	COLOURED	INDIAN	WHITE	AFRICAN	COLOURED	INDIAN	WHITE	
Top management	-	-	-	-	-	-	-	-	-
Senior management	-	-	-	-	-	-	-	-	-
Professionally qualified and experienced specialists and mid-management	3	-	1	-	3	-	1	-	8
Skilled technical and academically qualified workers, junior management, supervisors, foremen and superintendents	2	-	-	-	4	-	1	-	7
Semi-skilled and discretionary decision making	1	-	-	-	3	-	-	-	4
Total	6	-	1	-	10	-	2	-	19
Employees with disabilities	-	-	-	-	-	-	-	-	-

TABLE 3.5.5: Terminations for the period | April 2011 to 31 March 2012

OCCUPATIONAL BANDS	MALE				FEMALE				TOTAL
	AFRICAN	COLOURED	INDIAN	WHITE	AFRICAN	COLOURED	INDIAN	WHITE	
Top management	-	-	-	-	-	-	-	-	-
Senior management	1	-	-	-	-	-	-	-	1
Professionally qualified and experienced specialists and mid-management	3	-	1	-	-	1	-	-	5
Skilled technical and academically qualified workers, junior management, supervisors, foremen and superintendents	-	-	-	-	-	-	-	-	-
Semi-skilled and discretionary decision making	-	-	-	-	-	-	-	-	-
Total	4	-	1	-	-	1	-	-	6
Employees with disabilities	-	-	-	-	-	-	-	-	-

TABLE 3.5.6: Disciplinary action for the period | April 2011 to 31 March 2012

	MALE				FEMALE				TOTAL
	AFRICAN	COLOURED	INDIAN	WHITE	AFRICAN	COLOURED	INDIAN	WHITE	
Disciplinary action	6	-	-	-	1	-	-	-	7

TABLE 3.5.7: Skills development for the period | April 2011 to 31 March 2012

OCCUPATIONAL CATEGORIES	MALE				FEMALE				TOTAL
	AFRICAN	COLOURED	INDIAN	WHITE	AFRICAN	COLOURED	INDIAN	WHITE	
Legislators, senior officials and managers	9		2	2	9			2	24
Professionals	32	1	-	5	27	4	1	-	70
Technicians and associate professionals	16		-	1	18				35
Clerks	32	1	-	-	30	6	1	-	70
Total	89	2	2	8	84	10	2	2	199
Employees with disabilities	2	-	-	-	-	-	-	-	2

3.6 Performance rewards

TABLE 3.6.1: Performance rewards by race, gender, and disability – 1 April 2011 to 31 March 2012

	BENEFICIARY PROFILE			COST	
	NUMBER OF BENEFICIARIES	TOTAL NUMBER OF EMPLOYEES IN GROUP	% OF TOTAL WITHIN GROUP	COST (R'000)	AVERAGE COST PER EMPLOYEE
African	95	241	79.5	1 130	24 114
Male	49	125	39.7	784	17 045
Female	46	116	39.8	346	7 069
Asian	3	6	100.0	40	24 675
Male	2	3	66.7	31	15 706
Female	1	3	33.3	9	8 969
Coloured	1	13	11.1	5	4 729
Male	-	4	-	-	-
Female	1	9	11.1	5	4 729
White	9	15	145.5	135	30 010
Male	5	11	45.5	71	14 115
Female	4	4	100	64	15 895
Employees with a disability	1	4	25	1 327	17 272
Total	109	279	39.4	1 327	12 174

TABLE 3.6.2: Performance rewards by salary band for personnel below senior management level – 1 April 2011 to 31 March 2012

SALARY BANDS	BENEFICIARY PROFILE			COST		
	NUMBER OF BENEFICIARIES	NUMBER OF EMPLOYEES	% OF TOTAL WITHIN SALARY BANDS	TOTAL COST (R'000)	AVERAGE COST PER EMPLOYEE	TOTAL COST AS % OF THE TOTAL PERSONNEL EXPENDITURE
Lower skilled (levels 1-2)	-	-	-	-	-	-
Skilled (levels 3-5)	32	97	33	142	4 438	0.2
Highly skilled production (levels 6-8)	33	97	34	267	8 091	0.3
Highly skilled supervision (levels 9-12)	38	68	55.9	514	13 526	0.7
Total	103	262	39.3	923	8 961	1.2

TABLE 3.6.3: Performance rewards by critical occupations – 1 April 2011 to 31 March 2012

The ICD had no critical occupations during the period under review.

TABLE 3.6.4: Performance-related rewards (cash bonus), by salary band, for senior management level

SALARY BAND	BENEFICIARY PROFILE			TOTAL COST (R'000)	AVERAGE COST PER EMPLOYEE	TOTAL COST AS % OF THE TOTAL PERSONNEL EXPENDITURE
	NUMBER OF BENEFICIARIES	NUMBER OF EMPLOYEES	% OF TOTAL WITHIN BAND			
Band A	6	13	46.1	404	67 333	0.5
Band B	-	3	-	-	-	-
Band C	-	1	-	-	-	-
Band D	-	-	-	-	-	-
Total	6	17	35.2	404	67 333	0.5

3.7 Foreign workers

TABLE 3.7.1: Foreign workers, 1 April 2011 to 31 March 2012, by salary band

The ICD had no foreign workers during the period under review.

TABLE 3.7.2: Foreign workers, 1 April 2011 to 31 March 2012, by major occupation

The ICD had no foreign workers during the period under review.

3.8 Leave utilisation for the period 1 January 2011 to 31 December 2011

TABLE 3.8.1: Sick leave, 1 January 2011 to 31 December 2012

SALARY BAND	TOTAL DAYS	% DAYS WITH MEDICAL CERTIFICATION	NUMBER OF EMPLOYEES USING SICK LEAVE	% OF TOTAL EMPLOYEES USING SICK LEAVE	AVERAGE DAYS PER EMPLOYEE	ESTIMATED COST (R'000)
Lower skilled (levels 1-2)	-	-	-	-	-	-
Skilled (levels 3-5)	622	85.4	82	36.3	8	216
Highly skilled production (levels 6-8)	547	88.3	73	32.3	7	336
Highly skilled supervision (levels 9-12)	426	85.7	59	26.1	7	456
Senior management (levels 13-16)	82	85.4	12	5.3	7	229
Total	1677	86.4	226	100	7	1237

TABLE 3.8.2: Disability leave (temporary and permanent), 1 January 2011 to 31 December 2011

SALARY BAND	TOTAL DAYS TAKEN	% DAYS WITH MEDICAL CERTIFICATION	NUMBER OF EMPLOYEES USING DISABILITY LEAVE	% OF TOTAL EMPLOYEES USING DISABILITY LEAVE	AVERAGE DAYS PER EMPLOYEE	ESTIMATED COST (R'000)
Lower skilled (levels 1-2)	-	-	-	-	-	-
Skilled (levels 3-5)	-	-	-	-	-	-
Highly skilled production (levels 6-8)	94	100	1	50	94	65
Highly skilled supervision (levels 9-12)	21	38.1	1	50	21	17
Senior management (levels 13-16)	-	-	-	-	-	-
Total	115	88.7	2	100	58	82

TABLE 3.8.3: Annual leave, 1 January 2011 to 31 December 2011

SALARY BANDS	TOTAL DAYS TAKEN	AVERAGE PER EMPLOYEE
Skilled (levels 3-5)	1733.84	16
Highly skilled production (levels 6-8)	1846	19
Highly skilled supervision (levels 9-12)	1669.16	22
Senior management (levels 13-16)	379	21
Total	5628	19

TABLE 3.8.4: Capped leave, 1 January 2011 to 31 December 2011

SALARY BANDS	TOTAL DAYS OF CAPPED LEAVE TAKEN	AVERAGE NUMBER OF DAYS TAKEN PER EMPLOYEE	AVERAGE CAPPED LEAVE PER EMPLOYEE AS AT 31 DECEMBER 2011
Highly skilled supervision (levels 9-12)	36	7	51
Senior management (levels 13-16)	-	-	-
Total	36	7	51

The following table summarises payments made to employees as a result of leave that was not taken.

TABLE 3.8.5: Leave payouts for the period 1 April 2011 to 31 March 2012

REASON	TOTAL AMOUNT (R'000)	NUMBER OF EMPLOYEES	AVERAGE PAYMENT PER EMPLOYEE
Leave payout for 2011/12 due to non-utilisation of leave for the previous cycle	75	2	37500
Capped leave payouts on termination of service for 2011/12	136	5	27200
Current leave payout on termination of service for 2011/12	23	1	23000
Total	234	8	29250

3.9 HIV and AIDS and health promotion programmes

TABLE .3.9.1: Steps taken to reduce the risk of occupational exposure

UNITS/CATEGORIES OF EMPLOYEES IDENTIFIED TO BE AT HIGH RISK OF CONTRACTING HIV & RELATED DISEASES (IF ANY)	KEY STEPS TAKEN TO REDUCE THE RISK
Investigators, as they have to attend crime scenes and post mortems	Protective gear has been supplied by the ICD

TABLE 3.9.2: Details of health promotion and HIV and AIDS programmes

QUESTION	YES	NO	DETAILS, IF YES
1. Has the department designated a member of the SMS to implement the provisions contained in part 6 (E) of Chapter 1 of the Public Service Regulations, 2001? If so, provide her/his name and position.	x		Ms Sibongile Phalatsi – Director: Human Resources and Employee Health & Wellness.
2. Does the department have a dedicated unit or has it designated specific staff members to promote the health and wellbeing of employees? If so, indicate the number of employees who are involved in this task and the annual budget that is available for this purpose.	x		The sub-directorate has two permanent employees. In the provinces, the deputy provincial heads are tasked with these programmes. The annual budget for Special Programmes and Employee Wellness during 2011/2012 was R 917 972 including salaries.
3. Has the department introduced an employee assistance or health promotion programme for employees? If so, indicate the key elements/ services of this programme.	x		The Employee Assistance Programme was implemented from 1 February 2005. The programme services are outsourced to Independent Counselling and Advisory Services (ICAS). The services include a 24-hour multilingual toll-free counselling, life management services, professional face-to-face counselling sessions, managerial and retrenchment counselling, trauma counselling, and incident counselling.
4. Has the department established (a) committee(s) as contemplated in part 6 E.5 (e) of Chapter 1 of the Public Service Regulations? If so, please provide the names of the members of the committee and the stakeholder(s) that they represent.	x		<p>The Special Programmes and Employee Wellness Committee deals with HIV and AIDS, health and wellness and special programmes issues. The members are:</p> <p>Ms S Phalatsi (Chairperson) Mr. R Raburaru (Gauteng), Ms P Mlungwana (EC), Ms A Percival (WC), Mr L John (KZN), Mr D Mokoena (Limp), Ms B Motlhale (NW), Mr T Mmusi (FS), Mr O Khanyi (MPU) and Mr G Angus (NC), Ms I Lentswane (HO), Ms K Netshikulwe (HO)</p> <p>The Employee Wellness Advisory Committee members are: Ms Phalatsi Mr T Tshabalala Mr M Dlamini Ms E Engelbrecht Ms M Phakathi Labour representatives</p>

QUESTION	YES	NO	DETAILS, IF YES
5. Has the department reviewed its employment policies and practices to ensure that these do not unfairly discriminate against employees on the basis of their HIV status? If so, list the employment policies/practices so reviewed.	x		The Directorate has an approved HIV and AIDS policy that addresses all forms of unfair discrimination relating to HIV and AIDS and the Employee Health and Wellness Policy.
6. Has the department introduced measures to protect HIV-positive employees or those perceived to be HIV-positive from discrimination? If so, list the key elements of these measures.	x		Allegations of misconduct relating to unfair discrimination on the basis of HIV and AIDS are dealt with in terms of the Disciplinary Code and Procedure and the Grievance Procedure for the Public Service.
7. Does the department encourage its employees to undergo voluntary counselling and testing? If so, list the results that you have you achieved.	x		All health and wellness screening activities include voluntary counselling and testing to create ample opportunities for employees to know their status.
8. Has the department developed measures/ indicators to monitor and evaluate the impact of its health promotion programme? If so, list these measures/indicators.	x		The measures developed to evaluate the impact of the health promotion programmes are as follows: The resilience programme, which is a debriefing session for investigators conducted by the Independent Counselling Advisory Services. Financial management workshops are offered to all employees.

3.10 Labour relations

TABLE 3.10.1: Collective agreements, 1 April 2011 to 31 March 2012

No collective agreements were entered into with trade unions within the directorate.

The following table summarises the outcome of disciplinary hearings conducted within the Directorate for 2011/12.

TABLE 3.10.2: Misconduct and disciplinary hearings finalised, 1 April 2011 to 31 March 2012

OUTCOMES OF DISCIPLINARY HEARINGS	NUMBER	% OF TOTAL
Final written warning	3	43
Suspended without pay	3	43
Dismissal	-	-
Not guilty	-	-
Case withdrawn	1	14
Total	7	100

TABLE 3.10.3: Types of misconduct addressed at disciplinary hearings

TYPE OF MISCONDUCT	NUMBER	% OF TOTAL
Misrepresentation	3	43
Insubordination	2	29
Contravention of policy	1	14
Theft	1	14
Total	7	100

TABLE 3.10.4: Grievances lodged for the period 1 April 2011 to 31 March 2012

	NUMBER	% OF TOTAL
Number of grievances resolved	2	50
Number of grievances not resolved	2	50
Total number of grievances lodged	4	100

TABLE 3.10.5: Disputes lodged with councils for the period 1 April 2011 to 31 March 2012

No disputes were lodged with councils for the period 1 April 2011 to 31 March 2012.

TABLE 3.10.6: Strike actions for the period 1 April 2011 to 31 March 2012

No strike actions for the period 1 April 2011 to 31 March 2012.

TABLE 3.10.7: Precautionary suspensions for the period 1 April 2011 to 31 March 2012

Number of people suspended	6
Number of people whose suspension exceeded 60 days	2
Average number of days suspended	91
Cost (R'000) of suspensions	877 274

3.11 Skills development

This section highlights the directorate's skills-development efforts.

TABLE 3.11.1: Training needs identified | April 2011 to 31 March 2012

OCCUPATIONAL CATEGORIES	GENDER	NUMBER OF EMPLOYEES AS AT 1 APRIL 2011	TRAINING NEEDS IDENTIFIED AT START OF REPORTING PERIOD			
			LEARNERSHIPS	SKILLS PROGRAMMES & OTHER SHORT COURSES	OTHER FORMS OF TRAINING	TOTAL
Legislators, senior officials and managers	Female	25	-	47	18	65
	Male	25	-	57	15	72
Professionals	Female	46	-	46	28	74
	Male	66	-	61	33	94
Technicians and associate professionals	Female	5	-	12	-	12
	Male	3	-	12	-	12
Clerks	Female	61	-	88	35	123
	Male	28	-	68	20	88
Total		259	-	391	149	540

TABLE 3.11.2: Training provided | April 2011 to 31 March 2012

OCCUPATIONAL CATEGORIES	GENDER	NUMBER OF EMPLOYEES AS AT 1 APRIL 2011	TRAINING PROVIDED WITHIN THE REPORTING PERIOD			
			LEARNERSHIPS	SKILLS PROGRAMMES & OTHER SHORT COURSES	OTHER FORMS OF TRAINING	TOTAL
Legislators, senior officials and managers	Female	25	-	19	5	24
	Male	25	-	22	8	30
Professionals	Female	46	-	18	24	42
	Male	66	-	11	19	30
Technicians and associate professionals	Female	5	-	12	-	12
	Male	3	-	12	-	12
Clerks	Female	61	-	16	16	32
	Male	28	-	14	15	29
Total		259	0	124	87	211

3.12 Signing of performance agreements by senior management staff members

TABLE 3.12.1: Signing of performance agreements by senior management staff members as at 30 June 2011

SMS LEVEL	TOTAL NUMBER OF FUNDED SMS POSTS PER LEVEL	TOTAL NUMBER OF SMS MEMBERS PER LEVEL	TOTAL NUMBER OF SIGNED PERFORMANCE AGREEMENTS PER LEVEL	SIGNED PERFORMANCE AGREEMENTS AS % OF TOTAL NUMBER OF SMS MEMBERS PER LEVEL
Director-General/ head of department	-	-	-	-
Salary level 16, but not head of department	-	-	-	-
Salary level 15	1	1	0	0
Salary level 14	5	3	0	0
Salary level 13	15	13	1	7
Total	21	17	1	14

TABLE 3.12.2: Reasons for not having concluded performance agreements for all senior management staff members as at 30 June 2011

1. All three level 14 performance agreements were concluded after 31 May 2011
2. Nine members on level 13 concluded their Performance Agreements after 31 May 2011, one member promoted in July 2011 and one member placed on precautionary suspension on 09 May 2011.
3. One member on level 15 concluded the Performance Agreement after 31 May 2011.

3.13 Filling of senior management posts

TABLE 3.13.1: Senior management staff posts information as at 31 March 2012

SMS LEVEL	TOTAL NUMBER OF FUNDED SMS POSTS PER LEVEL	TOTAL NUMBER OF SMS POSTS FILLED PER LEVEL	% OF SMS POSTS FILLED PER LEVEL	TOTAL NUMBER OF SMS POSTS VACANT PER LEVEL	% OF SMS POSTS VACANT PER LEVEL
Director-General/ head of department	-	-	-	-	-
Salary level 16, but not head of department	-	-	-	-	-
Salary level 15	1	1	100	-	-
Salary level 14	5	3	60	2	40
Salary level 13	15	13	86	2	13
Total	21	17	19	4	53

TABLE 3.13.2: Senior management service post information as at 30 September 2011

SMS LEVEL	TOTAL NUMBER OF FUNDED SMS POSTS PER LEVEL	TOTAL NUMBER OF SMS POSTS FILLED PER LEVEL	% OF SMS POSTS FILLED PER LEVEL	TOTAL NUMBER OF SMS POSTS VACANT PER LEVEL	% OF SMS POSTS VACANT PER LEVEL
Director-General/ head of department	-	-	-	-	-
Salary level 16, but not head of department	-	-	-	-	-
Salary level 15	1	1	100	-	-
Salary level 14	5	3	60	2	40
Salary level 13	15	12	80	3	20
Total	21	16	76.1	5	23.8

TABLE 3.13.3: Advertising and filling of senior management posts as at 31 March 2012

SMS LEVEL	ADVERTISING		
	NUMBER OF VACANCIES PER LEVEL ADVERTISED IN 6 MONTHS OF BECOMING VACANT	NUMBER OF VACANCIES PER LEVEL FILLED IN 6 MONTHS OF BECOMING VACANT	NUMBER OF VACANCIES PER LEVEL NOT FILLED IN 6 MONTHS, BUT FILLED IN 12 MONTHS
Director-General/ head of department	-	-	-
Salary level 16, but not head of department	-	-	-
Salary level 15	-	-	-
Salary level 14	1	-	2
Salary level 13	1	-	2
Total	2	-	4

TABLE 3.13.4: Reasons for not having complied with the filling of funded vacant senior management posts advertised within six months and filled within 12 months after becoming vacant

Reasons for vacancies not advertised within six months
N/A
Reasons for vacancies not filled within 12 months
N/A

3.14 Injury on duty

The following tables provide basic information on injury on duty.

TABLE 3.13.1: Injury on duty, 1 April 2011 to 31 March 2012

No injuries occurred on duty during the period under review.

3.15 Utilisation of consultants

TABLE 3.15.1: Report on consultant appointments using appropriated funds

PROJECT TITLE	TOTAL NUMBER OF CONSULTANTS THAT WORKED ON THE PROJECT	DURATION:WORK DAYS	CONTRACT VALUE IN RAND
Independent Counselling and Advisory Services for Employee Assistance Programme.	01	-	733 508.58

TABLE 3.15.2: Analysis of consultant appointments using appropriated funds, in terms of historically disadvantaged individuals (HDI)

No consultant appointments were made using appropriated funds.

TABLE 3.15.3: Report on consultant appointments using donor funds

No consultant appointments were made using donor funds.

TABLE 3.15.4: Analysis of consultant appointments using donor funds, in terms of HDIs

No consultant appointments were made using donor funds.

4 Other information

Abbreviations and legislation

Abbreviations

BAS	Basic Accounting System
HDI	Historically disadvantaged individual
ICD	Independent Complaints Directorate
IPID	Independent Police Investigative Directorate
SAPS	South African Police Service
SMS	Senior management service
TR	Treasury Regulations
PFMA	Public Finance Management Act
ICT	Information and Communication Technology
SCOPA	Standing Committee on Public Accounts
LOGIS	Logistical Information System
MPS	Municipal Police Services

Full references to legislation

Constitution of the Republic of South Africa Act 108 of 1996
Criminal Procedure Act 51 of 1977
Domestic Violence Act 116 of 1998
Employment Equity Act 55 of 1998
Public Finance Management Act 1 of 1999 (as amended by the Public Finance Management Act 29 of 1999)
South African Police Service Act 68 of 1995

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Report of the Audit Committee

We are pleased to present our report for the financial year ended 31 March 2012.

Audit Committee Members and Attendance:

The Audit Committee consists of the members listed hereunder and should meet three times per annum as per its approved terms of reference. During the financial year 2011 / 2012 four meetings were held. Meetings were held on the following dates; 30 May 2011, 25 July 2011, 3 November 2011 and 29 March 2012.

NAME OF MEMBERS	NUMBER OF MEETINGS ATTENDED
Mr A Darmalingam (Chairperson)	4
Ms S Motuba (Deputy Chairperson)	4
Mr V Motholo	3
Mr D Garach	4
Ms P Mvulane	4
Mr F Beukman (Ex Officio)	4
Ms L Cwele (Ex Officio)	4

Audit Committee Responsibility

The Audit Committee reports that it has complied with its responsibilities arising from section 38(1) (a) of the PFMA and Treasury Regulations 3.1.

The Audit Committee also reports that it has adopted appropriate formal terms of reference as its Audit Committee charter and has complied with the terms of reference of the charter.

Effectiveness of Internal Control

The system of Internal Control applied by the Department over financial risk and risk management is effective, efficient and transparent.

In line with the PFMA and the KING III Report on Corporate Governance requirements, Internal Audit provides the Audit Committee and management with assurance that the internal controls are appropriate and effective. This is achieved by the risk management processes, as well as the Identification of corrective actions and suggested enhancements to the controls and processes. From the various reports of the Internal Auditors, the Audit Reports on the Annual Financial Statements and the management report of the Auditor-General, it was noted that several internal control weaknesses were reported and several matters of non-compliance with laws and regulations were also reported and that management have committed to put mechanisms in place to mitigate against these weaknesses identified.

Evaluation of the Annual Financial Statements

The Audit Committee has:

- Reviewed and discussed the audited Annual Financial Statements to be included in the annual report with the Auditor General and the Accounting Officer;

INDEPENDENT COMPLAINTS DIRECTORATE
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REPORT OF THE AUDIT COMMITTEE
for the year ended 31 March 2012

- Reviewed the Auditor General's management report and management responses thereto;
- Reviewed the changes in the accounting policies;
- Reviewed the information on predetermined objectives to be included in the annual report;
- The interim financial statements were not submitted to the Audit Committee on a timely basis for oversight, due to capacity constraints by the Department;
- Reviewed the department's compliance with the legal and regulatory provisions; and
- Reviewed the significant adjustments resulting from the audit.

The Audit Committee concurs and accepts the Auditor-General South Africa's conclusions on the Annual Financial Statements, and is of the opinion that the audited financial statements be accepted and read together with the report of the Auditor-General South Africa.

Internal Audit

The Audit Committee is satisfied that the internal audit function is operating effectively and that it has addressed the risks pertinent to the department in its audit.

The Audit Committee approved the risk based internal audit three years rolling plan. The Audit Committee reviewed all the internal audit reports that identified weaknesses within the department and considered the adequacy of management responses to ensure the risk exposure is reduced, and there is continuous improvement within the control environment.

Auditor-General South Africa

The Committee also met with the Auditor-General South Africa and confirmed that there are no unresolved issues affecting ICD's operating environment.



CHAIRPERSON

31 July 2012

DATE

Report by the Accounting Officer (the Executive Director of the Independent Complaints Directorate) to the Executive Authority (the honourable Minister EN Mthethwa, the Minister of Police) and Parliament of the Republic of South Africa.

I. General review of the state of financial affairs

- Important policy decisions and strategic issues facing the department

During the Directorate's strategic plan process, key issues in the service delivery environment were considered. The Directorate concluded that the IPID Act is having a significant impact on the investigative capacity and creates the opportunity for a strong and independent oversight body which will in consequence contribute to the achievement of a Police service that operates in line with a spirit of the Constitution.

An in-depth analysis of the Directorate's strengths, weaknesses, opportunities and threats, revealed that the ICD's strong leadership and the fact that the Directorate has skilled investigators with all powers provided for in the Criminal Procedure Act 51 of (1977) that are bestowed upon a Peace officer or Police official will be a contributing factor in the realisation of the strategic outcome-oriented goals during the subsequent five years' strategic planning period.

- Comment on significant events that have taken place during the year

Following the introduction of the IPID Act No. 1 of 2011 by the President of South Africa in May 2011, the Directorate during its strategic plan announced the official implementation date including the renaming of the Independent Complaints Directorate (ICD) to the Independent Police Investigative Directorate (IPID) that will have a significant impact on the public profile of the Directorate in the following financial year (2012/13). The establishment of the IPID will specifically brand the Directorate as a body that functions independently from the Police services and it will also focus on conducting investigations into offences by Police members, rather than merely acting on complaints. The IPID Act No. 1 of 2011 was implemented on 1 April 2012.

- Comment on major projects undertaken or completed during the year
 - During the period under review the Directorate met all of its targets related to station audits and the completion of applications for exemptions in terms of the Domestic Violence Act within 30 days;
 - The Directorate also improved its response time with regard to the investigation of deaths in custody or as a result of police action;
 - Most of the complaints of criminality were received and dealt with in the year under review;
 - The two desktop research reports have been finalised for accurate reporting.
- Spending trends

The Directorate received an adjusted budget allocation of R153 534 000 for three main divisions during the 2011/12 audited financial year. The actual spending was 99% of the allocated budget, which translates to R153 532 000 in monetary value. Only R2 000 of the total budget allocation was reported as under spending and the Directorate is making efforts to ensure 100% spending.

- Virement:

During the period under review the Accounting Officer, in accordance with section 43 (1) of the PFMA, approved the virement that was implemented by reallocation of R1 276 000, translating to 1.71% from programme 2, Investigation of Complaints: Goods and services to defray the anticipated Compensation of Employees overspending in both programmes 1 Administration, R924 000 translates to 1.54% and 2 Information Management and Research, R352 000 translates to 1.85%. The following shows the virement application per Programme:

Programme 1: Administration

The net result of the shifting of funds and application of virement amounts to R924 000, which was transferred from Programme 2: Complaints Processing, Monitoring and Investigation. The net result for virement implementation of R924 000, translates to 1.54%.

Programme 2: Complaints Processing, Monitoring & Investigations

There was an anticipated under-spending of R1 276 000, which was moved through the application of virement to Programme 1: Administration (R924 000) and Programme 3: Information Management and Research (R352 000). The net result of the application for virement of R1 276 000 translates to 1.71%.

Programme 3: Information Management and Research

The net result of the shifting of funds and application of virement amounted to R352 000, which was received from Programme 2: Complaints Processing, Monitoring & Investigation due address the projected shortfall. The net result of the application for virement of R352 000 translates to 1.85%.

The below shows the impact brought by implementation of virement per Sub-Programme:

Programme 1: Administration Sub - Programmes

Sub-programme: Management

The projected under-spending of R589 000 was addressed by implementation of virement to cover the shortfall in the Sub-programme: Corporate Services amounting to R1 513 000 and the net result is as follows:

An amount of R743 000 was shifted from Compensation of Employees due to the vacant positions that were awaiting job evaluations and was utilised to cover the anticipated shortfall in Goods & Services for an amount of R154 000.

The balance of R589 000 (-R743 000 + R154 000) was utilised to address the projected shortfall in the Sub-programme: Corporate Services for R589 000.

Sub-programme: Corporate Services

A projected shortfall of R1 513 000 was addressed by implementation of virement from the Sub-programme: Management to the amount of R589 000 and the Sub-programme: Complaints Processing, Monitoring and Investigation for amount of R924 000 and the net result was as follows:

In terms of the Economic Classification, an amount of R4 820 000 for Compensation of Employees, due to some vacancies that resulted from a high staff turnover in Corporate Services as well as the awaiting of job evaluations before certain posts could be filled, was shifted to Goods & Services (R6 333 000) to cover an increase in office accommodation, specifically with relation to the National Office.

The anticipated shortfall in Goods & Services for R1 513 000 was addressed through virement of R589 000 from the Sub-programme: Management and R924 000 from the Sub-Programme: Complaints Processing, Monitoring and Investigation.

Programme 2: Investigation of Complaints Sub-Programmes

Sub-programme: Complaints Processing, Monitoring & Investigation

The projected under-spending of R1 062 000 in this sub-programme was addressed by implementation of virement to Sub-programme: Corporate Services for an amount of R924 000 and the Sub-programme: Information Management System to the tune of R138 000.

In terms of the Economic Classification, the amount of R552 000 was shifted from Compensation and Goods & Services (R513 000) to cover the R3 000 for the writing-off of debt and the balance of R1 062 000 in this Sub-programme was utilised to address the shortfall on the Sub-programme: Corporate Services for an amount of R924 000 and Sub-programme: Information Services to the amount of R138 000.

Sub-programme: Legal Services

The anticipated under-spending of R214 000 in this Sub-programme was utilised for the projected over-spending on the Sub-programme: Information Management System.

The net result was the amounts of R64 000 under Compensation of Employees and R164 000 under Goods & Services were utilised to address the shortfall of R14 000 in Machinery and Equipment, with the balance being utilised for the virement of R214 000 to the Sub-programme: Information Management System.

Programme 3: Information Management & Research Sub-Programme

Sub-programme: Research

The projected under-spending of R359 000 was used to defray the anticipated shortfalls and the reallocation of funds was implemented as follows:

An amount of R133 000 was shifted from Compensation of Employees and R226 000 from Goods & Services to cover the shortfall under the Sub-programme: Information Management System.

Sub-programme: Information Management System

The projected shortfall of R711 000 was addressed by the implementation of virement from the Sub-Programme: Research to tune of R359 000, the Sub-programme: Complaints Processing, Monitoring and Investigation amounting to R138 000 and the Sub-programme: Legal Services to the amount of R214 000 which resulted into the following:

An amount of R325 000 was shifted from Compensation of Employees to Goods & Services and the R3 000 for the writing-off of debt. The shortfall in Goods & Services of R711 000 was addressed by application of virement from the Sub-programme: Research to the tune of R359 000 and the Sub-programme: Complaints Processing, Monitoring and Investigation amounting to R352 000.

- Unauthorised Expenditure

The Directorate (ICD) did not incur any unauthorised expenditure in the year under audit, however as previously reported, the amount as disclosed under the same heading of the annual financial statements made of prior year's over expenditures incurred by Programmes 2 and 3 in the financial years 2008/2009 and 2005/2006 respectively. All information related to the authorisation of the expenditure has been submitted to the Parliament for consideration. At the time of reporting the approval was not yet granted.

- Irregular Expenditure

The Directorate did identify incidents of irregular expenditure in the financial year under review. The disclosed irregular expenditure under the disclosure notes to the annual financial statements emanates from prior year(s) due to various incidents and the Directorate has since applied for condonement by the National Treasury. It also emanates from current year incidents.

- Fruitless and wasteful expenditure

The Directorate (ICD) did incur fruitless and wasteful expenditure in the year under audit and is disclosed under the disclosure notes to the annual financial statements.

2. Service rendered by the department

2.1 Service rendered by the Independent Complaints Directorate

Reference is made to the reported Programmes' performance in respect of Programme 2 and Programme 3 which includes the legislative mandate of the Independent Complaints Directorate (ICD).

2.2 Tariff policy

For the financial year under review the Independent Complaints Directorate (ICD) did not charge tariffs for services rendered.

2.3 Free Services

The service rendered by the Independent Complaints Directorate (ICD) fall within its policy mandate and is free services rendered which does not have any significant impact on revenue.

2.4 Inventories

The total inventories on hand at year-end consists of National Office (Pretoria) and two Provincial Offices which are KwaZulu-Natal (Durban) and the Western Cape (Cape Town) to the tune of R204,128 as broken down below:

National Office (Pretoria):	R149,867
KwaZulu-Natal (Durban):	R 43,073
Western Cape (Cape Town):	R 11,188

3. Capacity constraints

The current lack in human resource capacity and the high staff turnover are not only identified weaknesses within the Directorate, but might also pose a significant threat for the Directorate to fulfil its legislative mandate and consequently in the achievement of its strategic outcomes and goals.

This is in view of the additional investigation areas identified in the extended mandate and the focus on more serious and priority crimes committed by members of the South African Police Service and the Municipal Police Services.

In addressing the aforesaid weakness to ensure that the IPID fully complies with its extended legislative mandate and added reporting responsibilities, additional posts will be created over the 2012 - 2017 period. Although current economic challenges and the allocation of funding might bring about additional challenges in this regard, the Directorate is committed to deliver on its mandate with the purpose of making a lasting impact in order to contribute towards the achievement of the ultimate outcome which is a Police service that is trusted by the Community.

4. Utilisation of donor funds

For the period under review, the Independent Complaints Directorate (ICD) did not receive any donor funds.

5. Trading entities and public entities

The Independent Complaints Directorate (ICD) does not have activities in the trading, public as well as unlisted entities/funds that form part of the Minister's portfolio.

6. Organisations to whom transfer payments have been made

Like in the previous financial year, the Independent Complaints Directorate (ICD) has only made one transfer payment to the Safety and Security Sector Education Authority (SASSETA) in a form of administrative fees for the Skills Development Levy. (Refer to Annexure I to the Annual Financial Statements for the actual transfer in monetary value).

7. Public private partnerships (PPP)

The Independent Complaints Directorate (ICD) did not enter into Public Private Partnerships (PPP) transactions before and in the period under review.

8. Corporate governance arrangements

The ICD risk management approach is aligned to the King III Code on Corporate Governance and to the National Treasury Risk Management Framework which was developed in response to the requirements of the Public Finance Management Act for public sector departments to implement and maintain effective, efficient and transparent systems of risk management and control.

The risk management approach is tailored to support the ICD on achieving its objectives and serves to effectively identify, evaluate and manage risks that can impact on the organisation.

The annual risk assessment is a systematic process to quantify and qualify the level of risk associated with a specific threat or event which may probably occur. The main purpose of the risk assessment is to prioritise the risks for attention of the risk owners of specific programmes. The risk owners are responsible to develop mitigation strategies which are recorded within risk response plans and evaluated by the Ethics and Risk Management Office, as well as the Executive Director.

Management of the Directorate prioritised 10 Top risks based on their assessment, which were mitigated by the Directorate during the year under review.

In addition to the annual risk assessment, monthly ethics and risk reports are submitted by Provincial Heads and Responsibility Managers. These reports are monitored and evaluated by the Risk Manager. Monthly and quarterly reports are generated.

A key focus of the risk management strategy is the Fraud Prevention Policy and Anti-Corruption Strategy which was established to facilitate the development of controls to assist in the detection and prevention of fraud and corruption, as well as to provide guidelines on how to respond should instances of fraud and corruption be identified. The policy was established to give effect to various legislative instruments. The purpose of the policy is to promote a high standard of professional ethics in the ICD.

Conflict of Interest and Code of Conduct

The department has developed a comprehensive Declaration of Interest form that is completed by all officials. These declarations are evaluated by the Risk Manager. In addition, the ICD Ethics and Integrity training programme includes modules that relate to this ethical issue and includes the Public Service Code of Conduct which is explained to all staff.

9. Discontinued activities/activities to be discontinued

In the year under review the Directorate (ICD) did not discontinue any activities.

10. New/proposed activities

The IPID Act No. 1 of 2011 was implemented on the 1st of April 2012.

11. Asset management

The Directorate is accountable for movable assets in the form of office furniture and all assets have been captured in the asset register.

The assets management compliances with minimum requirements have been achieved as expected. The Assets Register of the Directorate reflects all the required information such as description of assets; ICN; unique asset number/Bar codes; accountability information (Cost Centre Manager responsible - location and custodian); assets value. The BAS reconciliation was also performed on a monthly basis to address the discrepancies between the two used systems. The asset management system is fully implemented and complied with.

The Directorate has complied with the Asset Management Reforms (AMR) milestones and has achieved the expected target. No problems have been experienced regarding the asset management reform.

12. Inventories

All inventory opening and closing balances, together with movements for the year have been reflected in annexure 6: Inventory.

13. Events after the reporting date

As from the 1st of April 2012, the department implemented the IPID Act No. 1 of 2011. This resulted in the change in the directorate's name to the Independent Police Investigative Directorate. The department also reorganised its Programme Structures in line with the IPID Act.

14. Information on predetermined objectives

The Directorate's Strategic Plan and the Annual Performance Plan have been prepared in line with the National Treasury framework. Quarterly reports on actual performance of the programmes have been submitted and presented to the Executive Authority and the Management Committee for further discussion and inputs where necessary.

In addition, the Independent Complaints Directorate (ICD) compiled a monthly In-Year Monitoring (IYM) and Quarterly Performance Report (QPR) as performance monitoring tools. The medium term expenditure estimate was also done in accordance with National Treasury Guidelines and tabled in line with the Annual Performance Plan (APP).

15. SCOPA resolutions

REFERENCE TO PREVIOUS AUDIT REPORT AND SCOPA RESOLUTIONS	SUBJECT	FINDINGS ON PROGRESS
No SCOPA resolutions received by ICD.	Not applicable	Not applicable

Prior modifications to audit reports

The following mechanisms have been put in place by the Accounting Officer to resolve the matters reported by the Auditor-General in the previous financial year.

NATURE OF OPINION AND MATTERS OF NON-COMPLIANCE	FINANCIAL YEAR IN WHICH IT FIRST AROSE	PROGRESS MADE IN CLEARING / RESOLVING THE MATTER
<p>Matters of Non-Compliance:</p> <p>1. The reported performance for Programme 2 on class I and class II cases was not valid when compared to the investigation case files. Cases were signed off as complete without the case investigation report.</p>	2010/11	<p>At Provincial level, the Case Intake Committee has the responsibility of ensuring that new complaints are reviewed.</p> <p>The Provincial Head conducts monthly reviews regarding the province's compliance with the strategic objective for registration and allocation of all cases within 48 hours.</p> <p>At National Office the Database Management Unit (FlowCentric system) provides management with the necessary tool to verify the accuracy of performance and the meeting of targets against the certain predetermined objectives.</p> <p>Management established the Monitoring and Evaluation Committee, who visits all provinces annually to confirm from a review and audit of physical (manual) files, whether the strategic objectives were attained and in addition, whether there was compliance with the Standard Operating Procedures.</p> <p>Monthly reports on case intake are discussed at the Senior Management Meetings.</p>

INDEPENDENT COMPLAINTS DIRECTORATE
VOTE 23
REPORT OF THE ACCOUNTING OFFICER
for the year ended 31 March 2012

<p>2. Numerous cases were approved for completion by officials without proper written delegation of authority. Letters of delegation were not in the investigation files.</p>	<p>2010/11</p>	<p>The Provincial Head, to ensure that before approving completion and/or closure of the file(s) must ensure that there is full compliance with the provisions of the Standard Operating Procedures (SOPS).</p> <p>A Quality Control Form serves as a checklist of activities that should be completed in the file.</p> <p>The Monitoring & Evaluation and Standard Operating Procedures Committee will conduct regular audits on the physical (manual) files to ensure compliance with the SOPS.</p> <p>The Internal Audit Unit conducts regular audits to verify compliance with the SOPS.</p>
<p>3. Payment claims due were not settled within thirty days as required by Treasury Regulation 8.2.3.</p>	<p>2010/11</p>	<p>Systems have been put in place through internal communication to various stakeholders to ensure that all invoices for certified service rendered are submitted and paid within thirty days. Due to financial system problems encountered in the financial year, not all payments were effected within 30 days.</p>
<p>4. Non verification of the qualification and other claims relevant to the employment position on newly appointed employees.</p>	<p>2010/11</p>	<p>All newly appointed staff's qualifications are now verified with the South African Qualifications Authority (SAQA) as per the directive from the Department of Public Service Administration (DPSA) as on 01 July 2011.</p> <p>In addition, the Department signed a service level agreement with Experian in December 2011 to conduct the criminal record, citizen verification and financial or asset record checks of all newly appointed employees.</p>
<p>5. Material understatement of contingent liability disclosure to the annual financial statement.</p>	<p>2010/11</p>	<p>Management subsequently corrected the identified misstatement. The contingent liability inputs into the financial statements received from Legal Services will be signed off by the Director Legal Services as being complete and accurate. All inputs are verified for accuracy and completeness.</p>

INDEPENDENT COMPLAINTS DIRECTORATE
VOTE 23
REPORT OF THE ACCOUNTING OFFICER
for the year ended 31 March 2012

<p>Internal Controls:</p> <p>1. Leadership: Non-availability of a comprehensive system of reporting performance information.</p>	<p>2010/11</p>	<p>The Department has developed the FlowCentric Case Management System to ensure proper reporting of performance information. The system is still in the process of implementation; however internal control systems have been put in place to ensure proper performance information reporting. These include monthly verification of performance information by Provincial Heads and all Case Workers to confirm performance information contained in the monthly reports.</p>
<p>2. Leadership: Non-availability of a compliance structure and processes to identify relevant laws and legislative requirements, including monitoring of risk relating to non-compliance</p>	<p>2010/11</p>	<p>The Standard Operating Procedures (SOPS) have since been amended to include responsibility on the part of the Provincial Heads to ensure that workload verification is conducted monthly and performance information that is contained in the monthly report is verified by all Case Workers and certificates are signed by all Case Workers including the Provincial Heads. Programme Manager then verifies the information with Database Management and a certificate is signed to confirm the correctness of the performance information. Audits are also done by the Head Office to verify information supplied.</p>
<p>3. Financial and performance management: Non-development of data quality standards in line with SMART principle contained in the framework for managing programme performance information for reporting.</p>	<p>2010/11</p>	<p>The newly established Corporate Governance Component has been tasked to also focus on monitoring and evaluation of performance, reporting on the attainment of strategic objectives.</p>

16. Exemptions and deviations received from the National Treasury

No exemption or deviation from the PFMA or Treasury Regulations or deviation from the financial reporting requirements have been requested or received from the National Treasury for the current and/or prior financial year.

17. Interim Financial Statements


Due to the capacity constraints particularly in financial management and other support service components, the Directorate was unable to submit the interim financial statements as required and the matter was communicated to the Office of the Auditor-General. However, the Department has since started with the process of capacitating the relevant components in order to avoid repetition of non-compliance.

18. Other

The Directorate is not aware of any material fact or circumstances not addressed, which may have an effect on the understanding of the financial state of affairs.

19. Approval

The Annual Financial Statements set out on pages 72 to 137 have been approved by the Accounting Officer.



Mr Francois Beukman
Executive Director

31 July 2012

REPORT OF THE AUDITOR-GENERAL TO PARLIAMENT ON VOTE NO. 23: INDEPENDENT COMPLAINTS DIRECTORATE FOR THE YEAR ENDED 31 MARCH 2012

REPORT ON THE FINANCIAL STATEMENTS

Introduction

1. I have audited the financial statements of the Independent Complaints Directorate (ICD) set out on pages 93 to 144, which comprise the appropriation statement, the statement of financial position as at 31 March 2012, the statement of financial performance, and the cash flow statement for the year then ended, and the notes, comprising a summary of significant accounting policies and other explanatory information.

Accounting officer's responsibility for the financial statements

2. The accounting officer is responsible for the preparation and fair presentation of these financial statements in accordance with the Departmental Financial Reporting Framework as prescribed by National Treasury and the requirements of the Public Finance Management Act of South Africa, 1999 (Act No. 1 of 1999) (PFMA), and for such internal control as the accounting officer determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor-General's responsibility

3. My responsibility is to express an opinion on these financial statements based on my audit. I conducted my audit in accordance with the Public Audit Act of South Africa, 2004 (Act No. 25 of 2004) (PAA), the General Notice issued in terms thereof and International Standards on Auditing. Those standards require that I comply with ethical requirements and plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.
4. An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

5. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

Opinion

6. In my opinion, the financial statements present fairly, in all material respects, the financial position of the Independent Complaints Directorate as at 31 March 2012, and its financial performance and cash flows for the year then ended in accordance with Departmental Reporting Framework prescribed by National Treasury and the requirements of the Public Finance Management Act of South Africa, 1999 (Act No.1 of 1999)(PFMA).

Emphasis of matter

7. I draw attention to the matter below. My opinion is not modified in respect of this matter.

Restatement of corresponding figures

8. As disclosed in note 20 to the financial statements, the corresponding figures for 31 March 2011 have been restated as a result of an error discovered during 2011/2012 in the financial statements of the Independent Complaints Directorate at, and for the year ended, 31 March 2011.

Additional matter

I draw attention to the matters below.

Financial reporting framework

9. The financial reporting framework prescribed by the National Treasury and applied by the department is a compliance framework. The wording of my opinion on a compliance framework should reflect that the financial statements have been prepared in accordance with this framework and not that they "present fairly". Section 20(2) (a) of the PAA, however, requires me to express an opinion on the fair presentation of the financial statements. The wording of my opinion therefore reflects this requirement.

REPORT ON OTHER LEGAL AND REGULATORY REQUIREMENTS

10. In accordance with the PAA and the General Notice issued in terms thereof, I report the following findings relevant to performance against predetermined objectives, compliance with laws and regulations and internal control, but not for the purpose of expressing an opinion.

Predetermined objectives

11. I performed procedures to obtain evidence about the usefulness and reliability of the information in the report on performance against predetermined objectives as set out on pages 10 to 44 of the annual report.
12. The reported performance against predetermined objectives was evaluated against the overall criteria of usefulness and reliability. The usefulness of information in the annual performance report relates to whether it is presented in accordance with the National Treasury annual reporting principles and whether the reported performance is consistent with the planned objectives. The usefulness of information further relates to whether indicators and targets are measurable (i.e. well defined, verifiable, specific, measurable and time bound) and relevant as required by the National Treasury Framework for managing programme performance information.
13. The reliability of the information in respect of the selected programme objectives is assessed to determine whether it adequately reflects the facts (i.e. whether it is valid, accurate and complete).

14. The material findings are as follows:

Reliability of information

Validity

15. The National Treasury Framework for managing programme performance information (FMPPI) requires that processes and systems which produce the indicator should be verifiable. I was unable to obtain all the information and explanations I considered necessary to satisfy myself as to the validity, accuracy and completeness of the actual reported performance relevant to 100% of the objective: To register and allocate all new cases within 48 hours of receipt. This was due to limitations placed on the scope of my work by the department's records not permitting the provision of evidence that supports the validity, accuracy and completeness of performance against the objective. I was also unable to apply alternative audit procedures.

Additional matter

16. I draw attention to the following matter below. This matter does not have an impact on the report on performance against predetermined objectives audit findings reported above.

Achievement of planned targets

17. Of the total number of planned targets, only twenty (20) were achieved during the year under review. This represents 31% of total planned targets that were not achieved during the year under review. The non-achievement of other targets was as a result of the institution experiencing capacity constraints during the implementation process.

Compliance with laws and regulations

18. I performed procedures to obtain evidence that the department has complied with applicable laws and regulations regarding financial matters, financial management and other related matters. My findings on material non-compliance with specific matters in key applicable laws and regulations as set out in the General Notice issued in terms of the PAA are as follows:

Human resource management

19. A human resource plan was not in place as required by Public Service Regulation I/III/B.2 (d).

Expenditure management

20. Contractual obligations and money owed by the department were not settled within 30 days, as required by section 38(1)(f) of the Public Finance Management Act and Treasury Regulation 8.2.3.

Internal control

21. I considered internal control relevant to my audit of the financial statements, the report on performance against predetermined objectives and compliance with laws and regulations. The matters reported below under the fundamentals of internal control are limited to the significant deficiencies that resulted in the findings on the performance report and the findings on compliance with laws and regulations included in this report.

Leadership

22. Control environment that promotes responsibility and accountability of senior management with regard to compliance with applicable laws and regulation was not adequately implemented by the accounting officer.
23. Developed action plans to remedy control deficiencies reported were not properly implemented and monitored.

Financial and performance management

24. A proper record maintenance system that supports actual performance reported against predetermined objectives was not adequately implemented.
25. The financial reporting system at the department was not able to produce a complete set of interim financial statement.
26. Compliance monitoring controls in place were not able to detect and prevent non-compliance with applicable laws and regulations which resulted in irregular expenditure.

OTHER REPORTS

Investigations

27. An investigation by the public protector is currently taking place on the lease arrangement of the City Forum Building currently by the ICD national office. Investigation pertains to procurement irregularities involving the Department of Public Works.

Auditor-General

Pretoria
27 July 2012



AUDITOR - GENERAL
SOUTH AFRICA

Auditing to build public confidence

INDEPENDENT COMPLAINTS DIRECTORATE
VOTE 23
APPROPRIATION STATEMENT
for the year ended 31 March 2012

INDEPENDENT COMPLAINTS DIRECTORATE
VOTE 23
APPROPRIATION STATEMENT
for the year ended 31 March 2012

APPROPRIATION STATEMENT

APPROPRIATION STATEMENT	APPROPRIATION PER PROGRAMME										
	2011/12					2010/11					
	ADJUSTED APPROPRIATION	SHIFTING OF FUNDS	VIREMENT	FINAL APPROPRIATION	ACTUAL EXPENDITURE	VARIANCE	EXPENDITURE AS % OF FINAL APPROPRIATION	FINAL APPROPRIATION	ACTUAL EXPENDITURE		
R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000	R'000	R'000	
1. Programme 1											
Current payment	58 459	(333)	924	59 050	59 792			49 579	49 535		
Transfers and subsidies	87	-	-	87	87		101.3%	74	74		
Payment for capital assets	1 403	333	-	1 736	993		57.2%	1 025	778		
2. Programme 2											
Current payment	72 631	(345)	(1 276)	71 010	71 799			64 215	63 592		
Payment for capital assets	1 886	342	-	2 228	1 438		101.1%	1 710	1 367		
Payment for financial assets	5	3	-	8	8		64.5%	-	38		
3. Programme 3											
Current payment	16 779	(88)	349	17 040	17 492			14 014	12 549		
Payment for capital assets	2 284	88	-	2 372	1 920		102.7%	818	511		
Payment for financial assets	-	-	3	3	3		80.9%	-	-		
Subtotal	153 534	-	-	153 534	153 532		100.0%	131 435	128 444		
TOTAL	153 534	-	-	153 534	153 532		100.0%	131 435	128 444		

INDEPENDENT COMPLAINTS DIRECTORATE
VOTE 23
APPROPRIATION STATEMENT
for the year ended 31 March 2012

	2011/12		2010/11	
	FINAL APPROPRIATION	ACTUAL EXPENDITURE	FINAL APPROPRIATION	ACTUAL EXPENDITURE
TOTAL (brought forward)	153 534	153 532	131 435	128 444
Reconciliation with statement of financial performance				
ADD				
Departmental receipts	125		168	
	153 659		131 603	
Actual amounts per statement of financial performance (total revenue)				
Actual amounts per statement of financial performance (total expenditure)		153 532		128 444

INDEPENDENT COMPLAINTS DIRECTORATE
VOTE 23
APPROPRIATION STATEMENT
for the year ended 31 March 2012

APPROPRIATION PER ECONOMIC CLASSIFICATION									
	2011/12					2010/11			
	ADJUSTED APPROPRIATION	SHIFTING OF FUNDS	VIREMENT	FINAL APPROPRIATION	ACTUAL EXPENDITURE	VARIANCE	EXPENDITURE AS % OF FINAL APPROPRIATION	FINAL APPROPRIATION	ACTUAL EXPENDITURE
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
Current payments									
Compensation of employees	87 083	(2 015)	(6 620)	78 448	78 093	355	99.5%	72 375	71 752
Goods and services	62 210	1 249	6 617	70 076	70 990	(914)	101.3%	55 433	53 924
Transfers and subsidies									
Departmental agencies and accounts	87	-	-	87	87	-	100.0%	74	74
Payments for capital assets									
Machinery and equipment	4 149	763	-	4 912	4 351	561	88.6%	3 553	2 656
Payments for financial assets									
	5	3	3	11	11	-	100.0%	-	38
Total	153 534	-	-	153 534	153 532	2	100.0%	131 435	128 444

INDEPENDENT COMPLAINTS DIRECTORATE
VOTE 23
APPROPRIATION STATEMENT
for the year ended 31 March 2012

DETAIL PER SUB-PROGRAMME PROGRAMME 1: ADMINISTRATION	2011/12						2010/11		
	ADJUSTED APPROPRIATION R'000	SHIFTING OF FUNDS R'000	VIREMENT R'000	FINAL APPROPRIATION R'000	ACTUAL EXPENDITURE R'000	VARIANCE R'000	EXPENDITURE AS % OF FINAL APPROPRIATION %	FINAL APPROPRIATION R'000	ACTUAL EXPENDITURE R'000
1.1 Sub-programme 1: MANAGEMENT									
Current payment	10 525	(15)	(589)	9 921	10 044	(123)	101.2%	8 792	8 748
Payment for capital assets	279	15	-	294	170	124	57.8%	410	339
1.2 Sub-programme 2: CORPORATE SERVICES									
Current payment	39 301	(318)	1 513	40 496	41 115	(619)	101.5%	32 662	32 662
Transfers and subsidies	87	-	-	87	87	-	100.0%	74	74
Payment for capital assets	1 124	318	-	1 442	823	619	57.1%	615	439
1.3 Sub-programme 3: OFFICE ACCOMMODATION									
Current payment	8 633	-	-	8 633	8 633	-	100.0%	8 125	8 125
Total	59 949	-	924	60 873	60 872	1	100.0%	50 678	50 387

INDEPENDENT COMPLAINTS DIRECTORATE
VOTE 23
APPROPRIATION STATEMENT
for the year ended 31 March 2012

ECONOMIC CLASSIFICATION PROGRAMME I	2011/12							2010/11	
	ADJUSTED APPROPRIATION	SHIFTING OF FUNDS	VIREMENT	FINAL APPROPRIATION	ACTUAL EXPENDITURE	VARIANCE	EXPENDITURE AS % OF FINAL APPROPRIATION	FINAL APPROPRIATION	ACTUAL EXPENDITURE
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
Current payments									
Compensation of employees	30 576	(589)	(5 563)	24 424	24 424	-	100.0%	22 433	22 433
Goods and services	27 883	256	6 487	34 626	35 368	(742)	102.1%	27 146	27 102
Transfers and subsidies to:									
Departmental agencies and accounts	87	-	-	87	87	-	100.0%	74	74
Payment for capital assets									
Machinery and equipment	1 403	333	-	1 736	993	743	57.2%	1 025	778
Total	59 949	-	924	60 873	60 872	1	100.0%	50 678	50 387

INDEPENDENT COMPLAINTS DIRECTORATE
VOTE 23
APPROPRIATION STATEMENT
for the year ended 31 March 2012

DETAIL PER SUB-PROGRAMME	2011/12						2010/11		
	ADJUSTED APPROPRIATION	SHIFTING OF FUNDS	VIREMENT	FINAL APPROPRIATION	ACTUAL EXPENDITURE	VARIANCE	EXPENDITURE AS % OF FINAL APPROPRIATION	FINAL APPROPRIATION	ACTUAL EXPENDITURE
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
COMPLAINTS PROCESSING, MONITORING AND INVESTIGATION									
2.1 Sub-programme 1: COMPLAINTS PROCESSING, MONITORING AND INVESTIGATION									
Current payment	70 709	(314)	(1 062)	69 333	70 038	(705)	101.0%	62 046	62 008
Payment for capital assets	1 802	311	-	2 113	1 407	706	66.6%	1 545	1 354
Payment for financial assets	5	3	-	8	8	-	100.0%	-	38
2.2 Sub-programme 2: LEGAL SERVICES									
Current payment	1 922	(31)	(214)	1 677	1 761	(84)	105.0%	2 169	1 584
Payment for capital assets	84	31	-	115	31	84	27.0%	165	13
Total	74 522	-	(1 276)	73 246	73 245	1	100.0%	65 925	64 997

INDEPENDENT COMPLAINTS DIRECTORATE
VOTE 23
APPROPRIATION STATEMENT
for the year ended 31 March 2012

ECONOMIC CLASSIFICATION PROGRAMME 2	2011/12						2010/11		
	ADJUSTED APPROPRIATION	SHIFTING OF FUNDS	VIREMENT	FINAL APPROPRIATION	ACTUAL EXPENDITURE	VARIANCE	EXPENDITURE AS % OF FINAL APPROPRIATION	FINAL APPROPRIATION	ACTUAL EXPENDITURE
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
Current payments									
Compensation of employees	47 386	(1 220)	(599)	45 567	45 212	355	99.2%	43 558	42 935
Goods and services	25 245	875	(677)	25 443	26 587	(1 144)	104.5%	20 657	20 657
Payment for capital assets									
Machinery and equipment	1 886	342	-	2 228	1 438	790	64.5%	1 710	1 367
Payments for financial assets									
	5	3	-	8	8	-	100.0%	-	38
Total	74 522	-	(1 276)	73 246	73 245	1	100.0%	65 925	64 997

INDEPENDENT COMPLAINTS DIRECTORATE
VOTE 23
APPROPRIATION STATEMENT
for the year ended 31 March 2012

DETAIL PER SUB-PROGRAMME	2011/12						2010/11		
	ADJUSTED APPROPRIATION	SHIFTING OF FUNDS	VIREMENT	FINAL APPROPRIATION	ACTUAL EXPENDITURE	VARIANCE	EXPENDITURE AS % OF FINAL APPROPRIATION	FINAL APPROPRIATION	ACTUAL EXPENDITURE
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
3.1 Sub-programme 1: RESEARCH									
Current payment	1 810	(23)	(359)	1 428	1 433	(5)	100.4%	1 456	1 456
Payment for capital assets	-	23	-	23	18	5	78.3%	19	19
3.2 Sub-programme 2: INFORMATION MANAGEMENT SYSTEM									
Current payment	14 969	(65)	708	15 612	16 059	(447)	102.9%	12 558	11 093
Payment for capital assets	2 284	65	-	2 349	1 902	447	81.0%	799	492
Payment for financial assets	-	-	3	3	3	-	100.0%	-	-
Total	19 063	-	352	19 415	19 415	-	100.0%	14 832	13 060

INDEPENDENT COMPLAINTS DIRECTORATE
VOTE 23
APPROPRIATION STATEMENT
for the year ended 31 March 2012

ECONOMIC CLASSIFICATION PROGRAMME 3	2011/12						2010/11		
	ADJUSTED APPROPRIATION	SHIFTING OF FUNDS	VIREMENT	FINAL APPROPRIATION	ACTUAL EXPENDITURE	VARIANCE	EXPENDITURE AS % OF FINAL APPROPRIATION	FINAL APPROPRIATION	ACTUAL EXPENDITURE
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
Current payments									
Compensation of employees	9 121	(206)	(458)	8 457	8 457	-	100.0%	6 384	6 384
Goods and services	7 658	118	807	8 583	9 035	(452)	105.3%	7 630	6 165
Payment for capital assets									
Machinery and equipment	2 284	88	-	2 372	1 920	452	80.9%	818	511
Payments for financial assets									
	-	-	3	3	3	-	100.0%	-	-
Total	19 063	-	352	19 415	19 415	-	100.0%	14 832	13 060

NOTES TO THE APPROPRIATION STATEMENT

1. Detail of transfers and subsidies as per Appropriation Act (after Virement):

Detail of these transactions can be viewed in the note on Transfers and subsidies, disclosure notes and Annexure I (A) to the Annual Financial Statements.

2. Detail of specifically and exclusively appropriated amounts voted (after Virement):

Detail of these transactions can be viewed in note I (Annual Appropriation) to the Annual Financial Statements.

3. Detail on payments for financial assets

Detail of these transactions per programme can be viewed in the note 5 on Payments for financial assets to the Annual Financial Statements.

4. Explanations of material variances from Amounts Voted (after Virement):

4.1 PER PROGRAMME	FINAL APPROPRIA- TION	ACTUAL EX- PENDITURE	VARIANCE	VARIANCE AS A % OF FINAL APPROPRIA- TION
	R'000	R'000	R'000	R'000
Programme 1	60 873	60 872	1	0.00%
Programme 2	73 246	73 245	1	0.00%
Programme 3	19 415	19 415	-	0.00%

4.2 PER ECONOMIC CLASSIFICATION	FINAL APPROPRIA- TION	ACTUAL EX- PENDITURE	VARIANCE	VARIANCE AS A % OF FINAL APPROPRIA- TION
	R'000	R'000	R'000	R'000

Current payments

Compensation of employees	78 448	78 093	355	0.45%
Goods and services	68 652	70 990	(2 338)	(3.41%)

Transfers and subsidies

Departmental agencies and accounts	87	87	-	0.00%
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Payments for capital assets

Machinery and equipment	6 336	4 351	1 985	31.33%
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Payments for financial assets

	11	11	-	0.00%
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INDEPENDENT COMPLAINTS DIRECTORATE
VOTE 23
NOTES TO THE APPROPRIATION STATEMENT
for the year ended 31 March 2012

The variance was attributed to the fact that funds were shifted to machinery and equipment and orders were placed. When the equipment was delivered, the detail on the invoice necessitated the allocation of goods less than R5 000 to Goods and services and not to machinery and equipment. Virement could therefore not be applied to move funds back from capital to current (PFMA: Section 43(4)(c)).

INDEPENDENT COMPLAINTS DIRECTORATE
VOTE 23
STATEMENT OF FINANCIAL PERFORMANCE
for the year ended 31 March 2012

PERFORMANCE	NOTE	2011/12 R'000	2010/11 R'000
REVENUE			
Annual appropriation	1	153 534	131 435
Departmental revenue	2	125	168
TOTAL REVENUE		153 659	131 603
EXPENDITURE			
Current expenditure			
Compensation of employees	3	78 093	71 752
Goods and services	4	70 990	53 924
Total current expenditure		149 083	125 676
Transfers and subsidies			
Transfers and subsidies	6	87	74
Total transfers and subsidies		87	74
Expenditure for capital assets			
Tangible capital assets	7	4 351	2 656
Total expenditure for capital assets		4 351	2 656
Payments for financial assets	5	11	38
TOTAL EXPENDITURE		153 532	128 444
SURPLUS/(DEFICIT) FOR THE YEAR		127	3 159
Reconciliation of Net Surplus/(Deficit) for the year			
Voted funds		2	2 991
Departmental revenue and NRF Receipts	13	125	168
SURPLUS/(DEFICIT) FOR THE YEAR		127	3 159

INDEPENDENT COMPLAINTS DIRECTORATE
VOTE 23
STATEMENT OF FINANCIAL POSITION
for the year ended 31 March 2012

POSITION	NOTE	2011/12 R'000	2010/11 R'000
ASSETS			
Current assets		2 091	3 023
Unauthorised expenditure	8	891	891
Cash and cash equivalents	9	29	1 519
Prepayments and advances	10	20	19
Receivables	11	1 151	594
TOTAL ASSETS		2 091	3 023
LIABILITIES			
Current liabilities		2 091	3 023
Voted funds to be surrendered to the Revenue Fund	12	(508)	2 991
Departmental revenue and NRF Receipts to be surrendered to the Revenue Fund	13	20	4
Bank overdraft	14	705	-
Payables	15	1 874	28
TOTAL LIABILITIES		2 091	3 023
NET ASSETS		-	-

INDEPENDENT COMPLAINTS DIRECTORATE
VOTE 23
CASH FLOW STATEMENT
for the year ended 31 March 2012

CASH FLOW	NOTE	2011/12 R'000	2010/11 R'000
CASH FLOWS FROM OPERATING ACTIVITIES			
Receipts		153 147	131 603
Annual appropriated funds received	1.1	153 024	131 435
Departmental revenue received	2	123	168
Net (increase)/decrease in working capital		1 288	134
Surrendered to Revenue Fund		(3 100)	(10 408)
Current payments		(149 083)	(125 676)
Payments for financial assets		(11)	(38)
Transfers and subsidies paid		(87)	(74)
Net cash flow available from operating activities	16	2 154	(4 459)
CASH FLOWS FROM INVESTING ACTIVITIES			
Payments for capital assets	7	(4 351)	(2 656)
Proceeds from sale of capital assets		2	-
Net cash flows from investing activities		(4 349)	(2 656)
Net increase/(decrease) in cash and cash equivalents		(2 195)	(7 115)
Cash and cash equivalents at beginning of period		1 519	8 634
Cash and cash equivalents at end of period	17	(676)	1 519

ACCOUNTING POLICIES

The Financial Statements have been prepared in accordance with the following policies, which have been applied consistently in all material aspects, unless otherwise indicated. However, where appropriate and meaningful, additional information has been disclosed to enhance the usefulness of the Financial Statements and to comply with the statutory requirements of the Public Finance Management Act, Act 1 of 1999 (as amended by Act 29 of 1999), and the Treasury Regulations issued in terms of the Act and the Division of Revenue Act, Act 1 of 2010.

I. Presentation of the Financial Statements

1.1 *Basis of preparation*

The Financial Statements have been prepared on a modified cash basis of accounting, except where stated otherwise. The modified cash basis constitutes the cash basis of accounting supplemented with additional disclosure items. Under the cash basis of accounting transactions and other events are recognised when cash is received or paid.

1.2 *Presentation currency*

All amounts have been presented in the currency of the South African Rand (R) which is also the functional currency of the department.

1.3 *Rounding*

Unless otherwise stated all financial figures have been rounded to the nearest one thousand Rand (R'000).

1.4 *Comparative figures*

Prior period comparative information has been presented in the current year's financial statements. Where necessary figures included in the prior period financial statements have been reclassified to ensure that the format in which the information is presented is consistent with the format of the current year's financial statements.

1.5 *Comparative figures - Appropriation Statement*

A comparison between actual amounts and final appropriation per major classification of expenditure is included in the Appropriation Statement.

2. Revenue

2.1 *Appropriated funds*

Appropriated funds comprises of departmental allocations as well as direct charges against revenue fund (i.e. statutory appropriation).

Appropriated funds are recognised in the financial records on the date the appropriation becomes effective. Adjustments made in terms of the adjustments budget process are recognised in the financial records on the date the adjustments become effective.

Unexpended appropriated funds are surrendered to the National Revenue Fund. Any amounts owing to the National Revenue Fund at the end of the financial year are recognised as payable in the statement of financial position.

2.2 *Departmental revenue*

All departmental revenue is recognised in the statement of financial performance when received and is subsequently paid into the National Revenue Fund, unless stated otherwise.

Any amount owing to the National Revenue Fund at the end of the financial year is recognised as a payable in the statement of financial position.

No accrual is made for amounts receivable from the last receipt date to the end of the reporting period. These amounts are however disclosed in the disclosure notes to the annual financial statements.

3. Expenditure

3.1 *Compensation of employees*

3.1.1 *Salaries and wages*

Salaries and wages are expensed in the statement of financial performance when the final authorisation for payment is effected on the system (by no later than 31 March of each year).

Other employee benefits that give rise to a present legal or constructive obligation are disclosed in the disclosure notes to the financial statements at its face value and are not recognised in the statement of financial performance or position.

3.1.2 *Social contributions*

Employer contributions to post employment benefit plans in respect of current employees are expensed in the statement of financial performance when the final authorisation for payment is effected on the system (by no later than 31 March of each year).

No provision is made for retirement benefits in the financial statements of the department. Any potential liabilities are disclosed in the financial statements of the National Revenue Fund and not in the financial statements of the employer department.

Employer contributions made by the department for certain of its ex-employees (such as medical benefits) are classified as transfers to households in the statement of financial performance.

3.2 Goods and services

Payments made during the year for goods and/or services are recognised as an expense in the statement of financial performance when the final authorisation for payment is effected on the system (by no later than 31 March of each year).

The expense is classified as capital if the goods and/or services were acquired for a capital project or if the total purchase price exceeds the capitalisation threshold (currently R5 000). All other expenditures are classified as current.

Rental paid for the use of buildings or other fixed structures is classified as goods and services and not as rent on land.

3.3 Payments for financial assets

Debts are written off when identified as irrecoverable. Debts written-off are limited to the amount of savings and/or under-spending of appropriated funds. The write off occurs at year-end or when funds are available. No provision is made for irrecoverable amounts but an estimate is included in the disclosure notes to the financial statements amounts.

All other losses are recognised when authorisation has been granted for the recognition thereof.

3.4 Transfers and subsidies

Transfers and subsidies are recognised as an expense when the final authorisation for payment is effected on the system (by no later than 31 March of each year).

3.5 Unauthorised expenditure

When confirmed, unauthorised expenditure is recognised as an asset in the statement of financial position until such time as the expenditure is either approved by the relevant authority, recovered from the responsible person or written off as irrecoverable in the statement of financial performance.

Unauthorised expenditure approved with funding is derecognised from the statement of financial position when the unauthorised expenditure is approved and the related funds are received.

Where the amount is approved without funding it is recognised as expenditure in the statement of financial performance on the date of approval.

3.6 *Fruitless and wasteful expenditure*

Fruitless and wasteful expenditure is recognised as expenditure in the statement of financial performance according to the nature of the payment and not as a separate line item on the face of the statement. If the expenditure is recoverable it is treated as an asset until it is recovered from the responsible person or written off as irrecoverable in the statement of financial performance.

3.7 *Irregular expenditure*

Irregular expenditure is recognised as expenditure in the statement of financial performance. If the expenditure is not condoned by the relevant authority it is treated as an asset until it is recovered or written off as irrecoverable.

4. Assets

4.1 *Cash and cash equivalents*

Cash and cash equivalents are carried in the statement of financial position at cost.

Bank overdrafts are shown separately on the face of the statement of financial position.

For the purposes of the cash flow statement, cash and cash equivalents comprise cash on hand, deposits held, other short-term highly liquid investments and bank overdrafts.

4.2 *Prepayments and advances*

Amounts prepaid or advanced are recognised in the statement of financial position when the payments are made and are derecognised as and when the goods/services are received or the funds are utilised.

Prepayments and advances outstanding at the end of the year are carried in the statement of financial position at cost.

4.3 *Receivables*

Receivables included in the statement of financial position arise from cash payments made that are recoverable from another party (including departmental employees) and are derecognised upon recovery or write-off.

Receivables outstanding at year-end are carried in the statement of financial position at cost plus any accrued interest. Amounts that are potentially irrecoverable are included in the disclosure notes.

4.4 *Inventory*

Inventories that qualify for recognition must be initially reflected at cost. Where inventories are acquired at no cost, or for nominal consideration, their cost shall be their fair value at the date of acquisition.

All inventory items at year-end are reflected using the weighted average cost formula.

4.5 *Capital assets*

4.5.1 *Movable assets*

Initial recognition

A capital asset is recorded in the asset register on receipt of the item at cost. Cost of an asset is defined as the total cost of acquisition. Where the cost cannot be determined accurately, the movable capital asset is stated at fair value. Where fair value cannot be determined, the capital asset is included in the asset register at R1.

All assets acquired prior to 1 April 2002 are included in the register at R1.

Subsequent recognition

Subsequent expenditure of a capital nature is recorded in the statement of financial performance as "expenditure for capital assets" and is capitalised in the asset register of the department on completion of the project.

Repairs and maintenance is expensed as current "goods and services" in the statement of financial performance.

4.5.2 *Immovable assets*

Initial recognition

A capital asset is recorded on receipt of the item at cost. Cost of an asset is defined as the total cost of acquisition. Where the cost cannot be determined accurately, the immovable capital asset is stated at R1 unless the fair value for the asset has been reliably estimated.

Subsequent recognition

Work-in-progress of a capital nature is recorded in the statement of financial performance as "expenditure for capital assets". On completion, the total cost of the project is included in the asset register of the department that is accountable for the asset.

Repairs and maintenance is expensed as current "goods and services" in the statement of financial performance.

5. *Liabilities*

5.1 *Payables*

Recognised payables mainly comprise of amounts owing to other governmental entities. These payables are carried at cost in the statement of financial position.

5.2 *Contingent liabilities*

Contingent liabilities are included in the disclosure notes to the financial statements when it is possible that economic benefits will flow from the department, or when an outflow of economic benefits or service potential

is probable but cannot be measured reliably.

5.3 *Commitments*

Commitments are not recognised in the statement of financial position as a liability or as expenditure in the statement of financial performance but are included in the disclosure notes.

5.4 *Accruals*

Accruals are not recognised in the statement of financial position as a liability or as expenditure in the statement of financial performance but are included in the disclosure notes.

5.5 *Employee benefits*

Short-term employee benefits that give rise to a present legal or constructive obligation are disclosed in the disclosure notes to the financial statements. These amounts are not recognised in the statement of financial performance or the statement of financial position.

5.6 *Lease commitments*

Finance lease

Finance leases are not recognised as assets and liabilities in the statement of financial position. Finance lease payments are recognised as an expense in the statement of financial performance and are apportioned between the capital and interest portions. The finance lease liability is disclosed in the disclosure notes to the financial statements.

Operating lease

Operating lease payments are recognised as an expense in the statement of financial performance. The operating lease commitments are disclosed in the disclosure notes to the financial statement.

5.7 *Impairment*

The department tests for impairment where there is an indication that a receivable, loan or investment may be impaired. An assessment of whether there is an indication of possible impairment is done at each reporting date. An estimate is made for doubtful loans and receivables based on a review of all outstanding amounts at year-end. Impairments on investments are calculated as being the difference between the carrying amount and the present value of the expected future cash flows / service potential flowing from the instrument.

5.8 *Provisions*

Provisions are disclosed when there is a present legal or constructive obligation to forfeit economic benefits as a result of events in the past and it is probable that an outflow of resources embodying economic benefits will be required to settle the obligation and a reliable estimate of the obligation can be made.

6. Receivables for departmental revenue

Receivables for departmental revenue are disclosed in the disclosure notes to the annual financial statements.

7. Key management personnel

Compensation paid to key management personnel including their family members where relevant, is included in the disclosure notes.

NOTES TO THE FINANCIAL STATEMENTS

1. Annual Appropriation

1.1 Annual Appropriation

Included are funds appropriated in terms of the Appropriation Act (and the Adjustments Appropriation Act) for National Departments (Voted funds):

	2011/12	2010/11		
	FINAL APPROPRIATION R'000	ACTUAL FUNDS RECEIVED R'000	FUNDS NOT REQUESTED/ NOT RECEIVED R'000	APPROPRIATION RECEIVED R'000
Programme 1	60 873	59 769	1 104	50 678
Programme 2	73 246	74 245	(999)	65 925
Programme 3	19 415	19 010	405	14 832
Total	153 534	153 024	510	131 435

The reason for funds not requested was that the previously approved drawings schedule from National Treasury was used. The R510 000 was subsequently requested and received in April 2012.

2. Departmental revenue

	NOTE	2011/12 R'000	2010/11 R'000
Sales of goods and services other than capital assets	2.1	111	89
Interest, dividends and rent on land	2.2	(1)	5
Sales of capital assets	2.3	2	-
Transactions in financial assets and liabilities	2.4	13	74
Departmental revenue collected		125	168

2.1 Sales of goods and services other than capital assets

	NOTE	2011/12 R'000	2010/11 R'000
Sales of goods and services produced by the department	2	111	89
Sales by market establishment		61	42
Other sales		50	47
Total		111	89

INDEPENDENT COMPLAINTS DIRECTORATE
VOTE 23
NOTES TO THE FINANCIAL STATEMENTS
for the year ended 31 March 2012

2.2 Interest, dividends and rent on land

	NOTE	2011/12	2010/11
		R'000	R'000
Interest	2	(1)	5
Total		(1)	5

2.3 Sales of capital assets

	NOTE	2011/12	2010/11
		R'000	R'000
Tangible assets			
Machinery and equipment		2	-
Total		2	-

2.4 Transactions in financial assets and liabilities

	NOTE	2011/12	2010/11
		R'000	R'000
Receivables	2	-	46
Other Receipts including Recoverable Revenue		13	28
Total		13	74

3. Compensation of employees

3.1 Salaries and wages

	NOTE	2011/12	2010/11
		R'000	R'000
Basic salary		50 877	46 651
Performance award		1 151	1 087
Service Based		15	3 752
Compensative/circumstantial		3 877	2 202
Other non-pensionable allowances		11 742	8 682
Total		67 662	62 374

3.2 Social contributions

	NOTE	2011/12 R'000	2010/11 R'000
Employer contributions			
Pension		6 612	5 990
Medical		3 801	3 374
Bargaining council		18	14
Total		10 431	9 378
Total compensation of employees			
		78 093	71 752
Average number of employees		303	292

4. Goods and services

	NOTE	2011/12 R'000	2010/11 R'000
Administrative fees		640	471
Advertising		789	465
Assets less than R5,000	4.1	674	814
Bursaries (employees)		215	230
Catering		340	269
Communication		2 425	2 948
Computer services	4.2	7 011	5 136
Consultants, contractors and agency/outsourced services	4.3	1 841	2 076
Audit cost – external	4.4	2 453	2 995
Fleet services		5 586	4 480
Inventory	4.5	1 972	2 048
Operating leases		22 792	15 568
Property payments	4.6	5 537	3 999
Transport provided as part of the departmental activities		-	2
Travel and subsistence	4.7	15 723	10 617
Venues and facilities		305	306
Training and staff development		1 616	1 113
Other operating expenditure	4.8	1 071	387
Total		70 990	53 924

INDEPENDENT COMPLAINTS DIRECTORATE
VOTE 23
NOTES TO THE FINANCIAL STATEMENTS
for the year ended 31 March 2012

4.1 Assets less than R5,000

	NOTE	2011/12	2010/11
	4	R'000	R'000
Tangible assets			
Machinery and equipment		674	814
Total		674	814

4.2 Computer services

	NOTE	2011/12	2010/11
	4	R'000	R'000
SITA computer services		1 140	2 105
External computer service providers		5 871	3 031
Total		7 011	5 136

4.3 Consultants, contractors and agency/outsourced services

	NOTE	2011/12	2010/11
	4	R'000	R'000
Business and advisory services		396	450
Legal costs		193	553
Contractors		999	1 061
Agency and support/outsourced services		253	12
Total		1 841	2 076

4.4 Audit cost - external

	NOTE	2011/12	2010/11
	4	R'000	R'000
Regularity audits		2 259	2 706
Computer audits		194	289
Total		2 453	2 995

4.5 Inventory

	NOTE	2011/12	2010/11
	4	R'000	R'000
Learning and teaching support material		-	8
Fuel, oil and gas		2	-
Other consumable materials		174	410
Materials and supplies		20	18
Stationery and printing		1 774	1 612
Medical supplies		2	-
Total		1 972	2 048

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VOTE 23
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4.6 Property payments

	NOTE	2011/12	2010/11
	4	R'000	R'000
Municipal services		2 378	1 352
Property management fees		119	-
Other		3 040	2 647
Total		5 537	3 999

4.7 Travel and subsistence

	NOTE	2011/12	2010/11
	4	R'000	R'000
Employee costs			
Domestic travel costs		15 723	10 610
Foreign travel costs		-	7
Total		15 723	10 617

4.8 Other operating expenditure

	NOTE	2011/12	2010/11
	4	R'000	R'000
Learnerships		279	-
Professional bodies, membership and subscription fees		3	11
Resettlement costs		154	77
Other		635	299
Total		1 071	387

5. Payments for financial assets

	NOTE	2011/12	2010/11
		R'000	R'000
Debts written off	5.1	11	38
Total		11	38

5.1 Debts written off

	NOTE	2011/12	2010/11
	5	R'000	R'000
Nature of debts written off			
Other debt written off			
Salary overpayment		-	28
Tax debt		11	4
Bursary		-	6
Total		11	38
Total debt written off		11	38

6. Transfers and subsidies

	NOTE	2011/12	2010/11
		R'000	R'000
Departmental agencies and accounts	Annex 1A	87	74
Total		87	74

7. Expenditure for capital assets

	NOTE	2011/12	2010/11
		R'000	R'000
Tangible assets			
Machinery and equipment	27	4 351	2 656
Total		4 351	2 656

7.1 Analysis of funds utilised to acquire capital assets - 2011/12

	VOTED FUNDS	AID ASSISTANCE	TOTAL
	R'000	R'000	R'000
Tangible assets			
Machinery and equipment	4 351	-	4 351
Total	4 351	-	4 351

7.2 *Analysis of funds utilised to acquire capital assets - 2010/11*

	VOTED FUNDS R'000	AID ASSISTANCE R'000	TOTAL R'000
Tangible assets			
Machinery and equipment	2 656	-	2 656
Total	2 656	-	2 656

8. Unauthorised expenditure

8.1 *Reconciliation of unauthorised expenditure*

	NOTE	2011/12 R'000	2010/11 R'000
Opening balance		891	891
Unauthorised expenditure awaiting authorisation / written off		891	891

**Analysis of awaiting authorisation per economic
classification**

	NOTE	2011/12 R'000	2010/11 R'000
Current		891	891
Total		891	891

8.2 *Analysis of unauthorised expenditure awaiting authorisation per economic classification*

	NOTE	2011/12 R'000	2010/11 R'000
Current		891	891
Total		891	891

8.3 *Analysis of unauthorised expenditure awaiting authorisation per type*

	NOTE	2011/12 R'000	2010/11 R'000
Unauthorised expenditure relating to overspending of the vote or a main division within a vote		891	891
Total		891	891

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9. Cash and cash equivalents

	NOTE	2011/12	2010/11
		R'000	R'000
Consolidated Paymaster General Account		-	3 542
Disbursements		2	(2 050)
Cash on hand		27	27
Total		29	1 519

10. Prepayments and advances

	NOTE	2011/12	2010/11
		R'000	R'000
Travel and subsistence		20	19
Total		20	19

11. Receivables

	NOTE	2011/12			2010/11	
		LESS THAN ONE YEAR	ONE TO THREE YEARS	OLDER THAN THREE YEARS	TOTAL	TOTAL
		R'000	R'000	R'000	R'000	R'000
Claims recoverable	11.1 Annex 4	583	414	-	997	414
Recoverable expenditure	11.2	2	25	-	27	33
Staff debt	11.3	15	102	-	117	147
Other debtors	11.4	10	-	-	10	-
Total		610	541	-	1 151	594

11.1 Claims recoverable

	NOTE	2011/12	2010/11
		R'000	R'000
National departments	11	571	414
Provincial departments		426	-
Total		997	414

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11.2 Recoverable expenditure (disallowance accounts)

	NOTE	2011/12	2010/11
	//	R'000	R'000
Independent Institutions		27	33
Total		27	33

11.3 Staff debt

	NOTE	2011/12	2010/11
	//	R'000	R'000
Salary Overpayment		-	5
Tax debt		10	14
Other		107	128
Total		117	147

11.4 Other debtors

	NOTE	2011/12	2010/11
	//	R'000	R'000
Independent Institutions		10	-
Total		10	-

12. Voted funds to be surrendered to the Revenue Fund

	NOTE	2011/12	2010/11
		R'000	R'000
Opening balance		2 991	10 221
Transfer from statement of financial performance		2	2 991
Voted funds not requested/not received	1.1	(510)	-
Paid during the year		(2 991)	(10 221)
Closing balance		(508)	2 991

13. Departmental revenue and NRF Receipts to be surrendered to the Revenue Fund

	NOTE	2011/12	2010/11
		R'000	R'000
Opening balance		4	23
Transfer from Statement of Financial Performance		125	168
Paid during the year		(109)	(187)
Closing balance		20	4

14. Bank Overdraft

	NOTE	2011/12 R'000	2010/11 R'000
Consolidated Paymaster General Account		705	-
Total		705	-

15. Payables - current

	NOTE	2011/12 R'000	2010/11 R'000
Amounts owing to other entities	Annex 5	68	28
Other payables	15.1	1 806	-
Total		1 874	28

15.1 Other payables

	NOTE	2011/12 R'000	2010/11 R'000
Disbursements	15	1 806	-
Total		1 806	-

16. Net cash flow available from operating activities

	NOTE	2011/12 R'000	2010/11 R'000
Net surplus/(deficit) as per Statement of Financial Performance		127	3 159
Add back non cash/cash movements not deemed operating activities		2 027	(7 618)
(Increase)/decrease in receivables – current		(557)	159
(Increase)/decrease in prepayments and advances		(1)	(2)
Increase/(decrease) in payables – current		1 846	(23)
Expenditure on capital assets		4 351	2 656
Surrenders to Revenue Fund		(3 100)	(10 408)
Voted funds not requested/not received		(510)	-
Other non-cash items		(2)	-
Net cash flow generated by operating activities		2 154	(4 459)

17. Reconciliation of cash and cash equivalents for cash flow purposes

	NOTE	2011/12 R'000	2010/11 R'000
Consolidated Paymaster General account		(705)	3 542
Disbursements		2	(2 050)
Cash on hand		27	27
Total		(676)	1 519

DISCLOSURE NOTES TO THE ANNUAL FINANCIAL STATEMENTS

These amounts are not recognised in the Annual Financial Statements and are disclosed to enhance the usefulness of the Annual Financial Statements.

18. Contingent liabilities and contingent assets

18.1 Contingent liabilities

		NOTE	2011/12 R'000	2010/11 R'000
Liable to	Nature			
Motor vehicle guarantees	Employees	Annex 3A	-	89
Housing loan guarantees	Employees	Annex 3A	168	185
Claims against the department		Annex 3B	9 301	9 142
Other departments (interdepartmental unconfirmed balances)		Annex 5	-	28
Total			9 469	9 444

The amount included in the Claims against the Department reflects the worst case scenario. Management decided to take a prudent approach in the disclosure.

19. Commitments

		NOTE	2011/12 R'000	2010/11 R'000
Current expenditure				
Approved and contracted			-	1 629
			-	1 629
Capital expenditure				
Approved and contracted			-	188
			-	188
Total Commitments			-	1 817

No commitment is for longer than a year

20. Accruals

	2011/12			2010/11
	R'000			R'000
Listed by economic classification				
	30 DAYS	30+ DAYS	TOTAL	TOTAL
Goods and services	1 365	608	1 973	13 802
Capital assets	-	-	-	225
Total	1 365	608	1 973	14 027

	NOTE	2011/12	2010/11
		R'000	R'000
Listed by programme level			
Administration		1 722	13 090
Complaints Processing, Monitoring and Investigation		247	609
Information Management and Research		4	328
Total		1 973	14 027

The 2010/11 accrual balance was adjusted with R11 806 519.60 in respect of back-dated billing received from the Department of Public Works (DPW) after DPW's invoicing reconciliation exercise was concluded during the 2011/12 financial year.

21. Employee benefits

	NOTE	2011/12	2010/11
		R'000	R'000
Leave entitlement		1 244	1 073
Service bonus (Thirteenth cheque)		2 198	1 948
Performance awards		1 299	45
Capped leave commitments		3 487	2 918
Other		1 111	1 115
Total		9 339	7 099

22. Lease commitments

22.1 Operating leases expenditure

2011/12	SPECIAL- ISED MILITARY EQUIPMENT	LAND	BUILDINGS AND OTH- ER FIXED STRUC- TURES	MACHINERY AND EQUIPMENT	TOTAL
	R'000	R'000	R'000	R'000	R'000
Not later than 1 year	-	-	9 268	-	9 268
Later than 1 year and not later than 5 years	-	-	33 274	-	33 274
Later than five years	-	-	5 349	-	5 349
Total lease commitments	-	-	47 891	-	47 891

22.2 Finance leases expenditure

2011/12	SPECIAL- ISED MILITARY EQUIPMENT	LAND	BUILDINGS AND OTH- ER FIXED STRUC- TURES	MACHINERY AND EQUIPMENT	TOTAL
	R'000	R'000	R'000	R'000	R'000
Not later than 1 year	-	-	-	370	370
Later than 1 year and not later than 5 years	-	-	-	160	160
Total lease commitments	-	-	-	530	530
Total present value of lease liabilities	-	-	-	530	530

2011/12	SPECIAL- ISED MILITARY EQUIPMENT	LAND	BUILDINGS AND OTH- ER FIXED STRUC- TURES	MACHINERY AND EQUIPMENT	TOTAL
	R'000	R'000	R'000	R'000	R'000
Not later than 1 year	-	-	-	1 609	1 609
Later than 1 year and not later than 5 years	-	-	-	363	363
Total lease commitments	-	-	-	1 972	1 972
Total present value of lease liabilities	-	-	-	1 972	1 972

Disclosed Finance Leases refer to operating leases in respect of labour saving devices (photocopiers) as well as GG vehicles.

Permitted as per Practice Note 5 of 2006/2007 (dated 05/12/2006) from National Treasury.

The previous year (2010/11) amount has been changed to reflect the adjustment of R26 000 (labour saving devices) and the adjustment of R1 781 000 (GG vehicles)

23. Irregular expenditure

23.1 Reconciliation of irregular expenditure

	NOTE	2011/12 R'000	2010/11 R'000
Opening balance		184	184
Add: Irregular expenditure – relating to current year		83	-
Less: Amounts condoned		(20)	-
Irregular expenditure awaiting condonation		247	184

Analysis of awaiting condonation per age classification

Current year	63	-
Prior years	184	184
Total	247	184

23.2 Details of irregular expenditure – current year

INCIDENT	DISCIPLINARY STEPS TAKEN/ CRIMINAL PROCEEDINGS	2011/12 R'000
Travel arrangements for Western Cape Provincial Head	Disciplinary steps to be taken by Provincial Head – awaiting report	7
Travel arrangements for Free State Provincial Head	Disciplinary steps to be taken by Provincial Head – awaiting report	1
No amended written quotation from PALAMA	Any future similar actions will have disciplinary steps instituted	11
Catering limit exceeded by Free State	Exceeded amount recovered from official	1
Attendance of workshop – KZN Investigators	Currently under investigation	11
No approval of overtime exceeding 30%	Currently under investigation	3
Overtime worked without prior approval	Currently under investigation	29
Performance bonus paid to an employee without a performance agreement	Currently under investigation	16
Non-adherence to Petty Cash Policy	Currently under investigation	4
Total		83

23.3 *Details of irregular expenditure condoned*

INCIDENT	CONDONED BY (CONDONING AUTHORITY)	2011/12 R'000
Travel arrangements for Western Cape Provincial Head	Accounting Officer	7
Travel arrangements for Free State Provincial Head	Accounting Officer	1
No amended quotation obtained from PALAMA	Accounting Officer	11
Catering limit exceeded by Free State	Accounting Officer	1
Total		20

23.4 *Details of irregular expenditures under investigation*

INCIDENT	2011/12 R'000
Attendance of workshop – KZN Investigators	11
No approval of overtime exceeding 30% of basic salaries	3
Overtime worked without prior approval	29
Performance bonus paid to an employee without a performance agreement	16
Non-adherence to Petty Cash Policy	4
Total	63

24. **Fruitless and wasteful expenditure**

24.1 *Reconciliation of fruitless and wasteful expenditure*

	NOTE	2011/12 R'000	2010/11 R'000
Opening balance		-	-
Fruitless and wasteful expenditure – relating to current year		1	3
Less: Amounts transferred to receivables for recovery		-	(3)
Fruitless and wasteful expenditure awaiting condonement		1	-

24.2 *Analysis of awaiting condonement per economic classification*

	NOTE	2011/12 R'000	2010/11 R'000
Current		1	-
Total		1	-

24.3 Analysis of current year's fruitless and wasteful expenditure

INCIDENT	DISCIPLINARY STEPS TAKEN/ CRIMINAL PROCEEDINGS	2011/12 R'000
Interest paid to TELKOM	Under investigation to determine action	1
Total		1

25. Key management personnel

	NO. OF INDI- VIDUALS	2011/12 R'000	2010/11 R'000
Officials:			
Level 15 to 16	1	1 140	1 087
Level 14 (incl. CFO if at a lower level)	4	3 370	3 274
Total		4 510	4 361

26. Impairment

	NOTE	2011/12 R'000	2010/11 R'000
Impairment			
Debtors		39	54
Total		39	54

This represents the provision for doubtful debts.

27. Movable Tangible Capital Assets

MOVEMENT IN MOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2012

	OPENING BALANCE	CURRYEAR ADJUST- MENTS TO PRIOR YEAR BALANCES	ADDITIONS	DISPOSALS	CLOSING BALANCE
	R'000	R'000	R'000	R'000	R'000
MACHINERY AND EQUIPMENT	15 467	61	4 350	(1 244)	18 634
Transport assets	1 617	1 352	-	(82)	2 887
Computer equipment	9 147	(859)	3 319	(763)	10 844
Furniture and office equipment	3 198	(336)	935	(18)	3 779
Other machinery and equipment	1 505	(96)	96	(381)	1 124
TOTAL MOVABLE TANGIBLE CAPITAL ASSETS	15 467	61	4 350	(1 244)	18 634

27.1 Additions

ADDITIONS TO MOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2012

	CASH	NON-CASH	(CAPITAL WORK IN PROGRESS CURRENT COSTS AND FINANCE LEASE PAY- MENTS)	RECEIVED CURRENT, NOT PAID (PAID CURRENT YEAR, RECEIVED PRIOR YEAR)	TOTAL
	R'000	R'000	R'000	R'000	R'000
MACHINERY AND EQUIPMENT	4 154	-	-	196	4 350
Computer equipment	3 211	-	-	108	3 319
Furniture and office equipment	878	-	-	57	935
Other machinery and equipment	65	-	-	31	96
TOTAL ADDITIONS TO MOVABLE TANGIBLE CAPITAL ASSETS	4 154	-	-	196	4 350

27.2 Disposals

DISPOSALS OF MOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2012

	SOLD FOR CASH	TRANSFER OUT OR DESTROYED OR SCRAPPED	TOTAL DISPOSALS	CASH RECEIVED ACTUAL
	R'000	R'000	R'000	R'000
MACHINERY AND EQUIPMENT	2	1 242	1 244	2
Transport assets	-	82	82	-
Computer equipment	-	763	763	-
Furniture and office equipment	-	18	18	-
Other machinery and equipment	2	379	381	2
TOTAL DISPOSAL OF MOVABLE TANGIBLE CAPITAL ASSETS	2	1 242	1 244	2

27.3 Movement for 2010/11

MOVEMENT IN MOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2011

	OPENING BALANCE	ADDI- TIONS	DISPOSALS	CLOSING BALANCE
	R'000	R'000	R'000	R'000
MACHINERY AND EQUIPMENT	12 449	3 515	497	15 467
Transport assets	1 617	-	-	1 617
Computer equipment	7 257	2 372	482	9 147
Furniture and office equipment	2 240	973	15	3 198
Other machinery and equipment	1 335	170	-	1 505
TOTAL MOVABLE TANGIBLE ASSETS	12 449	3 515	497	15 467

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27.4 *Minor assets*

MOVEMENT IN MINOR ASSETS PER THE ASSET REGISTER FOR THE YEAR ENDED AS AT 31 MARCH 2012

	SPECIAL- ISED MILITARY ASSETS	INTANGI- BLE ASSETS	HERITAGE ASSETS	MACHIN- ERY AND EQUIP- MENT	BIOLOGI- CAL ASSETS	TOTAL
	R'000	R'000	R'000	R'000	R'000	R'000
Opening balance	-	-	12	8 837	-	8 849
Prior Year	-	-	-	737	-	737
Balances Disposals	-	-	-	(652)	-	(652)
TOTAL MINOR ASSETS	-	-	12	8 922	-	8 934

	SPECIAL- ISED MILITARY ASSETS	INTANGI- BLE ASSETS	HERITAGE ASSETS	MACHIN- ERY AND EQUIP- MENT	BIOLOGI- CAL ASSETS	TOTAL
	R'000	R'000	R'000	R'000	R'000	R'000
Number of minor assets at cost	60	-	15	5 606	-	5 681
TOTAL NUMBER OF MINOR ASSETS	60	-	15	5 606	-	5 681

MOVEMENT IN MINOR ASSETS PER THE ASSET REGISTER FOR THE YEAR ENDED AS AT 31 MARCH 2011

	SPECIAL- ISED MILITARY ASSETS	INTANGI- BLE ASSETS	HERITAGE ASSETS	MACHIN- ERY AND EQUIP- MENT	BIOLOGI- CAL ASSETS	TOTAL
	R'000	R'000	R'000	R'000	R'000	R'000
Opening balance	-	-	12	7 694	-	7 706
Current Year Adjustments to Prior Year balances	-	-	-	954	-	954
Additions	-	-	-	542	-	542
Disposals	-	-	-	(353)	-	(353)
TOTAL MINOR ASSETS	-	-	12	8 837	-	8 849

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	SPECIAL- ISED MILITARY ASSETS	INTANGI- BLE ASSETS	HERITAGE ASSETS	MACHIN- ERY AND EQUIP- MENT	BIOLOGI- CAL ASSETS	TOTAL
Number of RI minor assets						
Number of minor assets at cost	-	-	9	5 632	-	5 641
TOTAL NUMBER OF MINOR ASSETS	-	-	9	5 632	-	5 641

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ANNEXURE 1A

STATEMENT OF TRANSFERS TO DEPARTMENTAL AGENCIES AND ACCOUNTS

DEPARTMENT/AGENCY/ ACCOUNT	TRANSFER ALLOCATION				TRANSFER		2010/11 APPRO- PRIATION ACT R'000
	ADJUSTED APPRO- PRIATION R'000	ROLL OVERS R'000	ADJUST- MENTS R'000	TOTAL AVAILABLE R'000	ACTUAL TRANSFER R'000	% OF AVAILABLE FUNDS TRANS- FERRED %	
SASSETA	87	-	-	87	87	100%	74
	87	-	-	87	87	100%	74

The payment to SASSETA related to the administrative contribution that was transferred by the Department.

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ANNEXURE 1B

STATEMENT OF GIFTS, DONATIONS AND SPONSORSHIPS RECEIVED

NAME OF ORGANISATION	NATURE OF GIFT, DONATION OR SPONSORSHIP	2011/12	2010/11
		R'000	R'000
Received in cash			
Staff members	Food bought for distribution to Mercy House as part of the 16 Days of No Violence Against Women and Children	-	1
Staff members	Food bought for distribution to PAHAS as part of the 16 Days of No Violence Against Women and Children	-	1
Subtotal		-	2
Received in kind			
SASSETA	Training to Investigators	-	1
Mr D de Bruin	Donated soft toys for distribution as part of the 16 Days of No Violence Against Women and Children to Mercy House and PAHAS	-	1
Subtotal		-	2
TOTAL		-	4

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ANNEXURE 3A

STATEMENT OF FINANCIAL GUARANTEES ISSUED AS AT 31 MARCH 2012 – LOCAL

GUARANTOR INSTITUTION	GUARANTEE IN RESPECT OF	ORIGINAL GUARANTEE CAPITAL AMOUNT	OPENING BALANCE 1 APRIL 2011	GUARANTEES DRAW DOWNS DURING THE YEAR	GUARANTEES REPAYMENTS/CANCELLED/REDUCED/RELEASED DURING THE YEAR	REVALUATIONS	CLOSING BALANCE 31 MARCH 2012	GUARANTEE INTEREST FOR YEAR ENDED 31 MARCH 2012	REALISED LOSSES NOT RECOVERABLE I.E. CLAIMS PAID OUT
		R'000	R'000	R'000	R'000	R'000	R'000	R'000	R'000
Stannic	Motor vehicles	331	89	-	89	-	-	-	-
	Motor vehicles								
	Subtotal	331	89	-	89	-	-	-	-
	Housing								
ABSA	Housing	496	88	-	-	-	88	-	-
Nedbank	Housing	130	26	-	-	-	26	-	-
Standard	Housing	490	71	-	17	-	54	-	-
	Subtotal	1 116	185	-	17	-	168	-	-
	TOTAL	1 447	274	-	106	-	168	-	-

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ANNEXURE 3B

STATEMENT OF CONTINGENT LIABILITIES AS AT 31 MARCH 2012

NATURE OF LIABILITY	OPENING BALANCE 1 APRIL 2011	LIABILITIES INCURRED DURING THE YEAR	LIABILITIES PAID/ CANCELLED/ REDUCED DURING THE YEAR	LIABILITIES RECOV- ERABLE (PROVIDE DETAILS HEREUNDER)	CLOSING BALANCE 31 MARCH 2012
	R'000	R'000	R'000	R'000	R'000
Claims against the department					
Court Settlement	18	-	-	-	18
Possible Claims	9 124	274	115	-	9 283
TOTAL	9 142	274	115	-	9 301

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ANNEXURE 4
CLAIMS RECOVERABLE

GOVERNMENT ENTITY	CONFIRMED BALANCE OUTSTANDING		UNCONFIRMED BALANCE OUTSTANDING		TOTAL	
	31/03/2012	31/03/2011	31/03/2012	31/03/2011	31/03/2012	31/03/2011
	R'000	R'000	R'000	R'000	R'000	R'000
Department						
National Treasury	-	-	407	407	407	407
Department of Health	-	-	3	3	3	3
SAPS	-	-	12	1	12	1
Statistics SA	-	-	3	3	3	3
Department of Trade and Industry	-	-	19	-	19	-
Department of Energy	-	-	13	-	13	-
National Prosecuting Authority	-	-	11	-	11	-
Department of Water Affairs	-	-	19	-	19	-
Department of Public Enterprises	-	-	32	-	32	-
Department of Correctional Services	-	-	18	-	18	-
Department of Mineral Resources	-	-	34	-	34	-
Gauteng Provincial Government	-	-	394	-	394	-
Limpopo: Health & Social Development	-	-	9	-	9	-
Mpumalanga: Community Safety & Security	-	-	23	-	23	-
	-	-	997	414	997	414
TOTAL	-	-	997	414	997	414

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ANNEXURE 5
INTER-GOVERNMENT PAYABLES

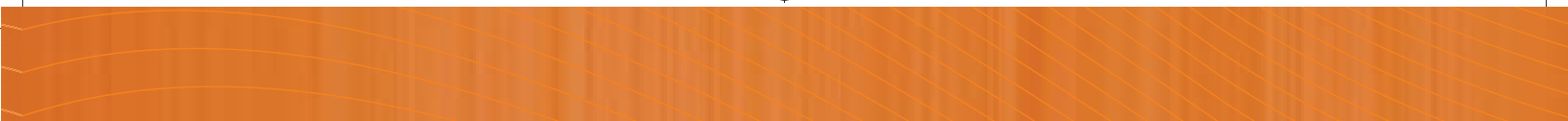
	CONFIRMED BALANCE OUTSTANDING		UNCONFIRMED BALANCE OUTSTANDING		TOTAL	
	31/03/2012	31/03/2011	31/03/2012	31/03/2011	31/03/2012	31/03/2011
	R'000	R'000	R'000	R'000	R'000	R'000
GOVERNMENT ENTITY						
DEPARTMENTS						
Current						
National Treasury (NRF)	20	-	20	-	20	-
Subtotal	20	-	20	-	20	-
Total	20	-	20	-	20	-
OTHER GOVERNMENT ENTITY						
Current						
SARS	68	-	68	31	68	31
Independent Institutions	-	-	-	(3)	-	(3)
Independent Institutions	1 806	-	1 806	-	1 806	-
Subtotal	1 874	-	1 874	28	1 874	28
Total	1 874	-	1 874	28	1 874	28

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ANNEXURE 6
INVENTORY

INVENTORY	NOTE	2011/12		2010/11	
		QUANTITY	R'000	QUANTITY	R'000
Opening balance		5 779	2 429	20 360	589
Add/(Less): Adjustments to prior year balance		-	(2 252)	-	-
Add: Additions/Purchases - Cash		21 060	3 108	24 130	2 374
Add: Additions - Non-cash		834	-	3 366	41
(Less): Disposals		(2)	(1)	(11 060)	(293)
(Less): Issues		(20 990)	(3 078)	(28 048)	(250)
Add/(Less): Adjustments		(296)	(2)	(2 969)	(32)
Closing balance		6 385	204	5 779	2 429

The adjustment to prior year balances was made due to incorrect LOGIS tool reports being generated in the financial year ended 31 March 2011.



ICD

Independent Complaints Directorate

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