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Institute for Security Studies

Submission to the Portfolio Committee on Correctional Services

The Department of Correctional Services 2011/12 Annual Report

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1. Introduction

The Crime and Justice Programme (CJP) of the Institute for Security Studies (ISS) thanks the Portfolio Committee on Correctional Services for availing this opportunity to provide input on the Department of Correctional Services (DCS) 2011/2012 Annual Report.

As an African non-governmental policy research institute, the ISS (www.issafrica.org) endeavours to contribute to a stable and peaceful African continent driven by the virtues of sustainable development, human rights, the rule of law, democracy and collaborative security. The CJP works to inform and influence policy and public discourse on: crime, the prevention of crime, and a range of issues concerning the criminal justice system. The programme executes its work through continuously engaging in applied research, policy analysis, information dissemination and furnishing its expertise to a range of stakeholders as a contribution towards a safer, secure and just society.

Unfortunately our ability to provide commentary and analysis on the Annual Report of the Department of Correctional Services has been severely constrained. The Institute for Security Studies had considerable difficulty getting electronic copies of the report in order to prepare our submission in time. The electronic version that was initially made available was corrupted and therefore inaccessible. In addition, despite numerous attempts to obtain a copy of the report from the DCS Head office in Pretoria, by the morning of 9 October we had still been unable to access it. A DCS employee contacted stated it had been placed on embargo, even after the report had been tabled in parliament; in order for them to make amendments.

As such we have only been able to undertake a cursory assessment of the report and therefore can only offer the Committee some initial thoughts and raise some questions that we hope may be of use to the Committee in its interactions with the Department.

In order to prepare this submission we have drawn on our previous submissions to the Committee¹, the Auditor General's report contained in the DCS report and a cursory look at the Annual Report itself.

Our current submission will focus on the following issues:

- Unfilled vacancies and under-spending in DCS
- Corporate governance and transparency
- Information Technology (IT) governance and information management

2. Unfilled vacancies and under-spending in the DCS

The report of the Auditor General (AG) contained in the 2011/2012 Annual Report of the DCS reveals that during this reporting period the Department was responsible for an under-spend of R893,9 million, mainly as a result of non-appointment of funded vacant posts, savings on procurements of goods, and slow implementation of planned projects.² This is an increase from an under-spend of R728 million indicated in October 2011.³

Psychologists and vocational counsellors are key personnel in corrections and a vacancy rate of 18.6%⁴ as stated in the report significantly curtails the ability of the department to provide rehabilitation services. Another critical occupation that curtails the ability of the DCS to offer rehabilitation services is the social work and related professions where there is a 12.4 % vacancy rate.⁵ We request the Committee to ask the Department why these posts have not yet been filled. The Auditor General notes that the DCS regularly cites the shortage of staff as a factor that hinders the DCS from delivering on its mandate.⁶ Yet the 2011/12 Annual Report indicates that the posts for which funds have been allocated have remained vacant.

Most recently the Auditor General noted that the systems that the DCS has in place for financial and risk management were ineffective. An October 2011 briefing to parliament by the Auditor General (AG) noted that there was a vacancy rate of 56% for finance professionals in the DCS and that there continued to be severe challenges in financial reporting and the consistent generation of robust financial and related information within the department.⁷ If the DCS is to improve its financial management systems and fulfil the requirements of the Public Finance Management Act (PFMA), which is a requirement raised by the Auditor General, then finance vacancies have to be filled with suitably skilled people.

This Annual Report suggests that there is still much that the Department needs to do to address the shortcomings in its financial management. Indications are that shortage of skilled staff who have highly sought after skills in fields such as accounting, finance, engineering and science will continue to be a challenge for the South African economy as a whole into the foreseeable future. For instance, a 2011 report stated that significant shortages “of accounting and finance skills, currently estimated at around 22 000, are impacting very negatively on business in general, and on service-delivery within the public sector.”⁸ Given this challenge, it will be important to ask the Department why these posts have not been filled in order to be able to determine how this can best be addressed.

In our submission to the DCS earlier this year we noted that the DCS continues to have challenges in crafting an innovative strategy to not only attract key personnel but to retain them, and the failure to fill essential vacancies post is a testament to this.⁹

We would urge the Committee to ask the DCS whether it has:

- crafted a comprehensive staffing strategy;
- investigated reasons for the slow recruitment of personnel and examined how it can improve the turnaround time of recruitment;
- determined the causes of high staff turnover; and launched initiatives to retain staff; and
- used the proposed graduate training programmes to ensure that new recruits are educated and trained in the various operational facets of the DCS system.

3. Corporate governance and transparency

We would like to draw the Committees attention to the fact that dealing with corruption and fraud appear to remain a challenge in the Department. There were cases during 2010/2011 in which DCS employees were allegedly involved in the improper awarding of bids, received contracts from the correctional services department while failing to declare their interests or performed remunerative work without written permission. These cases have yet to be finalised. Further, in the report of the Auditor General contained in the DCS 2011/12 annual report, it is noted with that there continued to be “recurring misstatements”, fraud and weak control mechanisms in the financial reporting process.

In the recently published National Development Plan, the National Planning Commission (NPC) noted, among other issues, that one solution to public sector corruption was to make it illegal for civil servants to run or benefit directly from certain types of economic activities.¹⁰

The ISS therefore requests the Committee to ensure that the Department has in place systems that will bar staff members from being awarded contracts; that there is a robust framework which forces all employees to honestly declare their financial interests and business activities particularly those that are in any way connected to the DCS; and to ensure that cases of fraud are addressed transparently and fairly.

4. IT governance and information management

Globally, organisations in both the public and private sector rely heavily on a secure, efficient and up-to-date IT infrastructure and information management systems. It is therefore worrying that the DCS still does not have an IT governance framework in place. Such a framework will ensure that IT systems are not abused by employees or by outsiders who may attempt to illegally gain access to the DCS IT infrastructure. A comprehensive IT governance system is critical in the generation of information for reporting purposes. We request the

Committee to ask the DCS whether such a framework is being considered or developed.

5. Concluding observations

The graphs of sentenced offenders versus remand detainees¹¹ contained in the annual report suggest that since 2007/2008 the inmate population has been stable. The number of sentenced offenders has increased fractionally and the number of awaiting trial detainees has decreased. The Annual Report also shows that, overall, overcrowding seems no longer to be a challenge faced by the DCS. However, in order to assess this accurately we would urge the Committee to request the DCS to provide a facility-by-facility breakdown of the number of inmates (sentenced and unsentenced) so that we can determine where the problems in terms of overcrowding are located.

What is important to note is that since DCS is working with a stable prison population, and has been for at least the past 4 years, we can expect that the Department should be able to improve its performance in relation to the provision of sentence plans and rehabilitation and re-integration programmes. We suggest that the committee pay particular attention to this important function of the Department.

Again we would like to thank the committee for the opportunity to make a submission on the DCS Annual Report. We wish the committee well in its deliberations and hope to make future contributions where possible.

¹ Institute for Security Studies Submission to the Portfolio Committee on Correctional Services The Department of Correctional Services 2012/13 Budget and Strategic Plan 17 April 2012

² Report of the Auditor-General to Parliament on vote no.21: Department of Corectional Services (page 101 of DCS 2011/2012 Annual report).

³ Department of Correctional Services Annual Report 2010/11, Presentations to the Portfolio Committee on Correctional Services, 11 October 2011. Available at: <http://www.pmg.org.za/report/20111012-department-correctional-services-dcs-2011-budgetary-review-briefing-d>

⁴ Department of Correctional Services 2011/2012 Annual Report

⁵ Ibid

⁶ Department of Correctional Services 2011/2012 Annual Report

⁷ Department of Correctional Services Annual Performance Plan 2012/13, 17. 'unqualified audit opinion express by the A-G.

⁸http://www.skillsportal.co.za/page/training/training_companies/financial_accounting_training/363999-Skills-shortage-grim-in-finance-sector

⁹ Institute for Security Studies Submission to the Portfolio Committee on Correctional Services The Department of Correctional Services 2012/13 Budget and Strategic Plan 17 April 2012

¹⁰ National Planning Commission *National Development Plan 2030*

¹¹ Department of Correctional Services 2011/2012 Annual Report, pg 23