



Report on the Trend Analysis on
Complaints Lodged with the
Public Service Commission:
2005/2006 - 2009/2010
Financial Years

Public Service Commission

March 2011



Vision

The Public Service Commission is an independent and impartial body created by the Constitution, 1996, to enhance excellence in governance within the Public Service by promoting a professional and ethical environment and adding value to a public administration that is accountable, equitable, efficient, effective, corruption-free and responsive to the needs of the people of South Africa.

Mission

The Public Service Commission aims to promote the constitutionally enshrined democratic principles and values of the Public Service by investigating, monitoring, evaluating, communicating and reporting on public administration. Through research processes, it will ensure the promotion of excellence in governance and the delivery of affordable and sustainable quality services.



Report on the Trend Analysis on Complaints Lodged with the Public Service Commission: 2005/2006 - 2009/2010 Financial Years



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THE PUBLIC SERVICE COMMISSION
Commission House
Cnr. Hamilton & Ziervogel Streets
Arcadia, 0083

Private Bag x121
Pretoria, 0001

Tel: (012) 328 7690
Fax: (012) 321 3348
Email: Info@opsc.gov.za
Website: www.psc.gov.za

National Anti-Corruption Hotline Number for the Public Service:
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Foreword

I am pleased to present the third statistical overview of complaints lodged with the Public Service Commission (PSC). This report focuses on an analysis of complaints lodged with the PSC during the 2009/2010 financial year.

Through the National Anti-Corruption Hotline (NACH) and the Rules of the PSC for lodging of complaints regarding the Public Service (Complaints Rules), the PSC receives a large number of complaints from both members of the public and public servants. The complaints range from poor service delivery to alleged corruption related matters in the Public Service. It is important that complaints lodged with the PSC are brought to the public domain to ensure that effective steps are taken to address such complaints. It is through departments' awareness of complaints raised that responsive strategies can be generated to deal with such complaints and to prevent them from recurring in the future. It is only when members of the public know that the issues raised by them are attended to, that they will have confidence in the Government of the day, and by so doing, fostering public participation and good governance. Consequently, members of the public will be motivated to continue reporting poor service delivery and corruption related matters.



The report also reflects the processes followed by the PSC in dealing with complaints lodged. The PSC is of the view that serious cognisance should be taken of the key findings emanating from this study. It is hoped that this analysis of trends would deepen awareness of the prevalence of complaints raised in the Public Service.

The findings of the study show that most of the complaints lodged with the PSC during the 2009/2010 financial year related to unethical behaviour (e.g. irregularities in supply chain management), poor service delivery and human resources (e.g. recruitment and selection). Human resource and supply chain management are key management issues which are central to the effective management of departments. Such issues are key in the issuing of audit opinions to the respective departments by the Auditor-General.

Implementation of the recommendations contained in this report will facilitate a focussed approach in the fight against corruption.

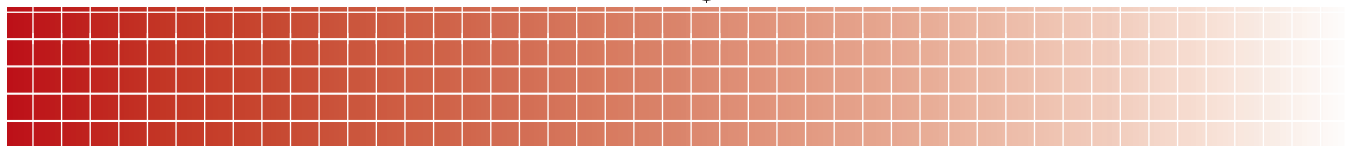
A handwritten signature in black ink, appearing to be 'P. Mtengeni', written over a white background.

MS P. MTENGENI
DEPUTY CHAIRPERSON: PUBLIC SERVICE COMMISSION



Table of Contents

| | |
|--|-----------|
| Foreword | ii |
| List of Tables | iv |
| List of Figures | iv |
| List of Acronyms | v |
| Executive Summary | vi |
| CHAPTER 1: INTRODUCTION | 1 |
| 1.1 Background to the Study | 2 |
| 1.2 Objectives of the Study | 2 |
| 1.3 Scope of the Study | 2 |
| 1.4 Methodology of the Study | 3 |
| 1.5 Limitations of the Study | 3 |
| 1.6 Structure of the Report | 3 |
| CHAPTER 2: FINDINGS | 4 |
| 2.1 Introduction | 5 |
| 2.2 Findings | 5 |
| 2.2.1 Total Number of Complaints Lodged with the PSC | 5 |
| 2.2.2 Sources of Complaints Lodged with the PSC | 12 |
| 2.2.3 Type of Complaints Lodged | 14 |
| 2.2.4 Progress with the Investigation of Complaints Lodged | 22 |
| 2.2.5 Outcome of Investigations Conducted by the PSC | 27 |
| CHAPTER 3: RECOMMENDATIONS AND CONCLUSION | 29 |
| 3.1 Introduction | 30 |
| 3.2 Improving the Response Rate of Departments | 30 |
| 3.3 Strengthening Investigative Capacity in Departments | 30 |
| 3.4 Addressing the Causes of Complaints Lodged | 31 |
| 3.5 Raising Awareness of Complaints Lodged with the PSC | 31 |
| 3.6 Bolstering the Capacity of the PSC | 31 |
| 3.7 Conclusion | 31 |



LIST OF TABLES

| | | |
|-----------|---|----|
| Table 1: | Number of complaints lodged with the PSC | 5 |
| Table 2: | Number of complaints lodged with the PSC via the NACH | 6 |
| Table 3: | Number of complaints lodged with the PSC via the Complaints Rules | 9 |
| Table 4: | Sources of complaints lodged with the PSC | 12 |
| Table 5: | Sources of complaints lodged with the PSC via the NACH | 12 |
| Table 6: | Sources of complaints lodged with the PSC via the Complaints Rules | 13 |
| Table 7: | Type of complaints lodged with the PSC | 14 |
| Table 8: | Type of complaints lodged with the PSC during the 2009/2010 financial year, per National/Provincial Sphere | 16 |
| Table 9: | Type of complaints lodged with the PSC via the NACH | 17 |
| Table 10: | Type of complaints lodged with the PSC via the NACH during the 2009/2010 financial year, per National/Provincial Sphere | 19 |
| Table 11: | Type of complaints lodged with the PSC via the Complaints Rules | 19 |
| Table 12: | Type of complaints lodged with the PSC via the Complaints Rules during the 2009/2010 financial year, per National/Provincial Sphere | 21 |
| Table 13: | Progress with the investigation of complaints lodged with the PSC | 22 |
| Table 14: | Number of complaints lodged with the PSC that were finalised and closed | 23 |
| Table 15: | Progress with the investigation of complaints lodged with the PSC via the NACH | 25 |
| Table 16: | Number of complaints lodged with the PSC via the NACH that were finalised & closed | 25 |
| Table 17: | Progress with the investigation of complaints lodged with the PSC via the Complaints Rules | 26 |
| Table 18: | Number of complaints lodged with the PSC via the Complaints Rules that were finalised & closed | 26 |
| Table 19: | Outcome of investigations and desk-top audits conducted by the PSC | 28 |

LIST OF FIGURES

| | | |
|------------|--|----|
| Figure 1: | Number of complaints lodged via the NACH involving National Departments | 7 |
| Figure 2: | Number of complaints lodged via the NACH involving Provincial Departments | 8 |
| Figure 3: | Number of complaints lodged via the Complaints Rules involving National Depts | 10 |
| Figure 4: | Number of complaints lodged via the Complaints Rules involving Provincial Depts | 11 |
| Figure 5: | Sources of complaints lodged with the PSC via the NACH during the 2009/2010 financial year | 13 |
| Figure 6: | Sources of complaints lodged with the PSC via the Complaints Rules during the 2009/2010 financial year | 14 |
| Figure 7: | Number of complaints lodged with the PSC, per type and financial year | 16 |
| Figure 8: | Number of complaints lodged via the NACH, per type and financial year | 18 |
| Figure 9: | Number of complaints lodged via the Complaints Rules, per type and financial year | 20 |
| Figure 10: | Outcome of investigations conducted by the PSC, per financial year | 28 |



List of Acronyms

| | |
|------------------|---|
| DCS | Department of Correctional Services |
| DoJ&CD | Department of Justice & Constitutional Development |
| DPSA | Department of Public Service and Administration |
| DTI | Department of Trade & Industry |
| Depts | Departments |
| EA | Executive Authority |
| GCIS | Government Communication and Information System |
| GEPF | Government Employees Pension Fund |
| HoD | Head of Department |
| HR | Human Resources |
| id | Identified |
| ICD | Independent Complaints Directorate |
| Jiop | Judicial Inspectorate of Prisons |
| MoU | Memorandum of Understanding |
| MP | Member of Parliament |
| MPL | Member of Provincial Legislature |
| NACH | National Anti-Corruption Hotline |
| NIA | National Intelligence Agency |
| OPSC | Office of the Public Service Commission |
| PSC | Public Service Commission |
| PSR | Public Service Regulations |
| Complaints Rules | Rules of the PSC for lodging of complaints regarding the Public Service |
| SANDF | South African National Defence Force |
| SAPS | South African Police Service |
| SARS | South African Revenue Services |
| SITA | State Information Technology Agency |





Executive Summary

BACKGROUND

The Public Service Commission (PSC) has since 2005 analysed the trends of complaints lodged with it. These are the complaints lodged with the PSC by both members of the public and public servants through the National Anti-Corruption Hotline (NACH) and the Rules of the PSC for lodging of complaints regarding the Public Service (Complaints Rules). The complaints range from poor service delivery related to alleged corruption practices in the Public Service. This report is the fifth of such reports.

For the purpose of this study, all complaints lodged with the PSC during the 2009/2010 financial year through the Complaints Rules (i.e. both corruption and non-corruption related complaints), as well as non-corruption related complaints lodged through the NACH, were analysed. The reason for excluding corruption related complaints lodged with the PSC through the NACH from this study is the fact that these are analysed and reported on in a separate report published by the PSC annually.

OBJECTIVES OF THE STUDY

The following are the objectives of the study:

- To provide an overview of the number of complaints lodged, the sources from which the complaints were received, the type of complaints, progress with the investigations and the outcome of investigations conducted.
- To establish trends emanating from complaints lodged and investigated.

METHODOLOGY APPLIED

The methodology applied during the study was a desk-top review of complaints lodged with the PSC through the NACH and the Complaints Rules during the 2009/2010 financial year. Trends were analysed based on the main themes derived from the objectives of the study, highlighted above.

FINDINGS

A summary of the key findings and trends regarding the analysis of complaints lodged with the PSC during the period under review is provided below. However, these statistics exclude corruption related complaints lodged via the NACH as these are dealt with separately by the PSC.

Statistical overview

Total number of complaints lodged with the PSC

During the 2009/2010 financial year, 279 complaints were lodged with the PSC. These complaints represented a 13.3% decline compared to the 322 complaints lodged during the 2008/2009 financial year. The majority of complaints lodged with the PSC during the period under review implicated National Departments (i.e. 56%).



Sources of complaints lodged with the PSC

During the period under review, the PSC received complaints from a variety of sources, including public servants, members of the public and Members of Parliament (MPs)/Members of Provincial Legislatures (MPLs)/Executive Authorities (EAs). It is important to note that when complainants/whistleblowers lodge complaints with the PSC they have the option to either remain anonymous or to reveal their identity and as such, it is always difficult to identify the key sources of the complaints.

The findings of the study show that only 30% of complainants in the 2009/2010 financial year chose to remain anonymous, compared to 34% and 36% in the previous two reporting periods, respectively (i.e. 2007/2008 and 2008/2009). However, in the 2009/2010 financial year the majority of complainants (i.e. 70%) identified themselves. This increase in self-identification by complainants/whistleblowers could be indicative of the confidence they have in the *Protected Disclosures Act, 2000*, which states that whistleblowers should be protected.

Type of complaints lodged

The findings of the study show that complaints lodged with the PSC during the 2009/2010 financial year related to a variety of matters, ranging from human resource (HR) related issues such as recruitment, selection and the filling of posts, to irregularities such as the transgression of prescripts relating to supply chain management. The majority of complaints lodged with the PSC during the 2009/2010 financial year related to unethical behaviour (i.e. 117 complaints or 42%) such as irregular filling of posts or the abuse of power. Since this was also the case in the preceding 2008/2009 financial year, it would seem as if a trend is emerging in this regard.

The second highest number of complaints lodged with the PSC during the period under review related to incidents of poor service delivery (44 complaints, or 16%). However, this was not the case in the 2008/2009 financial year where the second highest number of complaints related to HR matters. The remaining number and type of complaints related to, amongst others, HR matters (39 complaints or 14%), corruption/maladministration (28 complaints or 10%), unfair labour practice (12 complaints or 4%) and irregularities/discrimination (12 complaints or 4%).

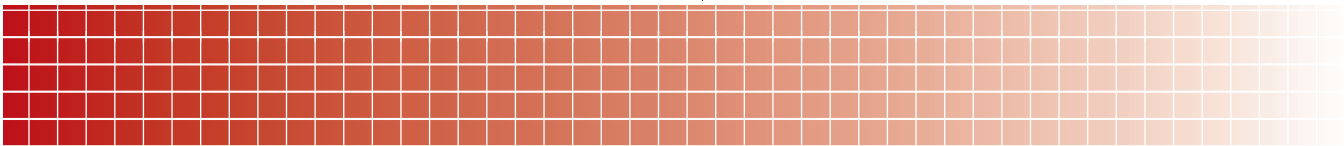
Progress with the investigation of complaints lodged

Once complaints are lodged with the PSC, they are, amongst others, referred to the relevant stakeholders to investigate and analyse for further action. Responses received from departments/institutions are analysed by the PSC and based on the evidence and supporting documentation emanating from/accompanying such responses, desk-top audits or in-loco investigations are conducted.

In this regard, 165 complaints (or 58%) handled by the PSC during the 2009/2010 financial year were finalised and closed. Of these, the majority (i.e. 122 complaints or 74%) did not fall within the PSC's Constitutional mandate and could therefore not be investigated by the PSC. In such instances complaints were referred to the relevant institutions with the necessary jurisdiction for further handling, and complainants were informed accordingly. The afore-mentioned institutions included the Public Protector to whom 24 complaints were referred for further handling in accordance with a Memorandum of Understanding (MoU). This MoU, entered into between the PSC and the Public Protector, specifies that the Public Protector investigates complaints from the general public regarding the conduct of Government agencies or officials, whilst the PSC investigates complaints lodged by public servants in this regard.

In respect of complaints that did fall within the PSC's Constitutional mandate, 15 investigations were conducted through desk-top audits (rather than full-scale investigations) where the veracity of the allegations made were





determined. Seven complaints related to unethical behaviour, four to HR related matters, three to service delivery and the remaining one to racism.

The number of complaints lodged with the PSC that did not meet the criteria set by the Complaints Rules (for example, those that lacked enough detail to facilitate investigations), increased from six complaints in the 2008/2009 financial year to 23 complaints in the 2009/2010 financial year. In addition, four complaints were a duplication of previously lodged complaints and a further one complaint was withdrawn at the request of the complainant.

Outcome of investigations conducted

Eleven (11) complaints out of 15 that the PSC investigated and finalised during the 2009/2010 financial year (i.e. 75%) were not substantiated. This trend also occurred during the 2007/2008 and 2008/2009 financial years where the majority of complaints investigated and finalised were not substantiated (i.e. 71% of complaints in 2007/2008 and 91% of complaints in 2008/2009).

RECOMMENDATIONS

The following are the recommendations of the study:

Improving the response rate of departments

Given the poor response rate by departments, resulting in reminders that have to be forwarded to EAs/HoDs, it is recommended that both EAs and HoDs ensure that requests in this regard are treated with the necessary urgency.

Strengthening investigative capacity in departments

Departments should ensure that they have adequate investigative capacity that would ensure that complaints referred to them are investigated timely and comprehensive feedback is provided to the PSC.

Addressing the causes of complaints lodged

Since the findings of the study show that the majority of complaints lodged with the PSC during the period under review related to unethical behaviour, followed by complaints relating to poor service delivery, it is recommended that departments –

- establish the causes of such complaints;
- institute focussed corrective measures prioritising the dominant types of complaints to prevent/limit the recurrence of similar complaints in future;
- conduct workshops/training sessions among their employees during which acceptable conduct (especially in relation to interaction with the Public) is highlighted;
- launch campaigns to promote professional ethics in the Public Service; and
- ensure that key service delivery mechanisms are put in place.

Raising awareness of complaints lodged with the PSC

There is a need for the Offices of the Premiers to play an active role in ensuring that the complaints raised implicating Provincial departments are addressed. Similarly, at the National Sphere, the DPSA should ensure that complaints raised implicating National departments are also addressed. It is trusted that this approach will contribute towards limiting the occurrence of corruption in the Public Service.



Bolstering the investigative capacity of the PSC

In view of the fact that the PSC is not only involved in the investigation of complaints by means of the conducting of desk top audits, but also by means of full scale in-loco investigations, there should be an increase in the financial and human resources to allow the PSC to execute its mandate successfully.

CONCLUSION

The findings of the study of complaints lodged with the PSC during the 2009/2010 financial year show that the majority of the complaints were unethical behaviour related. The complaints ranged from HR related to irregularities with regard to supply chain management. The findings also show that a large number of complaints lodged with the PSC that were investigated and finalised, were found to be unsubstantiated.

Chapter One

Introduction

1.1 BACKGROUND TO THE STUDY

The Public Service Commission (PSC) has since 2005 analysed the trends of complaints lodged with it. These are the complaints lodged with the PSC by both members of the public and public servants through the National Anti-Corruption Hotline (NACH) and the Rules of the PSC for lodging of complaints regarding the Public Service (Complaints Rules). The complaints range from poor service delivery related to alleged corruption practices in the Public Service. This report is the fifth of such reports.

In accordance with section 196 of the *Constitution of the Republic of South Africa, 1996*, the PSC is obliged to promote the democratic values and principles governing public administration, which include a high standard of professional ethics, efficient, economic and effective use of resources, responsiveness to people's needs and accountability. Furthermore, section 196 of the Constitution enables the PSC to adhere to this obligation by specifying that the PSC can either of its own accord, or on receipt of any complaint, –

- investigate and evaluate the application of personnel and public administration practices, and report to the relevant Executive Authority (EA) and legislature;
- monitor and investigate adherence to applicable procedures in the Public Service; and
- advise National and Provincial organs of State regarding personnel practices in the Public Service, including those relating to the recruitment, appointment, transfer, discharge and other aspects of the careers of employees in the Public Service.

The above-mentioned Constitutional mandate is furthermore supplemented by sections 9 and 10 of the *Public Service Commission Act, 1997*, mandating the PSC to conduct investigations by means of inspections and inquiries.

1.2 OBJECTIVES OF THE STUDY

The following are the objectives of the study:

- To provide an overview of the number of complaints lodged, the sources from which the complaints were received, the type of complaints, progress with the investigations and the outcome of investigations conducted.
- To establish trends emanating from complaints lodged and investigated.

In meeting the above-mentioned objectives, comparisons are drawn between complaints lodged during the 2005/2006 to 2009/2010 financial years in Chapter 2 of the Report, dealing with the findings of the study.

1.3 SCOPE OF THE STUDY

For the purpose of this study, all complaints lodged with the PSC during the 2009/2010 financial year through the Complaints Rules (i.e. both corruption and non-corruption related complaints), as well as only non-corruption related complaints lodged through the NACH, are included. The reason for excluding corruption related complaints lodged with the PSC through the NACH from this study is the fact that these are analysed and reported on in a separate report published by the PSC annually.

1.4 METHODOLOGY OF THE STUDY

The methodology applied during the study was to conduct a desk-top review of the statistics maintained on spreadsheets of all complaints lodged with the PSC during the 2009/2010 financial year. These statistics were furthermore processed and analysed in accordance with the following main themes derived from the objectives of the study:

- The **number of complaints** lodged with the PSC via the NACH and the Complaints Rules, respectively.
- The various **sources** from which complaints were received, i.e. public servants, members of the public, MPs/ MPLs or EAs.
- The **type of complaints** lodged, e.g. unfair labour practice, unethical behaviour; service delivery, human resource related, etc.
- **Progress** with the investigation of complaints lodged.
- The **outcome of investigations** conducted by the PSC.

1.5 LIMITATIONS OF THE STUDY

The statistical analysis in Chapter 2 of the Report should be viewed against the following limitations experienced with regard to the management of complaints lodged with the PSC:

- Poor document and record management by departments, resulting in inadequate supporting documentation submitted to the PSC when feedback is provided on the outcome of investigations conducted.
- A large number of complainants choose to remain anonymous when lodging complaints. Hence, the PSC found it difficult to obtain further information or clarity on aspects of the interpretation of, and type of complaints.
- Some of the complaints lodged with the PSC are unclear, incoherent, lack detail or are frivolous. Therefore, such complaints had to be followed up with complainants where possible (i.e. in instances where complainants provided their contact details) to obtain clarity about the allegations made. Such follow-ups not only require human and other resources, but are also time consuming.
- Delays by departments or EAs in responding to the PSC on the outcome of investigations conducted.
- The lack of feedback and/or the length of time that it takes departments or EAs to provide feedback to the PSC regarding the implementation of its recommendations.

1.6 STRUCTURE OF THE REPORT

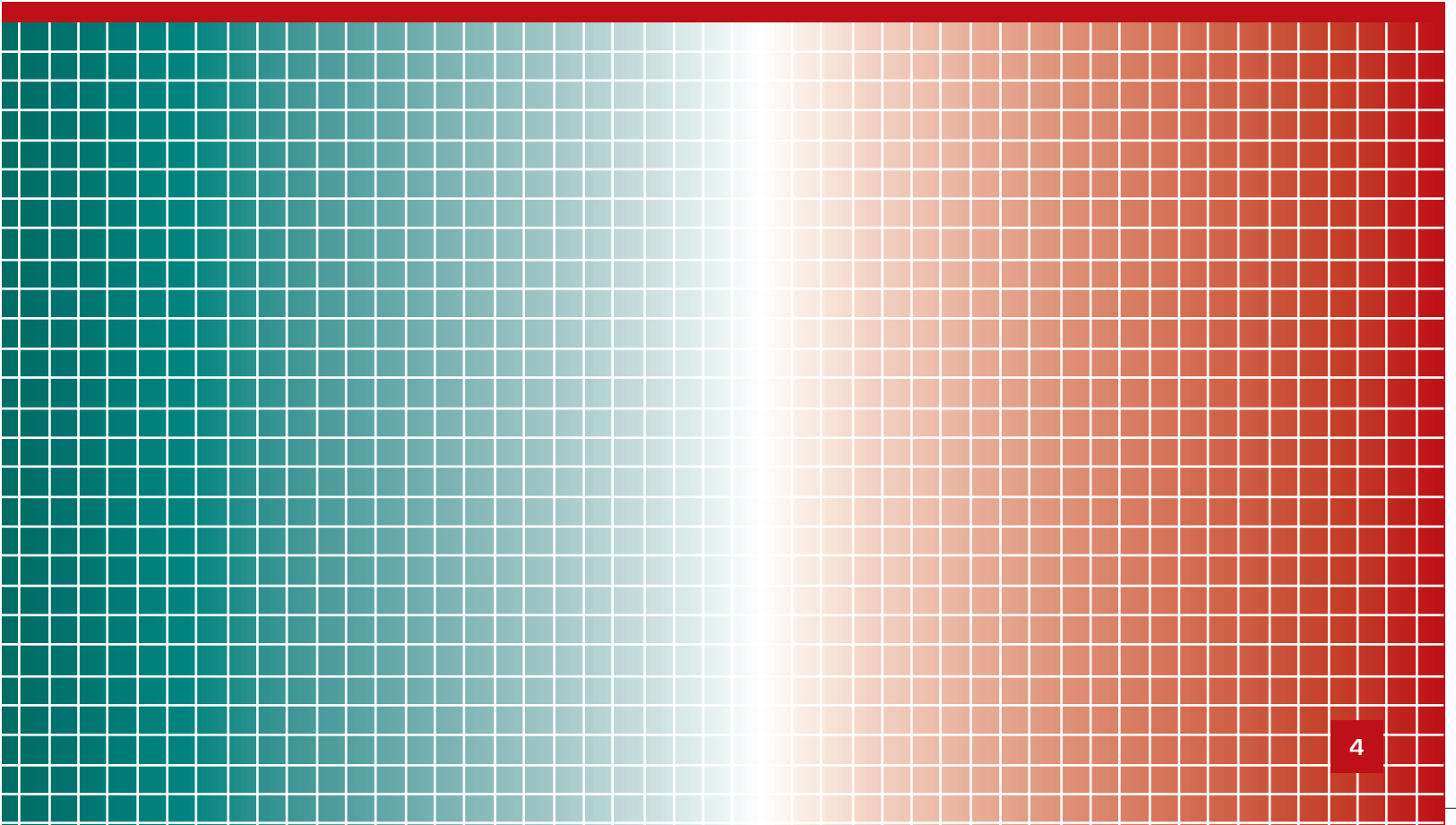
The structure of this report is as follows:

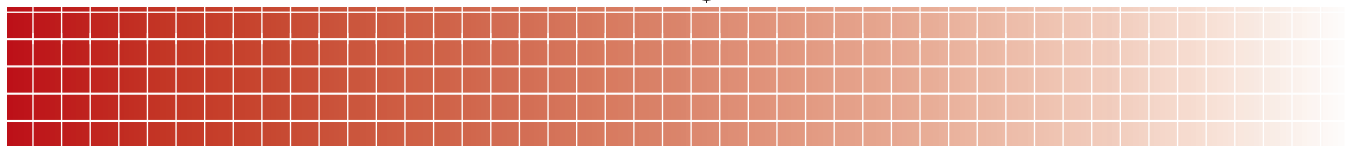
Chapter 2 provides an analysis of the trends on complaints lodged with the PSC during the 2009/2010 financial year.

Chapter 3 presents recommendations and conclusion of the study.

Chapter Two

Findings





2.1 INTRODUCTION

This Chapter presents the findings of an analysis of the trends of complaints lodged with the PSC during the 2009/2010 financial year. It must be noted that for the purpose of this study, all complaints lodged with the PSC during the 2009/2010 financial year through the Complaints Rules (i.e. both corruption and non-corruption related complaints), as well as non-corruption related complaints lodged through the NACH, were analysed. Corruption related complaints lodged with the PSC through the NACH were excluded from this study due to the fact that these are analysed and reported on in a separate report published by the PSC annually. The findings are presented according to the following themes derived from the objectives of the study:

- The **number of complaints** lodged with the PSC via the NACH and the Complaints Rules, respectively.
- The **sources** from which complaints were received, i.e. public servants, members of the public, MPs/MPLs or EAs.
- The **type of complaints** lodged, e.g. unfair labour practice, unethical behaviour, service delivery, human resource related, etc.
- **Progress** with the investigation of complaints lodged.
- The **outcome of investigations** conducted by the PSC.

2.2 FINDINGS

2.2.1 Total number of complaints lodged with the PSC

A total of 279 complaints were lodged with the PSC during the 2009/2010 financial year. This is the lowest number of complaints lodged with the PSC since the inception of the various complaint mechanisms. Statistics regarding the total number of complaints lodged via the NACH and the Complaints Rules during the 2009/2010 financial year are reflected at **Table I** below. For purposes of comparison, the 2005/2006 to 2008/2009 financial years' statistics are also reflected.

Table I: Number of complaints lodged with the PSC

| Institution implicated | 2005/2006 | 2006/2007 | 2007/2008 | 2008/2009 | 2009/2010 |
|------------------------|------------|------------|------------|------------|------------|
| National Depts | 420 (48%) | 241 (50%) | 185 (56%) | 175 (54%) | 155 (56%) |
| Provincial Depts | 331 (38%) | 182 (37%) | 104 (31%) | 115 (36%) | 83 (30%) |
| Local Government | 100 (11%) | 32 (6.5%) | 23 (7%) | 23 (7%) | 29 (10%) |
| Private Companies | 20 (2.5%) | 23 (5%) | 8 (2%) | 5 (2%) | 10 (3.5%) |
| Nat & Prov Depts* | - | - | 7 (2%) | 2 (0.5%) | - |
| Unknown | 2 (0.5%) | 8 (1.5%) | 6 (2%) | 2 (0.5%) | 2 (0.5%) |
| TOTAL | 873 | 486 | 333 | 322 | 279 |

*Note: Complaints impacting on more than one department at different spheres of Government.

From the above reflected combined total number of complaints lodged with the PSC via the NACH and the Complaints Rules, a 13.3% decline is observed from 322 complaints lodged during the 2008/2009 financial year to 279 complaints lodged during the 2009/2010 financial year.

Table I above also reflects a continuing trend whereby the majority of complaints lodged with the PSC implicated National Departments (i.e. 56%). As reflected in the above table, complaints relating to Local



Government and private companies, are also received by the PSC. In this regard, a 26% increase from 23 complaints lodged during the 2008/2009 financial year relating to Local Government, to 29 complaints lodged in the 2009/2010 financial year, occurred. Given the country-wide increased protest action against poor service delivery by municipal councils reported in the media during the period under review, this increase in the number of complaints does not come as a surprise.

A breakdown of the number of complaints lodged with the PSC in terms of each of the two complaint mechanisms, namely the NACH and the Complaints Rules, is as follows:

2.2.1.1 Number of complaints lodged via the NACH

Table 2: Number of complaints lodged with the PSC via the NACH

| Institution implicated | 2005/2006 | 2006/2007 | 2007/2008 | 2008/2009 | 2009/2010 |
|------------------------|------------|------------|------------|------------|------------|
| National Depts | 353 (47%) | 123 (46%) | 88 (55%) | 125 (60%) | 104 (61%) |
| Provincial Depts | 293 (39%) | 110 (41%) | 51 (32%) | 72 (35%) | 47 (27%) |
| Local Government | 96 (13%) | 30 (11%) | 19 (12%) | 11 (5%) | 18 (11%) |
| Private Companies | 15 (2%) | 5 (2%) | 1 (1%) | - | 2 (1%) |
| TOTAL | 757 | 268 | 159 | 208 | 171 |

A comparison between the total number of complaints lodged with the PSC via the NACH in the 2008/2009 and 2009/2010 financial years respectively shows an 18% decline from 208 complaints lodged during the 2008/2009 financial year to 171 lodged in the 2009/2010 financial year. This decline is in line with the decline in the total number of complaints lodged with the PSC reflected in **Table I** on the previous page, and can be attributed to active measures taken (e.g. the conducting of workshops and distribution of information pamphlets) to discourage the use of the NACH to report non-corruption and service delivery complaints.

It is also evident that more complaints lodged via the NACH implicated National (61%) than Provincial Departments (27%), whilst a 64% increase from 11 complaints lodged during the 2008/2009 financial year relating to Local Government, to 18 complaints lodged in the 2009/2010 financial year, occurred. Again, this state of affairs is in line with the increase in the total number of complaints lodged with the PSC reflected in **Table I** on the previous page.

The number of complaints lodged with the PSC via the NACH impacting on National and Provincial Departments are discussed in detail below.

2.2.1.1(a) Number of complaints lodged via the NACH impacting on National Departments

Figure I on the following page presents a breakdown of the number of complaints lodged via the NACH that implicated national departments during the 2009/2010 financial year. For comparative purposes, statistics relating to the 2008/2009 financial year are also reflected.

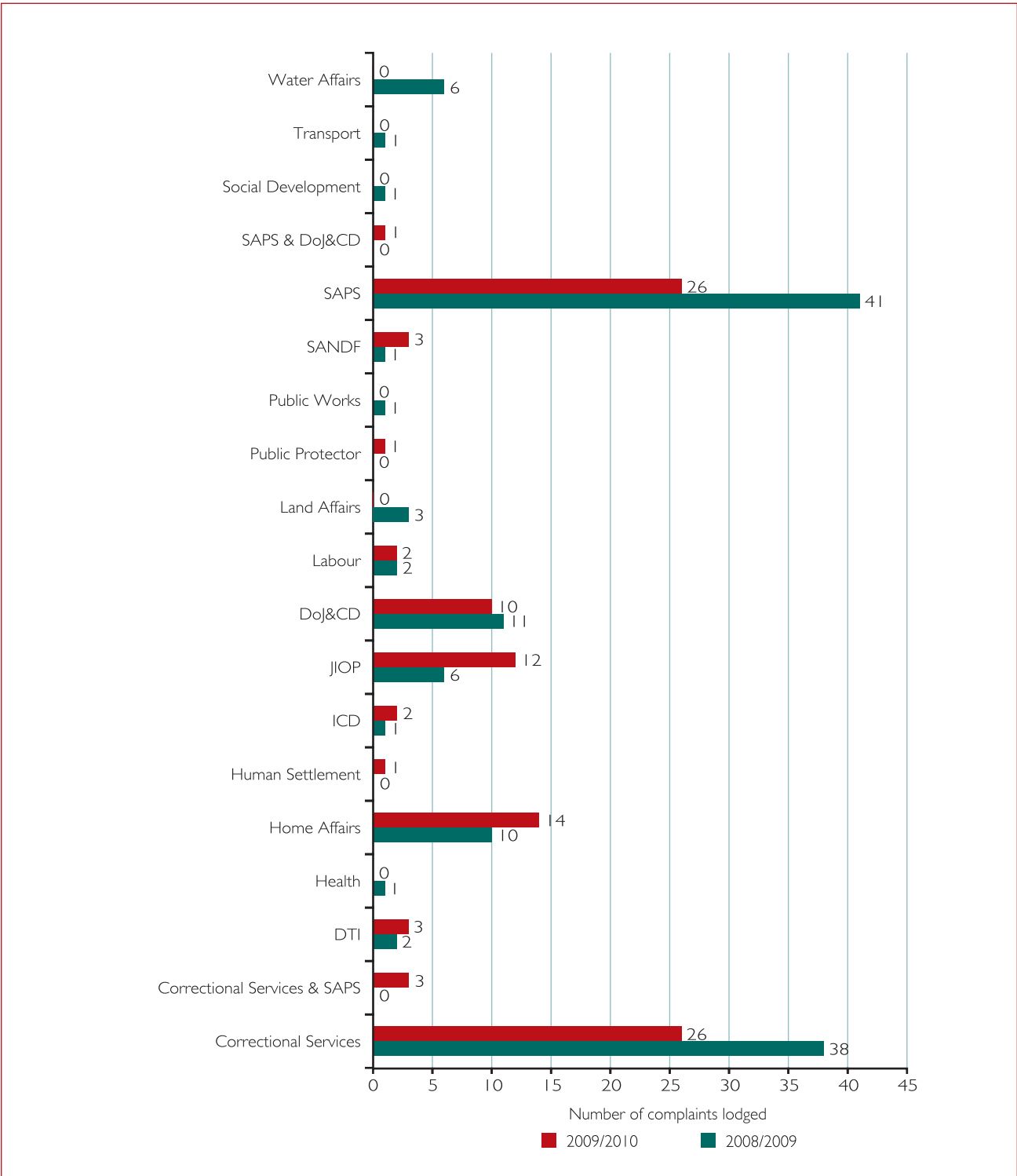
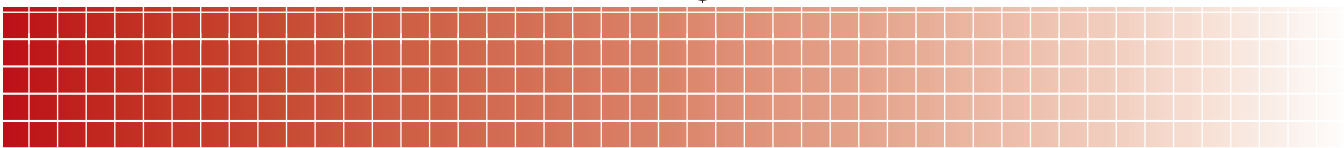


Figure 1: Number of complaints lodged via the NACH involving National Departments

An overall decline of 17% from 125 to 104 complaints lodged via the NACH impacting on National Departments during the 2008/2009 and 2009/2010 financial years respectively is graphically illustrated in **Table 2** on the previous page. The decline in complaints lodged is especially evident in larger National Departments, namely the South African Police Service (SAPS), the Department of Correctional Services (DCS) and the Department of Water Affairs.

7

The biggest decline was experienced in the number of complaints lodged with the SAPS and the DCS. However, despite this decline, 50% of complaints lodged via the NACH implicated these two departments.



In addition to the above trend relating to complaints lodged impacting on the SAPS and the DCS, at the Judicial Inspectorate of Prisons (JIOP) a 100% increase from 6 complaints lodged during the 2008/2009 financial year via the NACH to 12 in the 2009/2010 financial year is observed. Since these complaints related to the treatment of prisoners and/or the conditions in prisons, falling within the jurisdiction of the JIOP, they were referred to the JIOP for further handling.

2.2.1.1(b) Number of complaints lodged via the NACH involving Provincial Departments

The number of complaints lodged with the PSC during the 2008/2009 and 2009/2010 financial years via the NACH involving Provincial Departments is shown in **Figure 2** below:

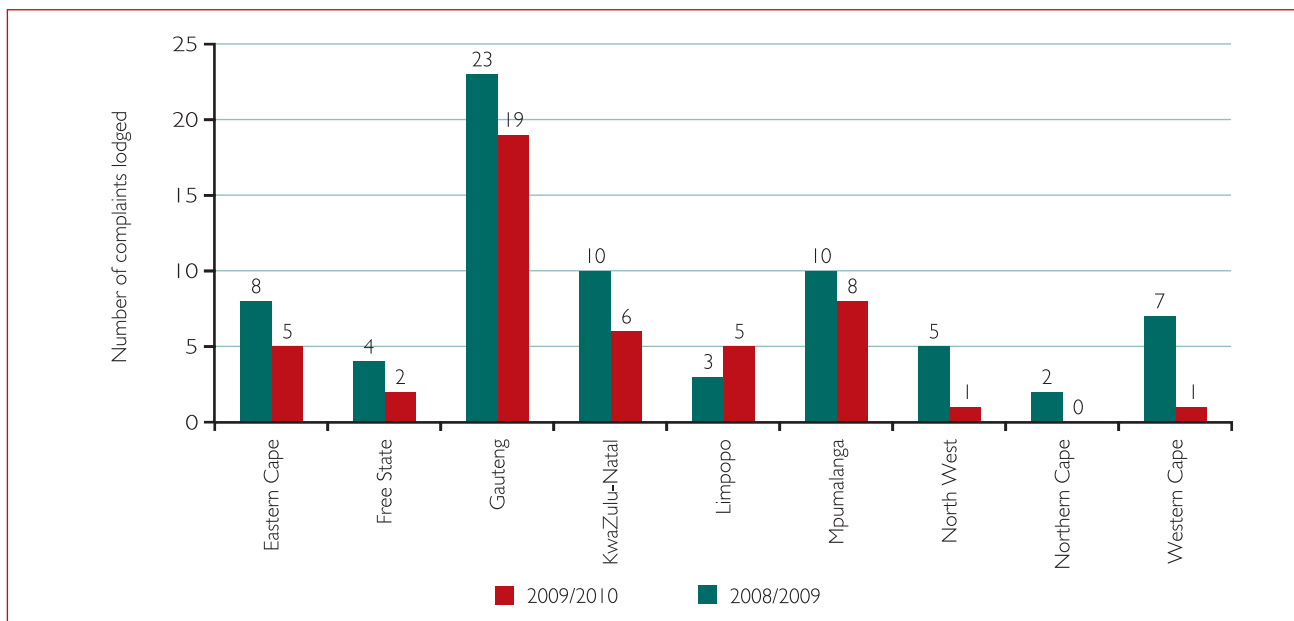
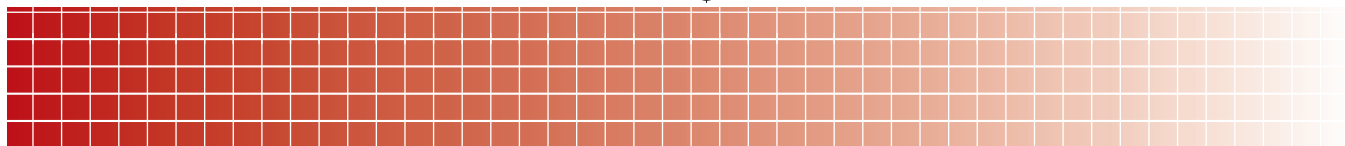


Figure 2: Number of complaints lodged via the NACH involving Provincial Departments

As was the case with National Departments, at the Provincial Sphere the trend is continued whereby the number of complaints lodged via the NACH decreased by 35% from 72 complaints lodged during the 2008/2009 financial year to 47 in the 2009/2010 financial year (see **Table 2**).

The largest number of complaints lodged with the PSC via the NACH during the 2009/2010 financial year implicated Gauteng (40%), followed by Mpumalanga (17%) and KwaZulu-Natal (13%). This was also the case during the 2008/2009 financial year and could be attributed to the fact that complainants within Gauteng, which is an urbanised Province, are likely to be more literate and have easier access to information regarding the lodging of complaints, as well as telephones for this purpose. Complainants in KwaZulu-Natal, which is largely a rural Province, might be less literate and experience challenges as far as communication is concerned (i.e. less aware of the existence of the NACH).

Furthermore, the figure above reflects a consistent decline in the number of complaints lodged via the NACH in respect of eight of the nine Provinces. Especially in the Western Cape the number of complaints lodged in the 2008/2009 financial year declined by 86% from seven to only one complaint lodged in the 2009/2010 financial year. The only exception is Limpopo where two more complaints were lodged during the 2009/2010 financial year than during the previous year.



2.2.1.2 Number of complaints lodged via the Complaints Rules

Table 3: Number of complaints lodged with the PSC via the Complaints Rules

| Institution implicated | 2005/2006 | 2006/2007 | 2007/2008 | 2008/2009 | 2009/2010 |
|------------------------|-----------------|------------------|-----------------|-----------------|-----------------|
| National Depts | 67 (58%) | 118 (54%) | 97 (56%) | 50 (44%) | 51 (47%) |
| Provincial Depts | 38 (33%) | 72 (33%) | 53 (30%) | 43 (38%) | 36 (33%) |
| Local Government | 4 (3%) | 2 (1%) | 4 (2.5%) | 12 (10%) | 11 (10%) |
| Private Companies | 5 (4%) | 18 (8%) | 7 (4%) | 5 (4%) | 8 (7%) |
| Nat & Prov Depts* | - | - | 7 (4%) | 2 (2%) | - |
| Unknown | 2 (2%) | 8 (4%) | 6 (3.5%) | 2 (2%) | 2 (2%) |
| TOTAL | 116 | 218 | 174 | 114 | 108 |

*Note: Complaints impacting on more than one department at different spheres of Government.

The general decline in the number of complaints lodged with the PSC via the NACH, reflected in **Table 2**, was also experienced in terms of complaints lodged via the Complaints Rules. According to the statistics reflected in **Table 3** above, whilst the status quo regarding complaints lodged with the PSC via the Complaints Rules involving National Departments was maintained, 16% less complaints involving Provincial Departments were lodged via the Complaints Rules in the 2009/2010 financial year than the previous reporting period (i.e. from 43 complaints to only 36).

The number of complaints lodged with the PSC via the Complaints Rules involving National and Provincial Departments are further elaborated upon below.

2.2.1.2(a) Number of complaints lodged via the Complaints Rules involving National Departments

Although the number of complaints lodged with the PSC via the Complaints Rules during the 2009/2010 financial year (i.e. 51) did not vary much from that lodged during the previous reporting period, increases in the number of complaints lodged were experienced at especially departments where the highest number of complaints were lodged previously in the 2008/2009 financial year. This includes the SAPS (i.e. from five to seven complaints), the Department of Justice & Constitutional Development (i.e. from six to seven complaints) and the DCS (i.e. five to eight complaints).

The trend in the number of complaints lodged with the PSC during the 2008/2009 and 2009/2010 financial years via the Complaints Rules involving National Departments is graphically illustrated as follows:



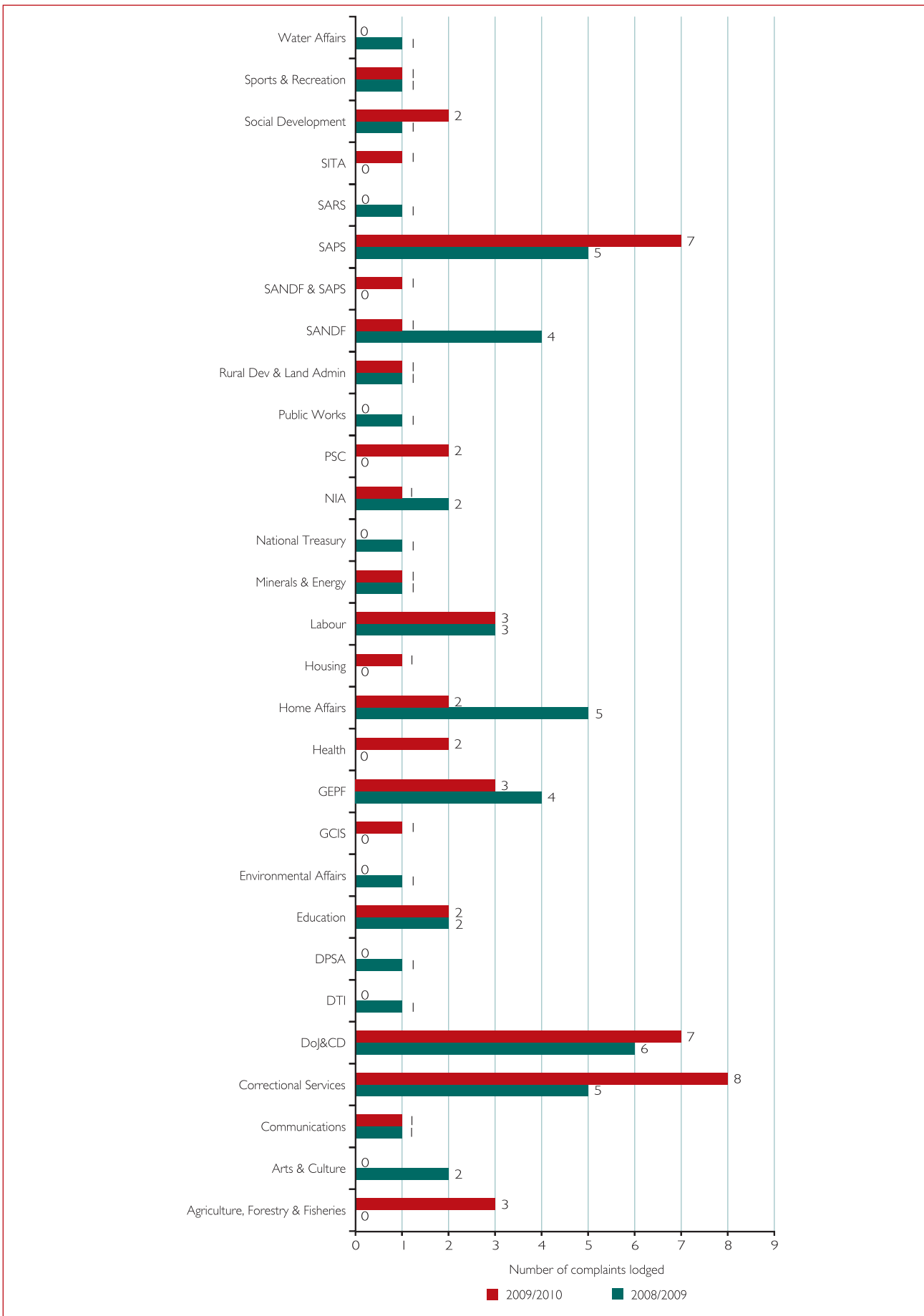


Figure 3: Number of complaints lodged via the Complaints Rules involving National Departments

2.2.1.2(b) Number of complaints lodged via the Complaints Rules involving Provincial Departments

Similar to the above illustrated trend regarding the decline in the number of complaints lodged with the PSC via the Complaints Rules involving National Departments, at Provincial Sphere a decline was similarly experienced of 16% (i.e. from 43 complaints lodged during the 2008/2009 financial year to only 36 lodged during the 2009/2010 financial year).

This decline, as well as the total number of complaints lodged per Province, is graphically illustrated as follows:

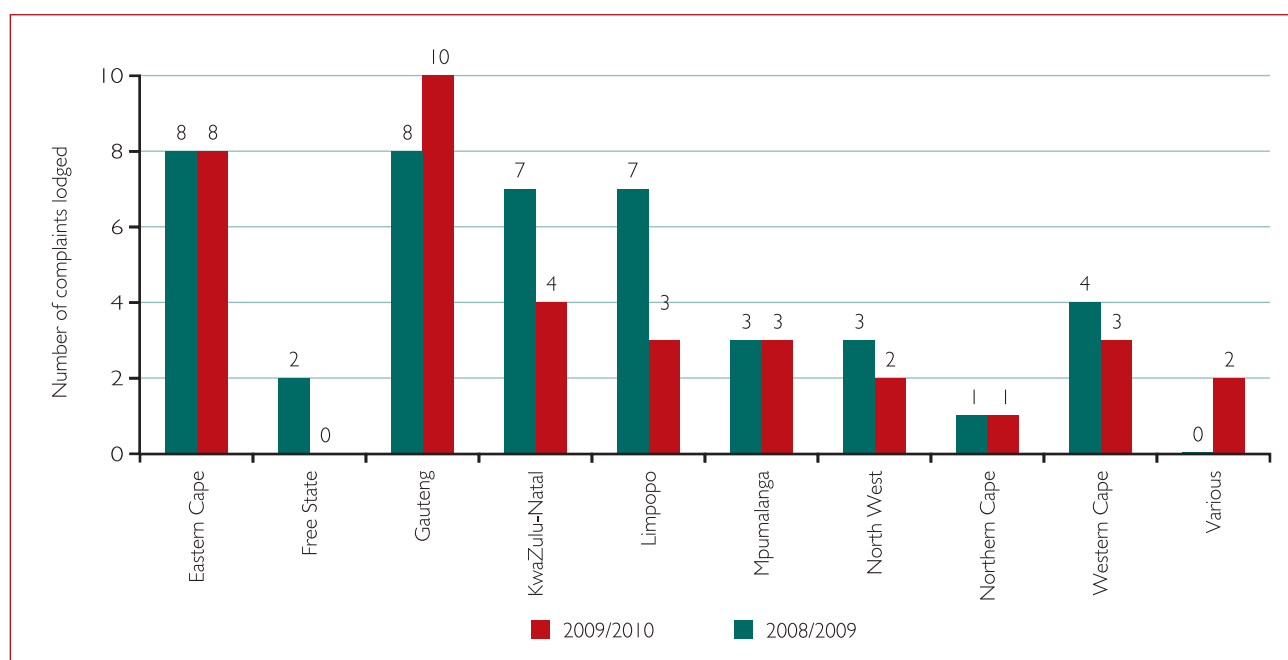


Figure 4: Number of complaints lodged via the Complaints Rules involving Provincial Departments

The trend during the 2008/2009 financial year whereby the highest number of complaints implicated departments within Gauteng and the Eastern Cape Provinces (i.e. 37%), was continued during the 2009/2010 financial year. To this end, and in accordance with the trend regarding complaints lodged via the NACH reflected in **Figure 2**, the majority of complaints received via the Complaints Rules during the 2009/2010 financial year implicated departments in Gauteng (i.e. 28%).

Compared to statistics for the 2008/2009 financial year, a decline was experienced in the number of complaints lodged during the period under review involving departments within Limpopo, KwaZulu-Natal, Free State (the only Province where no complaint was lodged in the 2009/2010 financial year), North West and the Western Cape. In the Eastern Cape and Mpumalanga the number of complaints lodged during the 2008/2009 and 2009/2010 financial years respectively remained the same.

The general decrease reflected in **Figure 4** above in the number of complaints lodged with the PSC via the Complaints Rules could be indicating that complainants –

- are utilising alternative complaints mechanisms such as the Presidential Hotline to raise their dissatisfaction;
- experience less incidents of poor service delivery and corruption related activities (which would be contrary to recent media reports);
- are not able to identify instances of service delivery falling below the required/acceptable standard and corruption related activities; or
- have lost confidence in the Government's endeavours to root out poor service delivery, corruption and corruption related activities in the Public Service.

2.2.2 Sources of complaints lodged with the PSC

During the period under review, the PSC received complaints from a variety of sources, including public servants, members of the public and MPs/MPLs/EAs. It is important to note that when complainants/whistleblowers lodge complaints with the PSC they have the option to either remain anonymous, or to reveal their identity, and as such it is difficult to determine the key sources of the complaints. Statistics in this regard are reflected in **Table 4** below.

Table 4: Sources of complaints lodged with the PSC

| Sources | 2005/2006 | 2006/2007 | 2007/2008 | 2008/2009 | 2009/2010 |
|------------------------------|------------|------------|------------|------------|------------|
| Anonymous complainants | 314 (36%) | 190 (39%) | 120 (36%) | 111 (34%) | 83 (30%) |
| Identified NACH complainants | 465 (53%) | 119 (24%) | 73 (22%) | 113 (35%) | 106 (38%) |
| Members of the public | 47 (5%) | 53 (11%) | 71 (21%) | 63 (20%) | 62 (22%) |
| Public servants | 44 (5%) | 97 (20%) | 54 (16%) | 30 (9%) | 22 (8%) |
| MPs/MPLs/EAs | 3 (1%) | 19 (4%) | 8 (2%) | 4 (1%) | 6 (2%) |
| Own accord | - | 8 (2%) | 7 (2%) | 1 (1%) | - |
| TOTAL | 873 | 486 | 333 | 322 | 279 |

Table 4 above shows that only 30% of complainants in the 2009/2010 financial year chose to remain anonymous, compared to 34% and 36% in the previous two reporting periods respectively. Furthermore, an increase was experienced in the number of complainants who lodged their complaints with the PSC via the NACH who revealed their identities, i.e. from 22% in the 2007/2008 financial year to 35% and 38% in the 2008/2009 and 2009/2010 financial years, respectively. This increase in self-identification by complainants/whistleblowers could be indicative of the confidence they have in the *Protected Disclosures Act, 2000*, which states that whistleblowers should be protected.

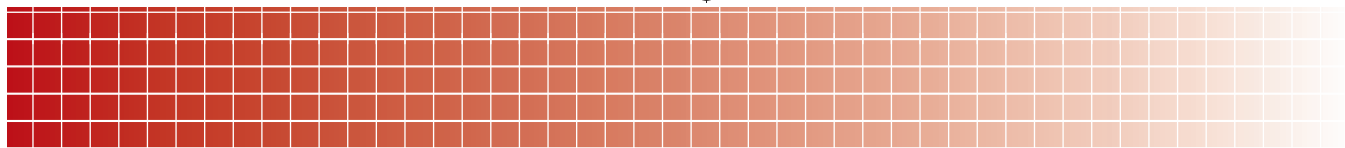
A breakdown of the various sources of complaints lodged with the PSC via the NACH and the Complaints Rules respectively, are discussed in detail below.

2.2.2.1 Sources of complaints lodged via the NACH

Table 5: Sources of complaints lodged with the PSC via the NACH

| Sources | 2005/2006 | 2006/2007 | 2007/2008 | 2008/2009 | 2009/2010 |
|-------------------------|------------|------------|------------|------------|------------|
| Anonymous complainants | 292 (39%) | 149 (56%) | 86 (54%) | 95 (46%) | 65 (38%) |
| Identified complainants | 465 (61%) | 119 (44%) | 73 (46%) | 113 (54%) | 106 (62%) |
| TOTAL | 757 | 268 | 159 | 208 | 171 |

Table 5 above shows the various sources of service delivery related complaints lodged with the PSC via the NACH. The table also shows that whilst the total number of complaints lodged declined by 18% from 208 complaints lodged in the 2008/2009 financial year to 171 in the 2009/2010 financial year, the number of complainants who remained anonymous also declined (i.e. from 46% in the 2008/2009 financial year to 38% in the 2009/2010 financial year).



Furthermore, since the inception of the NACH the number of NACH complainants who chose to reveal their identity was the highest in 2009/2010 financial year (i.e. 106 complainants or 62%). This could be indicative of a decrease in the fear of victimisation and intimidation as a result of the success of whistleblower-protection legislation and initiatives, as well as the trust placed by complainants in the NACH as an access mechanism.

The 2009/2010 financial year's statistics are graphically illustrated as follows:

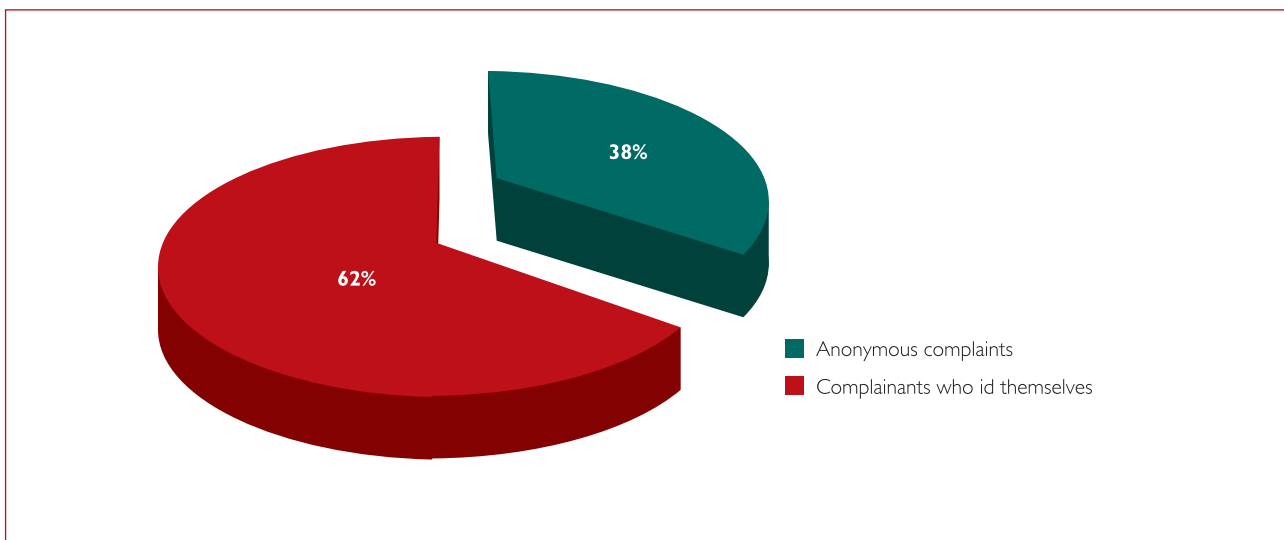


Figure 5: Sources of complaints lodged with the PSC via the NACH during the 2009/2010 financial year

2.2.2.2 Sources of complaints lodged via the Complaints Rules

Table 6: Sources of complaints lodged with the PSC via the Complaints Rules

| Sources | 2005/2006 | 2006/2007 | 2007/2008 | 2008/2009 | 2009/2010 |
|------------------------|------------|------------|------------|------------|------------|
| Anonymous complainants | 22 (19%) | 41 (19%) | 34 (19%) | 17 (15%) | 18 (17%) |
| Members of the public | 47 (40%) | 53 (24%) | 71 (41%) | 63 (55%) | 62 (57%) |
| Public servants | 44 (38%) | 97 (44%) | 54 (31%) | 30 (26%) | 22 (20%) |
| MPs/MPLs/EAs | 3 (3%) | 19 (9%) | 8 (5%) | 4 (4%) | 6 (6%) |
| Own accord | - | 8 (4%) | 7 (4%) | - | - |
| TOTAL | 116 | 218 | 174 | 114 | 108 |

Since the 2007/2008 financial year, there has been a decrease in the number of complaints lodged by members of the public, as well as in the number of complaints lodged by public servants. This could either be indicative of the easy accessibility and effectiveness of internal departmental complaint mechanisms and procedures, or conversely it could signal fear of victimisation, in which case departments are urged to develop whistle-blowing policies to facilitate implementation of the *Protected Disclosures Act, 2000*.

Furthermore, the majority of complaints lodged via the Complaints Rules during the 2009/2010 financial year were lodged by members of the public (i.e. 62 complaints or 57%). This was also the case in the 2007/2008 to 2008/2009 financial years, and points towards a trend in this regard.

Statistics in this regard, as reflected in **Table 6** above, are graphically illustrated as follows:



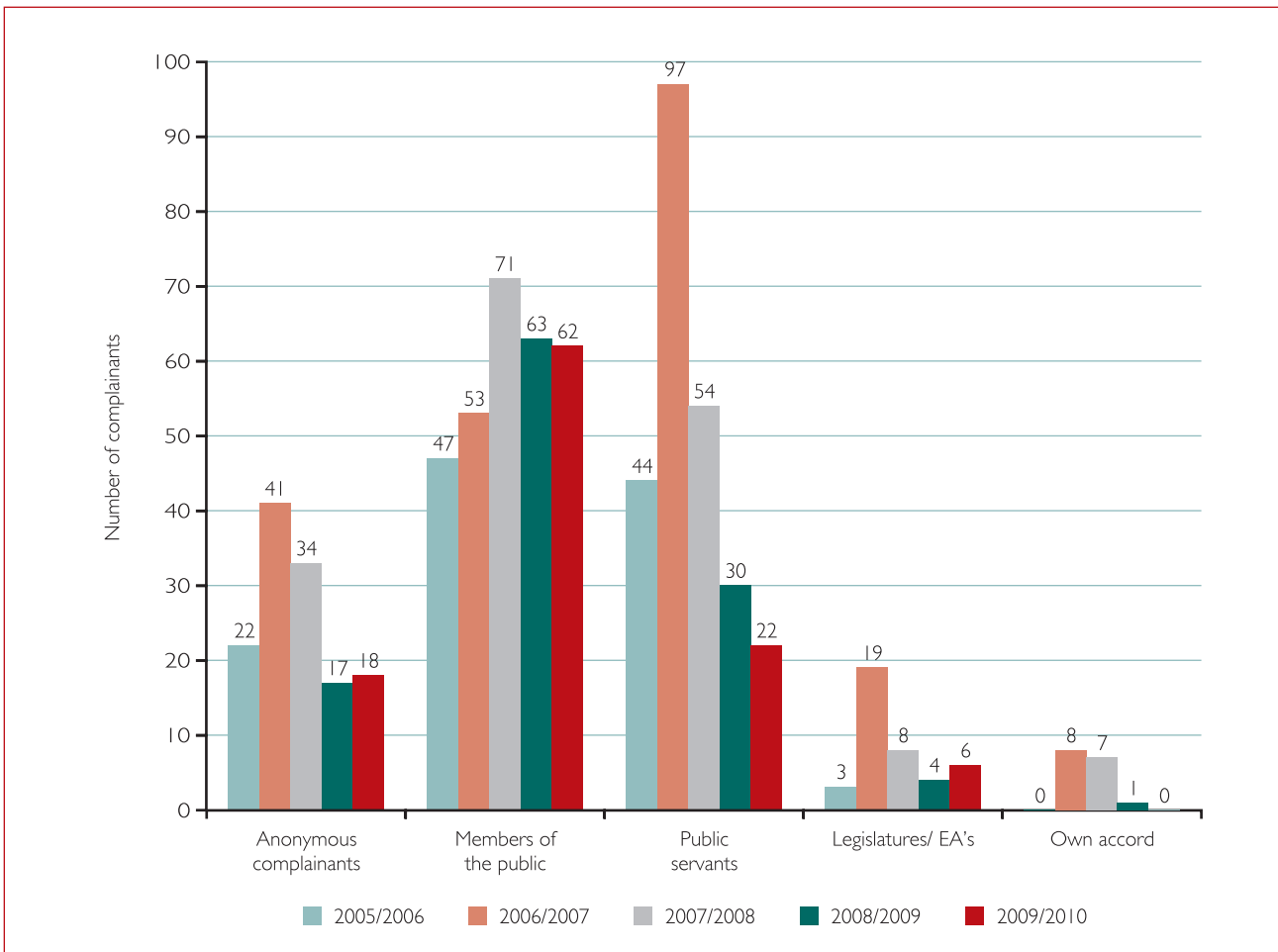


Figure 6: Sources of complaints lodged with the PSC via the Complaints Rules during the 2009/2010 financial year

2.2.3 Type of complaints lodged

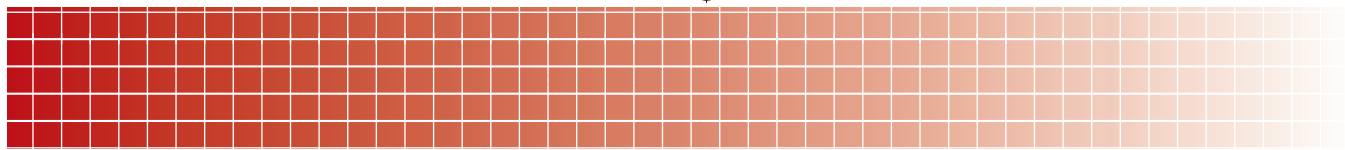
Allegations contained in complaints lodged with the PSC during the 2009/2010 financial year related to a variety of matters, ranging from human resource (HR) related issues such as recruitment, selection and the filling of posts, to unethical behaviour such as unprofessional conduct or behaviour of officials (e.g. violation of the Code of Conduct for the Public Service). For purposes of this report, the definitions contained in the report on Profiling and analysis of the most common manifestations of corruption and its related risks in the Public Service¹ were utilised to classify the types of complaints lodged.

Statistics reflecting the number and type of complaints lodged with the PSC during the 2009/2010 financial year, as defined in the above-mentioned report are reflected in **Table 7** below. Comparative statistics relating to the four financial years preceding the period under review are also provided.

Table 7: Type of complaints lodged with the PSC

| Type of complaint | 2005/2006 | 2006/2007 | 2007/2008 | 2008/2009 | 2009/2010 |
|---------------------|-----------|-----------|-----------|-----------|-----------|
| HR related | 117 (13%) | 123 (25%) | 101 (30%) | 62 (19%) | 39 (14%) |
| Unethical behaviour | 294 (34%) | 158 (32%) | 90 (27%) | 145 (45%) | 117 (42%) |
| Service delivery | 154 (18%) | 69 (14%) | 55 (17%) | 44 (14%) | 44 (16%) |

¹ Republic of South Africa. Public Service Commission. Profiling and Analysis of the most Common Manifestations of Corruption and its Related Risks in the Public Service. Pretoria. August, 2010.



| Type of complaint | 2005/2006 | 2006/2007 | 2007/2008 | 2008/2009 | 2009/2010 |
|----------------------------------|------------|------------|------------|------------|------------|
| Corruption/ Maladministration | 19 (2%) | 22 (5%) | 28 (8%) | 27 (8%) | 28 (10%) |
| Unfair labour practice | 62 (7%) | 31 (6%) | 11 (3%) | 17 (5%) | 12 (4%) |
| Irregularities & discrimination | 14 (2%) | 34 (7%) | 6 (2%) | 10 (3%) | 12 (4%) |
| Pension enquiry | 41 (5%) | 13 (3%) | 4 (1%) | 4 (1%) | 7 (2.5%) |
| Prison conditions | 125 (14%) | 4 (1%) | 4 (1%) | 2 (1%) | 5 (1.5%) |
| Grievance | 28 (3%) | 2 (0.5%) | 3 (1%) | 5 (1.5%) | 7 (2.5%) |
| Outcome of court case | 9 (1%) | 12 (2.5%) | 3 (1%) | 2 (0.5%) | 2 (0.5%) |
| *Unclear | 10 (1%) | 18 (4%) | 28 (8%) | 4 (1%) | 6 (2%) |
| TOTAL* | 873 | 486 | 333 | 322 | 279 |

*Note: In a limited number of instances the type of complaints could not be determined due to the lack of information provided by anonymous complainants.

According to the above statistics, the majority of complaints lodged with the PSC during the 2009/2010 financial year related to unethical behaviour (i.e. 117 complaints or 42%) such as irregular filling of posts or the abuse of power. Since this was also the case in the preceding 2008/2009 financial year, it would seem as if a trend is emerging in this regard.

The second highest number of complaints lodged with the PSC during the period under review related to incidents of poor service delivery (i.e. 44 complaints or 16%). However, this was not the case in the 2008/2009 financial year where the second highest number of complaints related to HR matters. In this regard, a substantial decrease of 36% from 62 complaints lodged in the 2008/2009 financial year that related to HR matters to 39 in the 2009/2010 financial was experienced.

Given the above, and in view of the fact that the remaining types of complaints reflected in **Table 7** above remained constant during the 2008/2009 and 2009/2010 financial years, no trend could be identified.

The increases and decreases in the number of complaints lodged with the PSC in the 2008/2009 and 2009/2010 financial years respectively, per type of complaint, are illustrated in **Figure 7** on the following page:



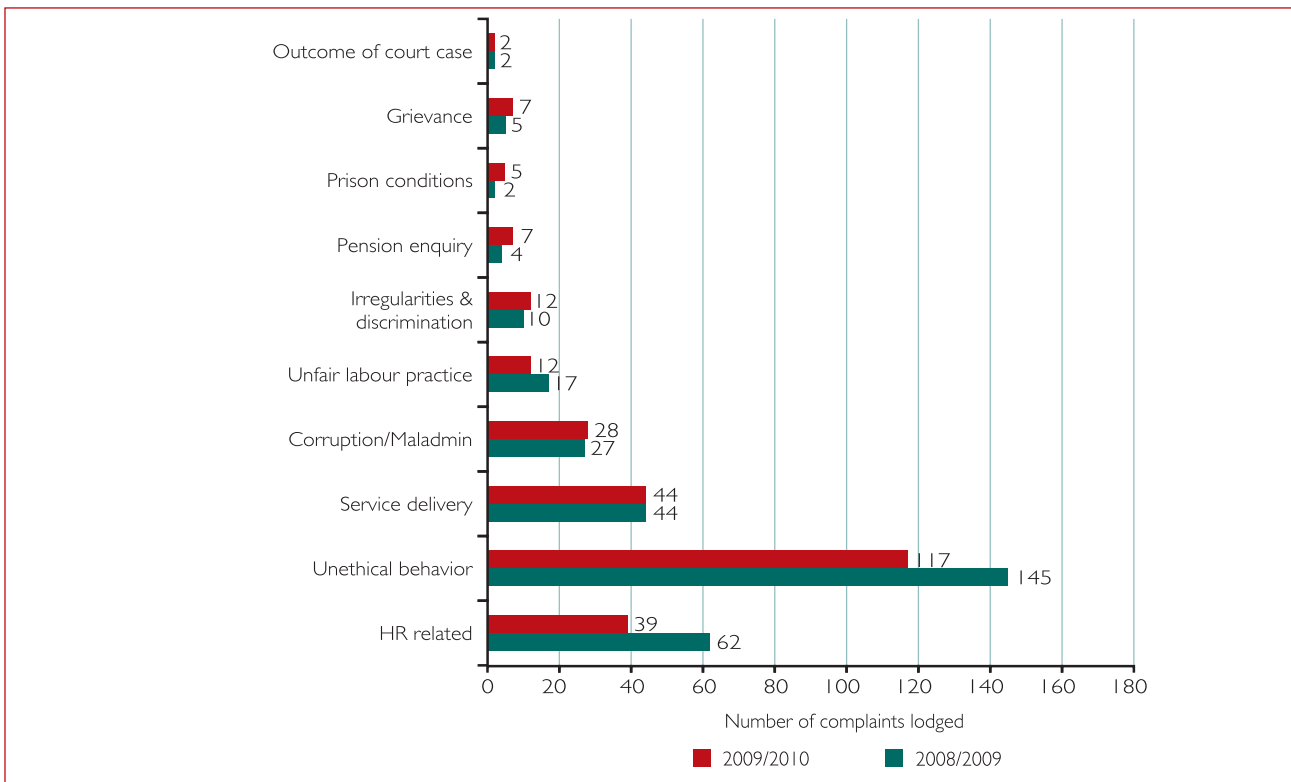


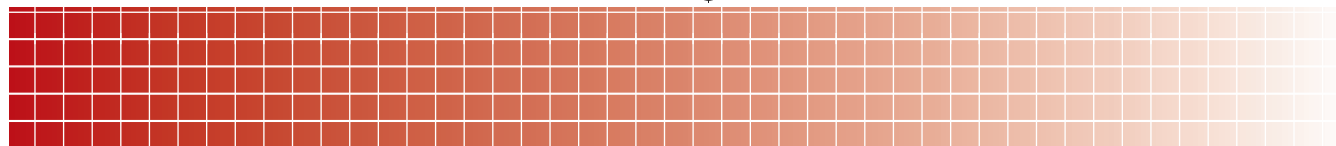
Figure 7: Number of complaints lodged with the PSC, per type and financial year

Supplementary to an analysis of the number and type of allegations and complaints lodged, the PSC deemed it appropriate to also reflect on the type of complaints lodged per National and Provincial Sphere of Government.

Table 8 below presents a breakdown of the type of complaints lodged during the 2009/2010 financial year with the PSC per National and Provincial Sphere.

Table 8: Type of complaints lodged with the PSC during the 2009/2010 financial year, per National/ Provincial Sphere

| Type of complaint | Eastern Cape | Free State | Gauteng | KwaZulu-Natal | Limpopo | Mpumalanga | North West | Northern Cape | Western Cape | Various Provinces | National Sphere | Municipal Sphere | Private companies | Unknown | TOTAL |
|------------------------------|--------------|------------|---------|---------------|---------|------------|------------|---------------|--------------|-------------------|-----------------|------------------|-------------------|---------|-------|
| Corruption/maladministration | 1 | 1 | 3 | 1 | - | 1 | - | - | - | - | 16 | 3 | 2 | - | 28 |
| Grievance | - | - | - | - | 1 | 1 | - | - | - | - | 5 | - | - | - | 7 |
| HR related | 6 | - | 4 | 3 | - | 1 | 2 | - | 1 | 1 | 13 | 3 | 4 | 1 | 39 |
| Prison conditions | - | - | - | - | - | - | - | - | - | - | 5 | - | - | - | 5 |
| Irregularities & racism | 1 | - | 2 | 1 | - | 1 | - | - | - | - | 6 | - | 1 | - | 12 |
| Service delivery | 1 | 1 | 6 | - | 1 | 2 | 2 | - | 1 | - | 19 | 9 | 2 | - | 44 |
| Pension related | 1 | - | 1 | - | 1 | - | - | - | 1 | - | 3 | - | - | - | 7 |
| Unethical behaviour | 1 | - | 11 | 5 | 4 | 4 | - | 1 | - | 1 | 75 | 13 | 1 | 1 | 117 |



| Type of complaint | Eastern Cape | Free State | Gauteng | KwaZulu-Natal | Limpopo | Mpumalanga | North West | Northern Cape | Western Cape | Various Provinces | National Sphere | Municipal Sphere | Private companies | Unknown | TOTAL |
|------------------------|--------------|------------|-----------|---------------|----------|------------|------------|---------------|--------------|-------------------|-----------------|------------------|-------------------|----------|------------|
| Unfair labour practice | 2 | - | 1 | - | 1 | - | - | - | 1 | - | 7 | - | - | - | 12 |
| Outcome of Court case | - | - | - | - | - | - | - | - | - | - | 2 | - | - | - | 2 |
| Unclear | - | - | - | - | - | 1 | - | - | - | - | 4 | 1 | - | - | 6 |
| TOTAL | 13 | 2 | 28 | 10 | 8 | 11 | 4 | 1 | 4 | 2 | 155 | 29 | 10 | 2 | 279 |
| TOTAL PROVINCES | 83 | | | | | | | | | | | | | | |

From **Table 8** above it is clear that the highest number of complaints lodged with the PSC during the 2009/2010 financial year that implicated National Departments related to unethical behaviour (i.e. 75 complaints or 48%). The pattern is repeated as far as Provincial Departments are concerned where the majority of complaints lodged in Gauteng, KwaZulu-Natal, Limpopo and Mpumalanga also related to alleged unethical behaviour.

A further breakdown of the type of complaints lodged with the PSC via the NACH and the Complaints Rules respectively, are discussed below.

2.2.3.1 Type of complaints lodged via the NACH

The type of the allegations and complaints lodged with the PSC via the NACH during the 2009/2010 financial year, per National and Provincial Sphere, is as follows:

Table 9: Type of complaints lodged with the PSC via the NACH

| Type of complaint | 2005/2006 | 2006/2007 | 2007/2008 | 2008/2009 | 2009/2010 |
|---------------------------------|------------|------------|------------|-------------|-------------|
| HR related | 92 (12%) | 49 (18%) | 49 (31%) | 30 (14.5%) | 18 (10.5%) |
| Unethical behaviour | 271 (36%) | 135 (50%) | 74 (46%) | 134 (64.5%) | 100 (58.5%) |
| Service delivery | 142 (19%) | 53 (20%) | 25 (16%) | 27 (13%) | 29 (17%) |
| Maladministration | - | - | - | 5 (2%) | 8 (5%) |
| Unfair labour practice | 46 (6%) | 11 (4%) | 3 (2%) | 7 (3%) | 6 (3.5%) |
| Irregularities & discrimination | 4 (0.5%) | 5 (2%) | 1 (0.5%) | 1 (0.5%) | 5 (3%) |
| Pension enquiry | 32 (4%) | 3 (1.5%) | 1 (0.5%) | - | - |
| Prison conditions | 125 (17%) | 4 (1.5%) | 3 (2%) | 1 (0.5%) | 1 (0.5%) |
| Grievance | 28 (3.5%) | 2 (1%) | 3 (2%) | 2 (1%) | 2 (1%) |
| Outcome of court case | 9 (1%) | 5 (2%) | - | - | - |
| *Unclear | 8 (1%) | - | - | 1 (0.5%) | 2 (1%) |
| TOTAL* | 757 | 268 | 159 | 208 | 171 |

*Note: In a limited number of instances the type of complaints could not be determined due to the lack of information provided by anonymous complainants.



According to **Table 9** on the previous page, the trend whereby the majority of complaints lodged with the PSC during the 2009/2010 financial year related to unethical behaviour; highlighted in paragraph 2.1, is repeated in terms of complaints lodged via the NACH where 100 complaints (i.e. 58.5%) lodged related to unethical behaviour. This was also the case in the preceding four financial years (since the 2005/2006 financial year). This trend is identified despite a 25% decrease in the number of unethical behaviour complaints lodged via the NACH from 134 lodged in the 2008/2009 financial year to 100 complaints during the period under review.

As was the case with the total number of complaints lodged with the PSC (reflected in **Table 7**), during the 2009/2010 financial year the second highest number of complaints lodged via the NACH related to incidents of poor service delivery (i.e. 29 complaints or 17%). However, this was not the case in the 2008/2009 financial year when the second highest number of complaints related to HR matters. In this regard, a decrease of 40% from 30 complaints lodged in the 2008/2009 financial year to only 18 in the 2009/2010 financial was experienced.

Increases were furthermore observed in complaints lodged during the period under review relating to service delivery, maladministration and irregularities and discrimination. These trends will be closely monitored by the PSC in the ensuing financial years.

The above trends (and statistics reflected in **Table 9** on the previous page) are graphically illustrated as follows in respect of the 2008/2009 and 2009/2010 financial years respectively:

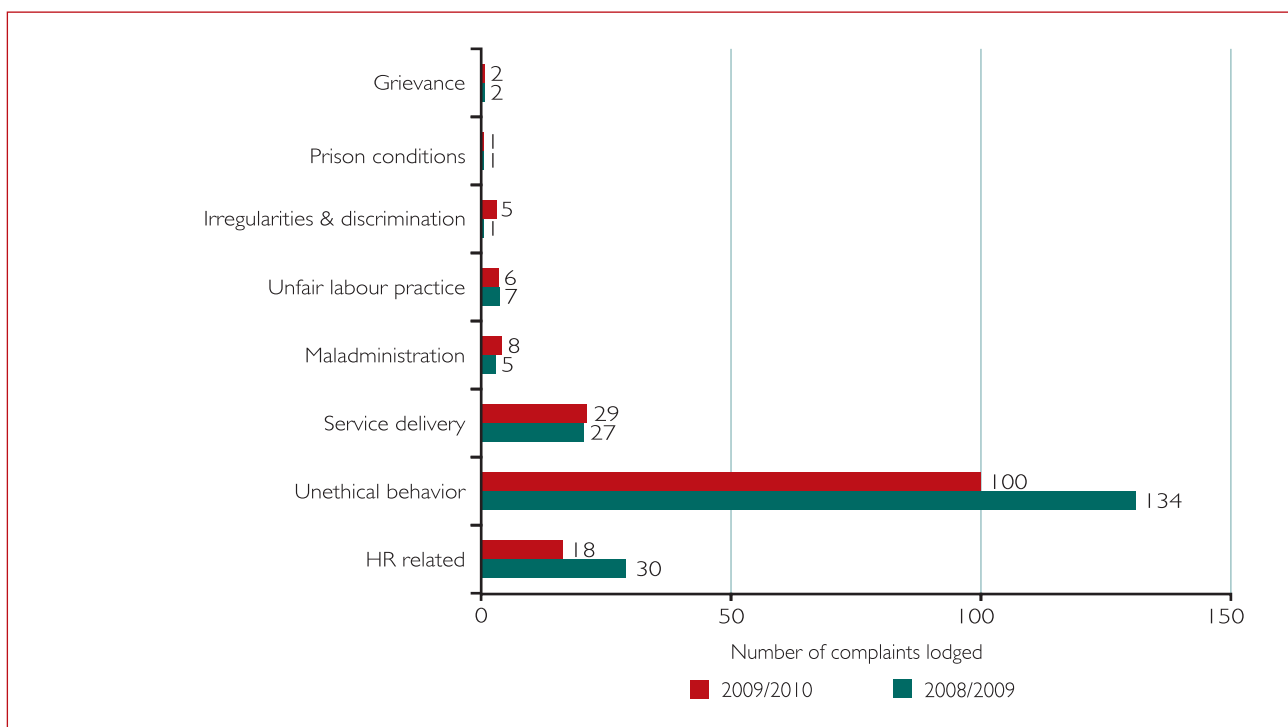


Figure 8: Number of complaints lodged via the NACH, per type and financial year

Supplementary to the above, a further breakdown of the type of the allegations and complaints lodged with the PSC via the NACH during the 2009/2010 financial year is provided as follows, per National and Provincial Sphere of Government:



2.2.3.1(a) Type of complaints lodged with the PSC via the NACH during the 2009/2010 financial year, per National/Provincial Sphere

Table 10: Type of complaints lodged with the PSC via the NACH during the 2009/2010 financial year, per National/Provincial Sphere

| Type of complaint | Eastern Cape | Free State | Gauteng | KwaZulu-Natal | Limpopo | Mpumalanga | North West | Northern Cape | Western Cape | National Sphere | Municipal Sphere | Private companies | TOTAL |
|-------------------------------|--------------|------------|-----------|---------------|----------|------------|------------|---------------|--------------|-----------------|------------------|-------------------|------------|
| Corruption/ maladministration | - | 1 | - | - | - | 1 | - | - | - | 4 | 2 | - | 8 |
| Grievance | - | - | - | - | - | - | - | - | - | 2 | - | - | 2 |
| HR related | 2 | - | 3 | 2 | - | 1 | 1 | - | 1 | 7 | - | 1 | 18 |
| Prison conditions | - | - | - | - | - | - | - | - | - | 1 | - | - | 1 |
| Irregularities & racism | - | - | - | 1 | - | 1 | - | - | - | 2 | - | 1 | 5 |
| Service delivery | 1 | 1 | 5 | - | 1 | 2 | 1 | - | - | 13 | 5 | - | 29 |
| Unethical behaviour | 1 | - | 9 | 3 | 4 | 3 | - | - | - | 69 | 11 | - | 100 |
| Unfair labour practice | 1 | - | 1 | - | - | - | - | - | - | 4 | - | - | 6 |
| *Unclear | - | - | - | - | - | - | - | - | - | 2 | - | - | 2 |
| TOTAL | 5 | 2 | 18 | 6 | 5 | 8 | 2 | - | 1 | 104 | 18 | 2 | 171 |
| TOTAL PROVINCES | 47 | | | | | | | | | | | | |

Note: In a limited number of instances the type of complaints could not be determined due to the lack of information provided by anonymous complainants.

The trend previously identified whereby the majority of complaints lodged via the NACH during the 2009/2010 financial year implicated departments at National and Provincial Sphere relate to unethical behaviour, poor service delivery and HR matters, is reiterated by the statistics in **Table 10** above.

The highest number of complaints lodged in Gauteng (i.e. 50%) related to unethical behaviour, followed by those relating to service delivery (28%). Whilst no complaint was lodged in the 2009/2010 financial year implicating departments in the Northern Cape (also see **Figure 2**), only one HR related complaint was lodged in this period implicating a Department in the Western Cape.

2.2.3.2 Type of complaints lodged via the Complaints Rules

Information regarding the number of complaints lodged with the PSC via the Complaints Rules during the 2009/2010 financial year is as follows:

Table 11: Type of complaints lodged with the PSC via the Complaints Rules

| Type of complaint | 2005/2006 | 2006/2007 | 2007/2008 | 2008/2009 | 2009/2010 |
|---------------------|------------|------------|-----------|-----------|------------|
| HR related | 25 (21.5%) | 74 (34%) | 52 (30%) | 32 (28%) | 21 (19.5%) |
| Unethical behaviour | 23 (20%) | 23 (10.5%) | 16 (9%) | 11 (9.5%) | 17 (15.5%) |

| Type of complaint | 2005/2006 | 2006/2007 | 2007/2008 | 2008/2009 | 2009/2010 |
|------------------------------------|------------|------------|------------|------------|------------|
| Service delivery | 12 (10%) | 16 (7.5%) | 30 (17.5%) | 17 (15%) | 15 (14%) |
| Corruption/ Maladministration | 19 (16%) | 22 (10%) | 28 (16%) | 22 (19%) | 20 (18.5%) |
| Unfair labour practice | 16 (14%) | 20 (9%) | 8 (5%) | 10 (9%) | 6 (5.5%) |
| Irregularities & discrimination | 10 (8.5%) | 29 (13.5%) | 5 (3%) | 9 (8%) | 7 (6%) |
| Pension enquiry | 9 (7.5%) | 9 (4%) | 3 (1.5%) | 4 (3.5%) | 7 (6%) |
| Prison conditions | - | - | 1 (0.5%) | 1 (1%) | 4 (4%) |
| Grievance | - | - | - | 3 (2.5%) | 5 (5%) |
| Outcome of court case | - | 7 (3%) | 3 (1.5%) | 2 (2%) | 2 (2%) |
| *Unclear | 2 (1.5%) | 18 (8.5%) | 28 (16%) | 3 (2.5%) | 4 (4%) |
| TOTAL* | 116 | 218 | 174 | 114 | 108 |

*Note: In a limited number of instances the type of complaints could not be determined due to the lack of information provided by anonymous complainants.

Unlike the trends identified regarding complaints lodged via the NACH in paragraph 2.2.3.1, the majority of complaints lodged in the 2009/2010 financial year via the Complaints Rules related to HR matters, followed by corruption/maladministration and unethical behaviour. This pattern is more or less the same than the trend in the 2007/2008 and 2008/2009 financial years.

The above statistics are graphically illustrated as follows, per number and type of complaint in respect of the 2008/2009 and 2009/2010 financial years respectively:

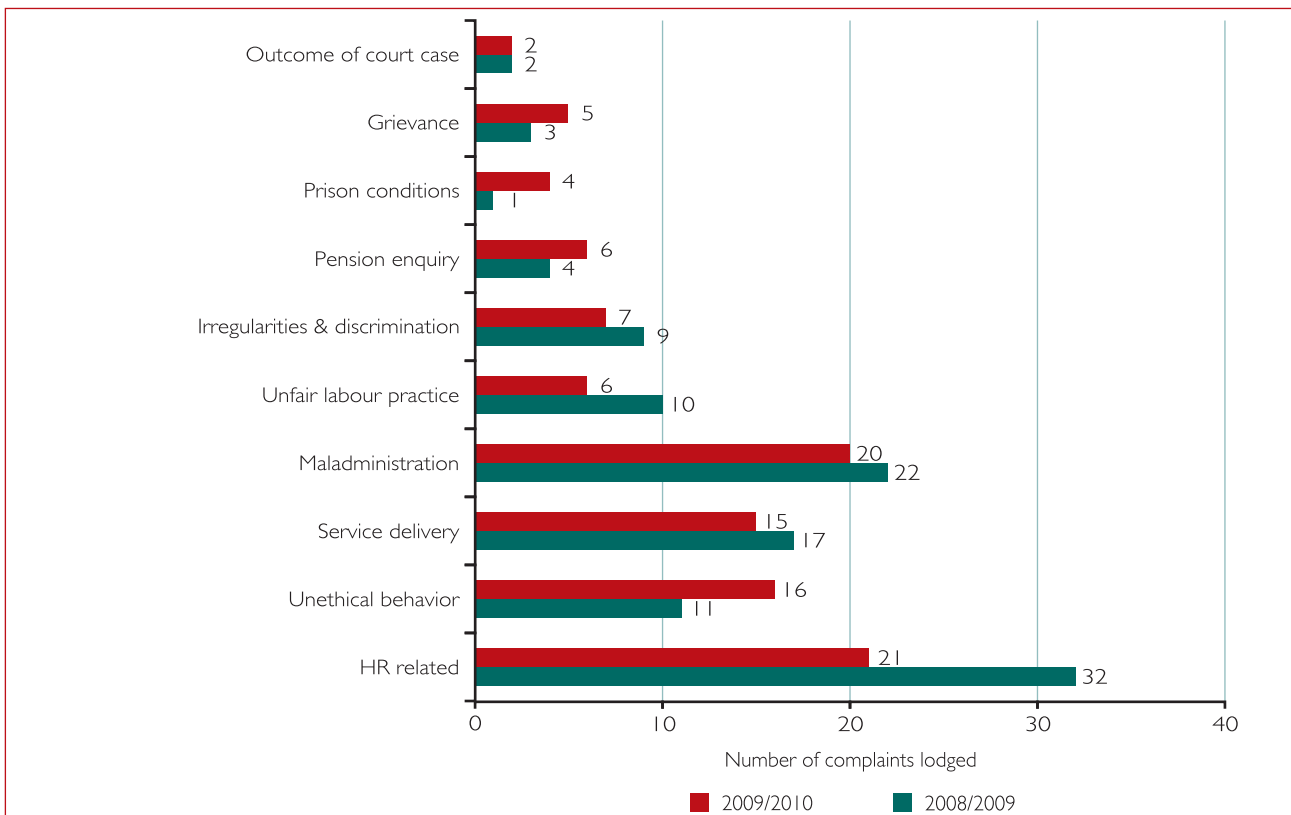


Figure 9: Number of complaints lodged via the Complaints Rules, per type and financial year

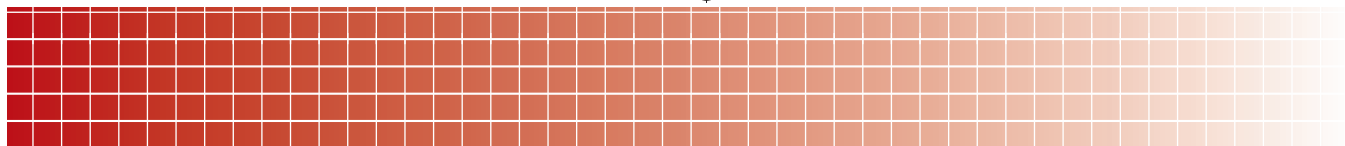


Figure 9 on the previous page shows that the majority of complaints lodged in the 2009/2010 financial year via the Complaints Rules related to HR matters. There was also a decline of 34% from 32 complaints lodged in the 2008/2009 financial year to 21 in the 2009/2010 financial year:

Furthermore, a decline was also experienced in the 2009/2010 financial year in respect of complaints lodged via the Complaints Rules relating to irregularities and discrimination, unfair labour practice, corruption/maladministration and service delivery. However, increases in the number of complaints lodged during the same period were experienced in terms of matters relating to grievances, prison conditions, pension enquiries and unethical behaviour. As a result, the PSC is not in a position to determine trends in this regard.

2.2.3.2(a) Type of complaints lodged with the PSC via the Complaints Rules during the 2009/2010 financial year, per National/Provincial Sphere

A breakdown is provided in **Table 12** below of the number and type of allegations and complaints lodged with the PSC via the Complaints Rules during the 2009/2010 financial year, per National and Provincial Sphere of Government.

Table 12: Type of complaints lodged with the PSC via the Complaints Rules during the 2009/2010 financial year, per National/Provincial Sphere

| Type of complaint | Eastern Cape | Free State | Gauteng | KwaZulu-Natal | Limpopo | Mpumalanga | North West | Northern Cape | Western Cape | Various Provinces | National Sphere | Municipal Sphere | Private companies | Unknown | TOTAL |
|------------------------------|--------------|------------|-----------|---------------|----------|------------|------------|---------------|--------------|-------------------|-----------------|------------------|-------------------|----------|------------|
| Corruption/maladministration | 1 | - | 3 | 1 | - | - | - | - | - | - | 12 | 1 | 2 | - | 20 |
| Grievance | - | - | - | - | 1 | 1 | - | - | - | - | 3 | - | - | - | 5 |
| HR related | 4 | - | 1 | 1 | - | - | 1 | - | - | 1 | 6 | 3 | 3 | 1 | 21 |
| Prison conditions | - | - | - | - | - | - | - | - | - | - | 4 | - | - | - | 4 |
| Irregularities & racism | 1 | - | 2 | - | - | - | - | - | - | - | 4 | - | - | - | 7 |
| Service delivery | - | - | 1 | - | - | - | 1 | - | 1 | - | 6 | 4 | 2 | - | 15 |
| Pension related | 1 | - | 1 | - | 1 | - | - | - | 1 | - | 3 | - | - | - | 7 |
| Unethical behaviour | - | - | 2 | 2 | - | 1 | - | 1 | - | 1 | 6 | 2 | 1 | 1 | 17 |
| Unfair labour practice | 1 | - | - | - | 1 | - | - | - | 1 | - | 3 | - | - | - | 6 |
| Outcome of Court case | - | - | - | - | - | - | - | - | - | - | 2 | - | - | - | 2 |
| *Unclear | - | - | - | - | - | 1 | - | - | - | - | 2 | 1 | - | - | 4 |
| TOTAL | 8 | - | 10 | 4 | 3 | 3 | 2 | 1 | 3 | 2 | 51 | 11 | 8 | 2 | 108 |
| TOTAL PROVINCES | 36 | | | | | | | | | | | | | | |

Note: In a limited number of instances the type of complaints could not be determined due to the lack of information provided by anonymous complainants.



According to the statistics in the previous page, the highest number of complaints lodged with the PSC via the Complaints Rules impacting on Provincial Departments related to HR matters (i.e. eight complaints), followed by unethical behaviour (i.e. seven complaints) and corruption and maladministration (i.e. five complaints). In this regard, the highest number of complaints lodged in the Eastern Cape related to HR matters (i.e. four complaints), whilst the majority in Gauteng related to corruption/maladministration (i.e. three complaints).

Similarly, the majority of complaints lodged with the PSC via the Complaints Rules involving National Departments related to corruption/maladministration (i.e. 12 complaints), followed by HR matters, service delivery and unethical behaviour (i.e. six complaints each).

The above is in line with the trend determined regarding the type of complaints lodged via the NACH, reflected in **Table 10**.

Emanating from the number, sources and type of complaints lodged with the PSC during the 2009/2010 financial year, progress with the investigation of these complaints are elaborated upon below.

2.2.4 Progress with the investigation of complaints lodged

Once complaints are lodged with the PSC, the complaints are, amongst others,–

- referred to the relevant stakeholders to investigate and provide feedback to the PSC;
- analysed for further action by the PSC; and/or
- regarded as finalised.

Feedback and/or comments received from departments, institutions and stakeholders following the referral of complaints to them for investigation are analysed by the PSC. Based on the evidence and supporting documentation accompanying such responses, desk-top audits or in-loco investigations are conducted in order to enable the PSC to come to a conclusion and to proffer advice, make recommendations or issue directions.

However, experience has shown that in the majority of instances departments, institutions and stakeholders fail to–

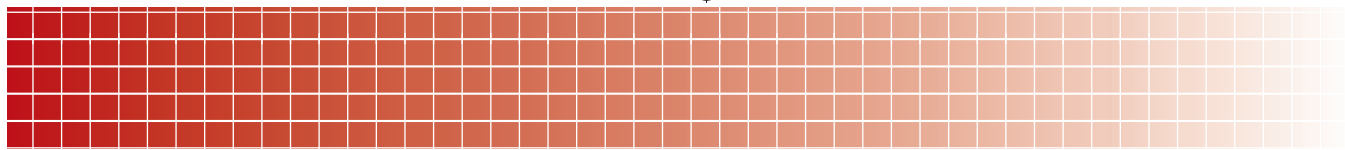
- acknowledge receipt of complaints referred to them;
- provide adequate information;
- respond to requests for information; and/or
- submit adequate documentation in support of their responses.

In such instances, and subsequent to performing a desk-top audit, (an) investigating officer(s) is/are appointed to conduct a thorough investigation into the merits of the complaint. During such investigation information is gathered by means of, amongst others, interviews and the inspection of paper-based records.

The above is generally referred to as progress with the investigation of complaints. Statistics in this regard are as follows:

Table 13: Progress with the investigation of complaints lodged with the PSC

| Status | 2005/2006 | 2006/2007 | 2007/2008 | 2008/2009 | 2009/2010 |
|-----------------------------------|-----------|-----------|-----------|-----------|-----------|
| Complaints finalised & closed | 303 (24%) | 90 (13%) | 139 (42%) | 120 (37%) | 165 (58%) |
| Referred to depts. to investigate | 416 (33%) | 222 (32%) | 93 (28%) | 78 (24%) | 48 (17%) |



| Status | 2005/2006 | 2006/2007 | 2007/2008 | 2008/2009 | 2009/2010 |
|------------------------------------|--------------|------------|------------|------------|-------------|
| Still in progress | 154 (12%) | 174 (25%) | 63 (19%) | 76 (24%) | 50 (17%) |
| No feedback & reminder sent | 308 (24%) | 150 (22%) | 30 (9%) | 25 (8%) | 11 (4%) |
| Acknowledgement/ feedback received | 89 (7%) | 55 (8%) | 8 (2%) | 23 (7%) | 12 (4%) |
| TOTAL | 1 270 | 691 | 333 | 322 | 286* |

*Note: Although only 279 complaints were lodged with the PSC during the period under review, the total of 286 includes complaints referred to departments to investigate and in respect of which reminders were sent and/or feedback was received.

According to statistics reflected in the above table, 58% of complaints handled during the 2009/2010 financial year were finalised and closed. Since the 2005/2006 financial year, this is the highest percentage of complaints finalised and is ascribed to initiatives implemented by the PSC to improve the turn-around-time.

Although the PSC investigates complaints by means of desk-top audits and/or in-loco investigations in an effort to validate the veracity of allegations made, not all complaints are regarded as finalised as a result of investigations conducted. In the following instances allegations and complaints are analysed in order to compare them against the criteria below, but not investigated:

- Complaints falling outside the PSC's jurisdiction,
- Complaints lacking crucial information, rendering the likelihood of a successful investigation unlikely (specifically in instances where complainants choose to remain anonymous and do not provide any contact details),
- Complaints not meeting the criteria of the Complaints Rules stipulating that a complaint should be lodged within 12 months from the date the incident occurred,
- Complaints falling within the definition of a grievance,
- Complaints previously lodged with the PSC (i.e. duplications).

Table 14 below provides an indication of the total number of complaints lodged with the PSC via either the NACH or the Complaints Rules that were finalised and closed, as well as the reasons for finalisation.

Table 14: Number of complaints lodged with the PSC that were finalised and closed

| Reason for finalising/ closing complaint | 2005/2006 | 2006/2007 | 2007/2008 | 2008/2009 | 2009/2010 |
|---|------------|------------|------------|------------|------------|
| Outside PSC's Constitutional mandate | 186 (56%) | 40 (34%) | 58 (42%) | 65 (54%) | 122 (74%) |
| Investigation conducted | 62 (19%) | 69 (58%) | 66 (47%) | 45 (38%) | 15* (9%) |
| Lacking detail/not meeting criteria | 6 (1.5%) | 2 (2%) | 7 (5%) | 6 (5%) | 23 (14%) |
| Duplication or add-on: Existing complaint | 78 (23%) | 7 (6%) | 7 (5%) | 4 (3%) | 4 (2%) |
| Complaint withdrawn | 1 (0.5%) | - | 1 (1%) | - | 1 (1%) |
| TOTAL | 333 | 118 | 139 | 120 | 165 |

*Note: Although no complaints lodged with the PSC via the Complaints Rules during 2009/2010 were finalised subsequent to an investigation, as at 31 March 2010 the PSC was engaged in 18 full scale investigations. Progress with the finalisation of these investigations is reported in the PSC's 2009/2010 Annual Report.



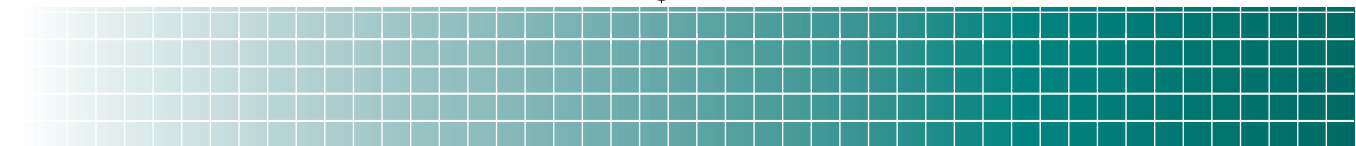


Table 14 on the previous page shows that of the 165 complaints finalised and closed during the 2009/2010 financial year, the majority (i.e. 122 complaints or 74%) did not fall within the PSC's Constitutional mandate and could therefore not be investigated. In such instances, complaints were referred to the relevant institutions with the necessary jurisdiction for further handling and complainants were informed accordingly. The aforementioned institutions included the Public Protector to whom 24 complaints were referred for further handling in accordance with a Memorandum of Understanding² (MoU) entered into between the PSC and the Public Protector (in terms of this MoU, the Public Protector investigates complaints from the general public regarding the conduct of Government agencies or officials, whilst the PSC investigates complaints lodged by public servants in this regard).

Table 14 on the previous page also shows that the increase in the 2009/2010 financial year in the number of complaints that did not fall within the PSC's Constitutional mandate was preceded by steady increases in this regard during the two previous financial years. To this end, the number of complaints lodged in the 2007/2008 financial year increased from 58 to 65 in the 2008/2009 financial year, with a further 88% increase to 122 in the 2009/2010 financial year. Although this trend could be indicative of people's dissatisfaction regarding sub-standards of service delivery and corruption-related activities, it could also point towards the ignorance of the public of the role and function of the PSC, as well as its Constitutional mandate.

The decrease in the number of investigations conducted from the 2008/2009 to the 2009/2010 financial year could be attributed to various factors, including the lack of responses from departments, limited resources (i.e. vacancies) within the relevant component in the Office of the PSC (OPSC) during the period under review and alternative approaches followed during the handling of complaints.

In addition, 15 complaints that did fall within the PSC's Constitutional mandate were investigated by means of desk top audits and finalised. Of these, seven complaints related to unethical behaviour, four to HR related matters, three to service delivery and the remaining one to racism.

Furthermore, the number of complaints lodged with the PSC that lacked detail or did not meet the criteria set by the Complaints Rules that were finalised and closed, increased from six in the 2008/2009 financial year to 23 in the 2009/2010 financial year. This is ascribed to the initiatives implemented by the PSC during the 2009/2010 financial year in order to deal with complaints in a more effective and efficient manner, as well as the ignorance of complainants in terms of the criteria set by the Complaints Rules.

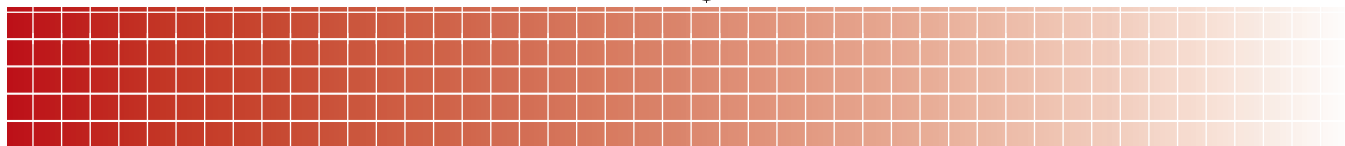
Progress with the investigation of complaints lodged during the period under review via the NACH and the Complaints Rules respectively, is shown in **Table 15** on the following page.

2.2.4.1 Progress with the investigation of complaints lodged with the PSC via the NACH

Out of the 171 complaints lodged with the PSC via the NACH during the 2009/2010 financial year, the majority (i.e. 84 complaints or 49%) were finalised and closed. This is an increase of 62% from 52 complaints finalised and closed in the 2008/2009 financial year and is indicative of the positive outcome of interventions by the PSC to improve the turn-around-time when dealing with complaints.

Further trends in this regard compared to the previous four financial years are reflected in **Table 15** on the following page:

² Republic of South Africa. Memorandum of Understanding between the Public Protector and the Public Service Commission. Pretoria. May, 2002.

**Table 15: Progress with the investigation of complaints lodged with the PSC via the NACH**

| Status | 2005/2006 | 2006/2007 | 2007/2008 | 2008/2009 | 2009/2010 |
|--|--------------|------------|------------|------------|------------|
| Complaints finalised & closed | 247 (21%) | 30 (7%) | 36 (23%) | 52 (25%) | 84 (49%) |
| Referred to departments to investigate | 386 (33%) | 194 (41%) | 64 (40%) | 65 (31%) | 35 (20%) |
| Still in progress | 124 (11%) | 44 (9%) | 30 (19%) | 48 (23%) | 34 (20%) |
| No feedback received & reminder sent | 308 (27%) | 147 (31%) | 23 (14%) | 23 (11%) | 9 (5%) |
| Acknowledgement/feedback received | 89 (8%) | 55 (12%) | 6 (4%) | 20 (10%) | 9 (5%) |
| TOTAL | 1 154 | 470 | 159 | 208 | 171 |

Table 15 above shows an increase in the percentage of complaints lodged via the NACH that were finalised as a result of changes in the methodology followed by the PSC when dealing with complaints, e.g. liaising telephonically with departments, and/or the involvement of Resident Public Service Commissioners in the case of provincial departments in order to solicit responses/feedback. As is evident, the change in methodology yielded positive results in that the number of complaints where no feedback was received and reminders had to be sent declined drastically by 61% from 23 in 2008/2009 financial year to only nine instances in the 2009/2010 financial year.

2.2.4.1(a) Reasons for closing cases lodged via the NACH

Complaints lodged with the PSC, falling within the PSC's Constitutional mandate, are only regarded as finalised once investigated and sufficient evidence has been obtained to verify the validity of the allegations. The reasons for finalising and closing the 84 complaints lodged with the PSC via the NACH during the 2009/2010 financial year reflected in Table 15 above are as follows (again, statistics relating to the previous four financial years are also provided for comparative purposes):

Table 16: Number of complaints lodged with the PSC via the NACH that were finalised and closed

| Reason for finalising/closing complaint | 2005/2006 | 2006/2007 | 2007/2008 | 2008/2009 | 2009/2010 |
|---|------------|-----------|-----------|-----------|-----------|
| Outside PSC's Constitutional mandate | 156 (63%) | 12 (40%) | 3 (8%) | 29 (56%) | 65 (77%) |
| Investigation conducted | 6 (2%) | 9 (30%) | 26 (72%) | 19 (36%) | 11 (13%) |
| Lacking detail/not meeting criteria | 6 (2%) | 2 (7%) | - | 1 (2%) | 7 (8%) |
| Duplication or add-on: Existing complaint | 78 (32%) | 7 (23%) | 7 (20%) | 3 (6%) | 1 (1%) |
| Complaint withdrawn | 1 (0.5%) | - | - | - | - |
| TOTAL | 247 | 30 | 36 | 52 | 84 |

An analysis of the statistics reflected in **Table 16** above indicates that out of the 84 complaints finalised and closed during the 2009/2010 financial year, the majority (i.e. 65 complaints or 77%) did not fall within the PSC's



Constitutional mandate. These complaints were referred to the appropriate institutions for further handling, including five complaints which were referred to the Public Protector in accordance with the MoU³ entered into between the PSC and the Public Protector.

The highlighted number of complaints falling outside the PSC's Constitutional mandate increased by 124% from 29 during the 2008/2009 financial year to 65 during the 2009/2010 financial year.

2.2.4.2 Progress with the investigation of complaints lodged with the PSC via the Complaints Rules

Table 17: Progress with the investigation of complaints lodged with the PSC via the Complaints Rules

| Status | 2005/2006 | 2006/2007 | 2007/2008 | 2008/2009 | 2009/2010 |
|---|-----------------|------------------|------------------|-----------------|-----------------|
| Complaints finalised & closed | 56 (48%) | 60 (27%) | 103 (59%) | 68 (60%) | 81 (70%) |
| Referred to departments to investigate | 30 (26%) | 28 (13%) | 29 (17%) | 13 (11%) | 13 (11%) |
| Still in progress | 30 (26%) | 130 (59%) | 33 (19%) | 28 (24%) | 16 (14%) |
| No feedback received & reminder sent | - | 3 (1%) | 7 (4%) | 2 (2%) | 2 (2%) |
| Receipt acknowledged/ feedback received | - | - | 2 (1%) | 3 (3%) | 3 (3%) |
| TOTAL | 116 | 221 | 174 | 114 | 115* |

*Note: Although only 108 complaints were lodged with the PSC via the Complaints Rules during the period under review, the total of 115 includes complaints referred to departments to investigate and in respect of which reminders were sent and/or feedback was received.

According to **Table 17** above, the number of complaints lodged via the Complaints Rules that were finalised and closed increased by 19% from 68 complaints in the 2008/2009 financial year to 81 in the 2009/2010 financial year. As was the case with complaints lodged via the NACH and finalised during the 2009/2010 financial year, this also represents the majority of complaints lodged with the PSC via the Complaints Rules.

Furthermore, the decrease in the number of complaints still in progress from 28 complaints in the 2008/2009 financial year to 16 in the 2009/2010 financial year is again indicative of the positive outcome of interventions by the PSC to improve the turn-around-time when dealing with complaints.

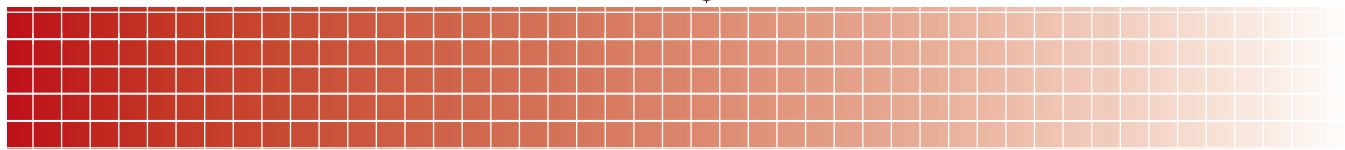
2.2.4.2(a) Reasons for closing cases lodged via the Complaints Rules

The reasons for the closure of the above reflected 81 complaints lodged with the PSC via the Complaints Rules during the 2009/2010 financial year are as follows:

Table 18: Number of complaints lodged with the PSC via the Complaints Rules that were finalised and closed

| Reason for finalising/ closing complaint | 2005/2006 | 2006/2007 | 2007/2008 | 2008/2009 | 2009/2010 |
|--|-----------------|-----------------|-----------------|-----------------|-----------------|
| Outside PSC's Constitutional mandate | 30 (35%) | 28 (32%) | 55 (53%) | 36 (53%) | 57 (70%) |
| Investigations conducted | 56 (65%) | 60 (68%) | 40 (39%) | 26 (38%) | 4* (5%) |

3 Republic of South Africa. Memorandum of Understanding between the Public Protector and the Public Service Commission. Pretoria. May, 2002.



| Reason for finalising/ closing complaint | 2005/2006 | 2006/2007 | 2007/2008 | 2008/2009 | 2009/2010 |
|---|-----------|-----------|------------|-----------|-----------|
| Lacking detail/not meeting criteria | - | - | 7 (7%) | 5 (7%) | 16 (20%) |
| Duplication or add-on: Existing complaint | - | - | - | 1 (2%) | 3 (4%) |
| Complaint withdrawn | - | - | 1 (1%) | - | 1 (1%) |
| TOTAL | 86 | 88 | 103 | 68 | 81 |

*Note: Excluding 18 complaints lodged with the PSC via the Complaints Rules during 2009/2010 where the PSC, as at 31 March 2010, was engaged in full scale investigations. Progress with the finalisation of these investigations is reported in the PSC's 2009/2010 Annual Report.

Table 18 above shows the trend whereby an increase was experienced in the number of complaints lodged with the PSC via the NACH during the 2009/2010 financial year is repeated in terms of complaints lodged during the same period via the Complaints Rules. In this regard, complaints lodged via the Complaints Rules falling outside the PSC's jurisdiction increased by 58% from 36 complaints lodged in the 2008/2009 financial year to 57 in the 2009/2010 financial year. These complaints were nevertheless referred to the appropriate institutions for further handling, including 19 complaints which were referred to the Public Protector in accordance with the MoU⁴ entered into between the PSC and the Public Protector.

As a result of the above-mentioned increase, as well as the increase experienced in the number of complaints lodged that did not meet the criteria set by the Complaints Rules (i.e. from five complaints lodged during the 2008/2009 financial year to 16 in the 2009/2010 financial year), the number of investigations conducted decreased from 26 in the 2008/2009 financial year to only four in the 2009/2010 financial year. Although this represents a decrease of 84%, it excludes 18 complaints where the PSC (as at 31 March 2010) was engaged in full scale investigations, as reported in the PSC's 2009/2010 Annual Report⁵, as well as a further 16 complaints reflected in **Table 17** on the previous page that was handled by the PSC during this period and still in progress.

Supplementary to the statistics reflected in **tables 13 to 18** regarding progress with the investigation of complaints lodged with the PSC during the 2009/2010 financial year, the outcome of investigations conducted by the PSC is discussed below.

2.2.5 Outcome of investigations conducted by the PSC

During the investigation of complaints, evidence is gathered in order to determine whether the allegations made are substantiated. In instances where no or a lack of proof is found to support the allegations, the PSC regards the allegations to be unsubstantiated.

The trend during the 2007/2008 financial year whereby there was insufficient proof to substantiate the allegations made continued during the 2008/2009 and 2009/2010 financial years. In this regard, 11 out of the 15 complaints (i.e. 75%) lodged during the 2009/2010 financial year that were investigated and finalised were found not to be substantiated. However, the number of complaints found to be substantiated increased from 9% in the 2008/2009 financial year to 27% in the 2009/2010 financial year. This state of affairs will be closely monitored by the PSC in ensuing financial years.

Statistics on the outcome of investigations in respect of complaints lodged with the PSC during the 2005/2006 to the 2009/2010 financial years are reflected in **Table 19** on the following page:

⁴ Republic of South Africa. Memorandum of Understanding between the Public Protector and the Public Service Commission. Pretoria. May, 2002.

⁵ Republic of South Africa. Public Service Commission. 2009/2010 Annual Report. Pretoria. August. 2010.

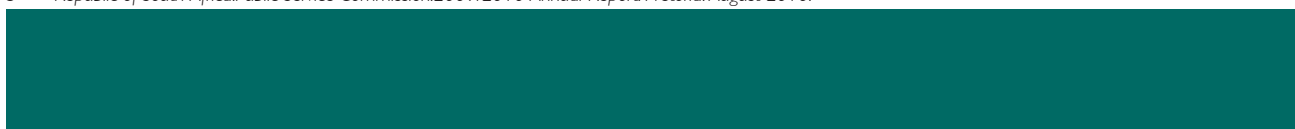


Table 19: Outcome of investigations and desk-top audits conducted by the PSC

| Complaints, upon investigation, found to be | Financial year | | | | |
|---|----------------|-----------|-----------|-----------|-----------|
| | 2005/2006 | 2006/2007 | 2007/2008 | 2008/2009 | 2009/2010 |
| substantiated | 62% | 63% | 29% | 9% | 27% |
| unsubstantiated | 38% | 37% | 71% | 91% | 75% |

Graphically, the above percentages are reflected as follows in respect of each of the indicated financial years:

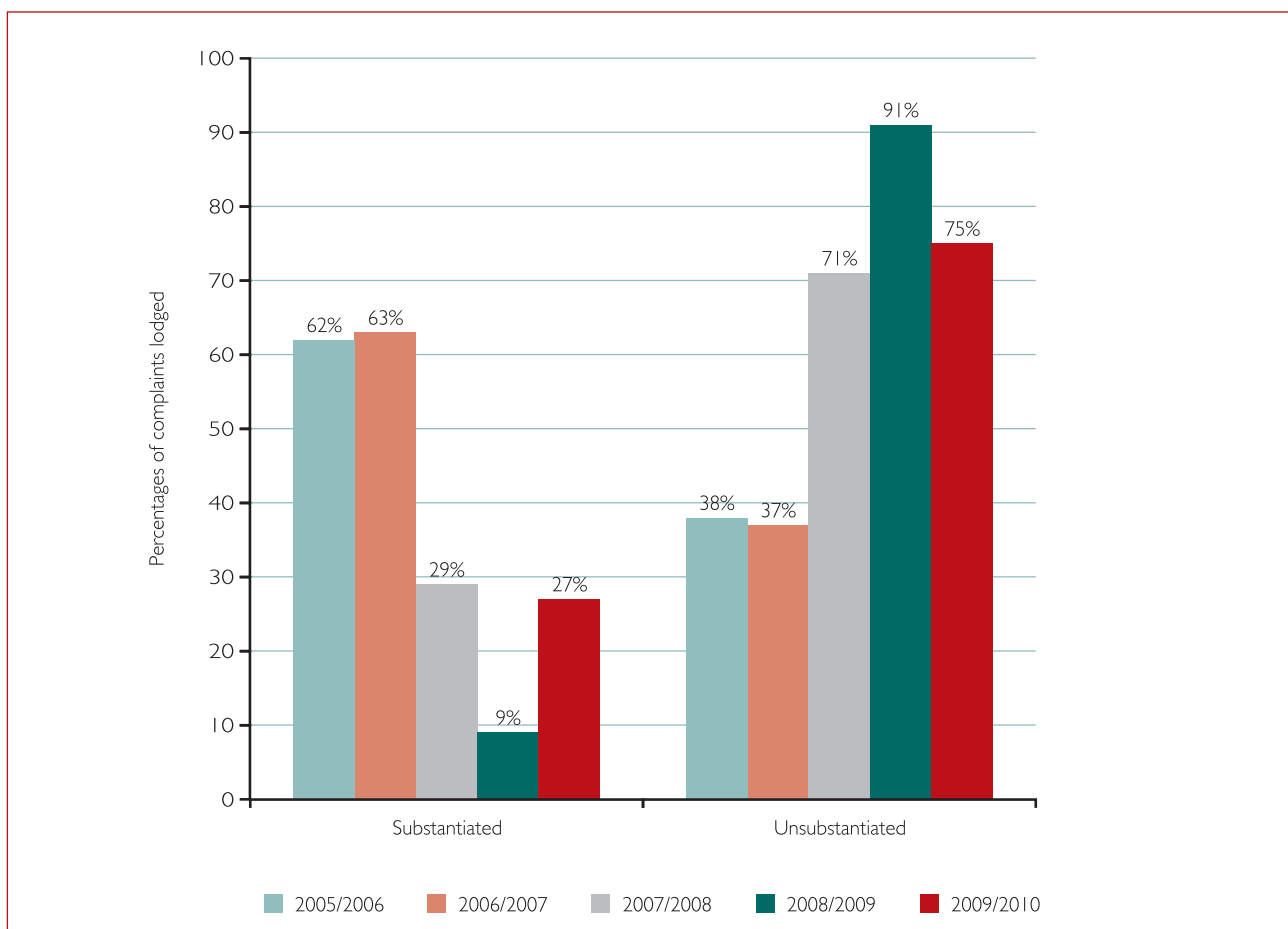


Figure 10: Outcome of investigations conducted by the PSC, per financial year

The above illustrated increase in the number of complaints found to be substantiated from the 2008/2009 to the 2009/2010 financial year could be indicative of the quality and adequacy of information provided by complainants, as well as the initiatives and efforts by investigators of the OPSC during the handling of complaints to obtain all the relevant information. In addition, this could also be ascribed to the increased ability and experience of OPSC investigators.



Chapter Three

Recommendations and Conclusion

3.1 INTRODUCTION

This chapter presents the recommendations of the study and the conclusion thereof.

3.2 IMPROVING THE RESPONSE RATE OF DEPARTMENTS

The initial step in the approach followed by the PSC during the investigation of complaints, is to refer such complaints to the relevant EA or HoD for comment and supporting documentation. In instances where complaints were lodged through the Complaints Rules, EAs/HoDs are requested to provide feedback to the PSC within 14 days, whilst the time-frame in this regard in respect of complaints lodged through the NACH is 40 days.

Despite the fact that complaints referred to EAs/HoDs for feedback and comment are accompanied by a comprehensive list of information and documentation required in order to enable the PSC to assess the merits of the complaint, experience has shown that –

- EAs/HoDs hardly adhere to the above-mentioned time frames; and
- supporting documentation do not in all instances accompany responses.

As a result, reminders have to be forwarded to EAs and HoDs in most instances.

Subsequently, it is recommended that both EAs and HoDs ensure that requests in this regard are dealt with as a matter of urgency, thereby complying with *section 196 of the Constitution of the Republic of South Africa, 1996*, which determines that “*other organs of state, through legislative and other measures, must assist and protect the Commission to ensure the independence, impartiality, dignity and effectiveness of the Commission*”.

3.3 STRENGTHENING INVESTIGATIVE CAPACITY IN DEPARTMENTS

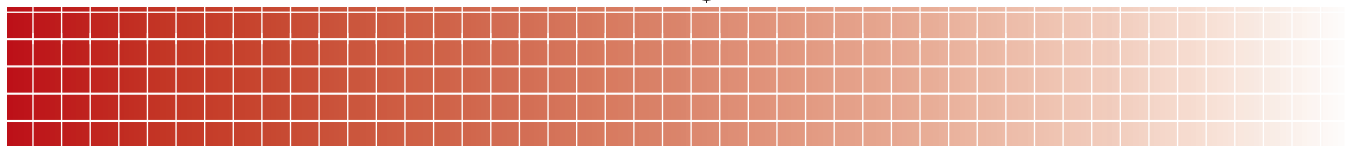
Chapter I/III/C of the Public Service Regulations (PSR)⁶ stipulates that EAs must establish and sustain a service delivery improvement programme for their departments. It is also stated in the PSR that such a programme should include a system (or mechanism) for the lodging of complaints.

Although departments might have adhered to the mentioned stipulations of Chapter I/III/C of the PSR, the PSC is of the opinion that units/components within departments responsible for the management of complaints are not in all instances fully effective, and do not render work of the required standard. This viewpoint is based on previous interaction between the Office of the PSC and departments, as well as the slow response rate alluded to in paragraph 3.2 above. Whatever the reason(s) for this state of affairs, it remains a concern to the PSC that the capacity of departments to investigate complaints may not be at the required level. It is clear that inadequate resources are allocated by departments both from a human and financial perspective.

Therefore, it is recommended that departments should ensure that they have adequate investigative capacity that would ensure that complaints referred to them are investigated timely and comprehensive feedback is provided to the PSC.

Furthermore, it is recommended that departments attach a timeframe (in line with their service standards) to the finalisation of investigations.

⁶ Republic of South Africa. *Public Service Regulations*. 2001.



3.4 ADDRESSING THE CAUSES OF COMPLAINTS LODGED

The findings of the statistical analysis of complaints lodged with the PSC during the period under review, reflected in Chapter 3 of the report, show that–

- the majority of complaints lodged related to unethical behaviour such as irregular filling of posts or the abuse of power; whilst
- the second highest number of complaints lodged related to incidents of poor service delivery.

Given the above, it is recommended that departments–

- establish the causes of such complaints;
- institute focussed corrective measures prioritising the dominant types of complaints to prevent/limit the recurrence of similar complaints in future;
- conduct workshops/training sessions among their employees during which acceptable conduct (especially in relation to interaction with the Public) is highlighted;
- launch campaigns to promote professional ethics in the Public Service; and
- ensure that key service delivery mechanisms are put in place.

3.5 RAISING AWARENESS OF COMPLAINTS LODGED WITH THE PSC

There is a need for the Offices of the Premiers to play an active role in ensuring that the complaints raised implicating Provincial departments are addressed. Similarly, at the National Sphere, the DPSA should ensure that complaints raised implicating National departments are also addressed. It is trusted that this approach will contribute towards limiting the occurrence of corruption in the Public Service.

3.6 BOLSTERING THE CAPACITY OF THE PSC

The lack of timely feedback and supporting documentation by departments regarding progress with the finalisation of investigations, as alluded to above, impacts negatively on the limited resources of the PSC (i.e. reminders have to be issued to EAs/HoDs in these instances).

As indicated in Chapter 2 of the report, the PSC adjusted its methodological approach to investigations in order to improve the turn around times in finalising complaints.

In view of the fact that the PSC is not only involved in the investigation of complaints by means of the conducting of desk top audits, but also by means of full scale in-loco investigations, there should be an increase in the financial and human resources to allow the PSC to execute its mandate successfully.

3.7 CONCLUSION

The findings of the study of complaints lodged with the PSC during the 2009/2010 financial year show that the majority of the complaints were unethical behaviour related. The complaints ranged from HR related to irregularities with regard to supply chain management. The findings also show that a large number of complaints lodged with the PSC that were investigated and finalised, were found to be unsubstantiated.

Emanating from these findings and challenges, and as part of the efforts by the PSC to adhere to its Constitutional obligation in rooting out corruption and poor standards of service delivery, recommendations were made. The PSC is confident that these recommendations, if adhered to, will assist all role players with the effective and efficient handling of complaints lodged.



PUBLIC SERVICE COMMISSION REGIONAL OFFICES

Eastern Cape

91 Alexandra Road
King William's Town
5601
Tel: (043) 643-4704
Fax: (043) 642-1371

Free State

62 Fedsure Building
3rd Floor, St Andrew Street
Bloemfontein
9300
Tel: (051) 448-8696
Fax: (051) 448-4135

Gauteng

Ten Sixty-Six Building
16th Floor, 35 Pritchard Street
Johannesburg
2001
Tel: (011) 833-5721
Fax: (011) 834-1200

KwaZulu-Natal

249 Burger Street
iDube Building, Ground Floor
Pietermaritzburg
3201
Tel: (033) 345-9998
Fax: (033) 345-8505

Mpumalanga

19 Russel Street
Nelspruit
1200
Tel: (013) 755-4070
Fax: (013) 752-5814

Northern Cape

1st Floor, Woolworths Building
cnr Lennox & Chapel Streets
Kimberley
8300
Tel: (053) 832-6222
Fax: (053) 832-6225

Limpopo

Kirk Patrick Building
40 Schoeman Street
Polokwane
0699
Tel: (015) 291-4783
Fax: (015) 291-4683

North West

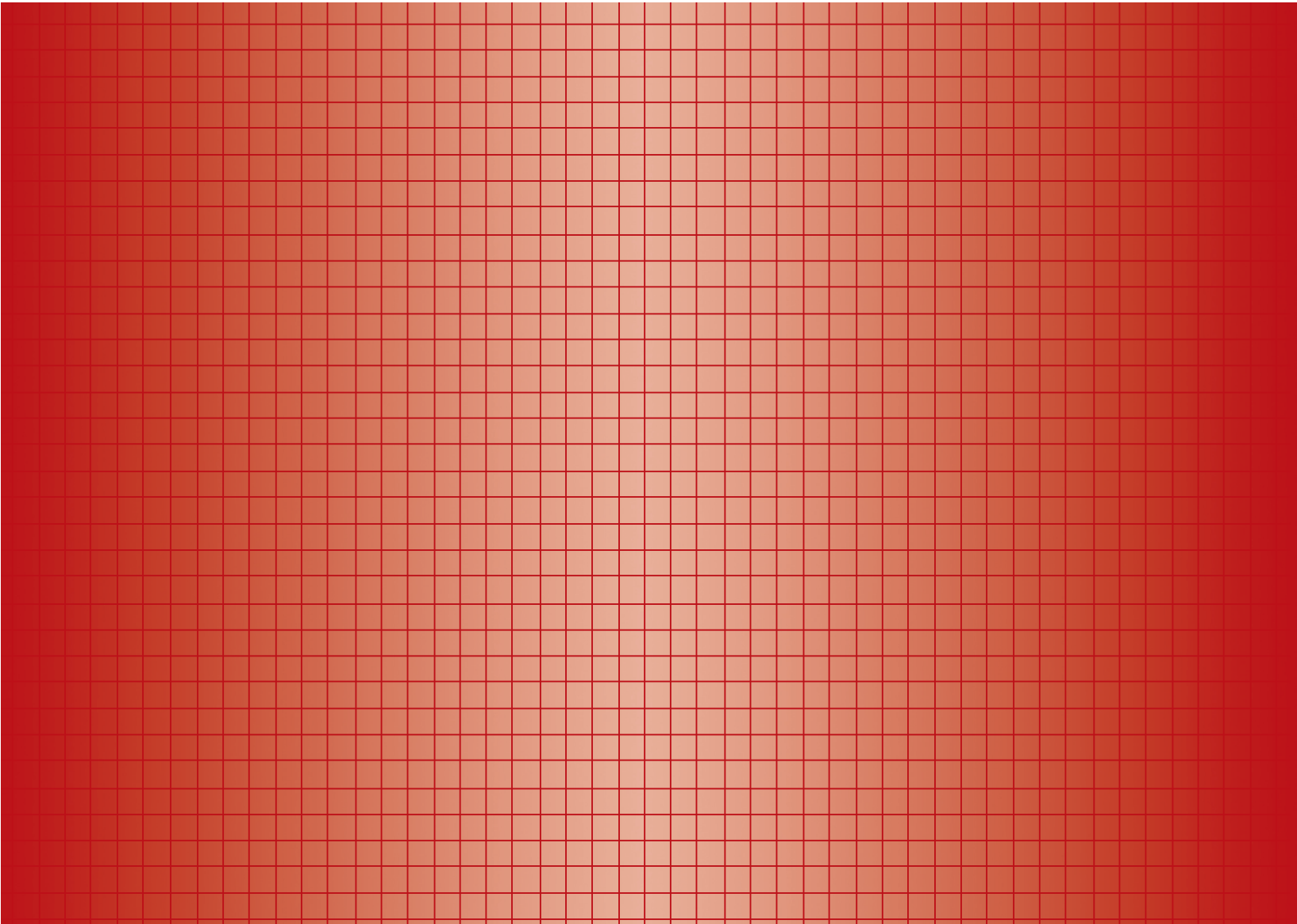
Mmabatho Post Office Building
Ground Floor
University Drive
Mmabatho
2735
Tel: (018) 384-1000
Fax: (018) 384-1012

Western Cape

Sanlam Golden Acre Building
21st Floor, Adderley Street
Cape Town
8000
Tel: (021) 421-3980
Fax: (021) 421-4060

Parliamentary Office

Sanlam Golden Acre Building
21st Floor, Adderley Street
Cape Town
8000
Tel: (021) 418-4940
Fax: (021) 418-1362



Republic of South Africa

Public Service Commission

Tel: +27 12 352-1000
Fax: +27 12 325-8382
Website: www.psc.gov.za

National Anti-Corruption Hotline for the Public Service: 0800 701 701

