MESSAGE FROM THE PRESIDENCY REGARDING THE PSC DIRECTOR-GENERAL

IMPLICATIONS OF LOCKDOWN IN THE EDUCATION SECTOR

THE PUBLIC SERVICE LEVERAGING ON TECHNOLOGY TO DELIVER QUALITY EDUCATION

NATIONAL ANTI-CORRUPTION HOTLINE 0800 701 701
CONSTITUTIONAL MANDATE

The PSC derives its mandate from sections 195 and 196 of the Constitution, 1996.

The PSC is tasked and empowered to, amongst others, investigate, monitor, and evaluate the organisation and administration of the Public Service.

This mandate also entails the evaluation of achievements, or lack thereof of Government programmes. The PSC also has an obligation to propose measures that would ensure effective and efficient performance within the Public Service and to promote values and principles of public administration as set out in the Constitution, throughout the Public Service.

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1. INTRODUCTION

This edition of the Pulse of the Public Service covers the period 01 April to 30 June 2020 which is the first quarter of the 2020/21 Financial Year. It focuses on governance matters in the Public Service including service delivery during lockdown and overall number of complaints and grievances handle by the PSC up to 30 June 2020.

The mandate of the Public Service Commission (PSC) is to, amongst others, promote the Constitutional Values and Principles (CVPs) that govern the public administration and serve as a framework that can be used by the public to assess the performance of the Public Service.

In the past few weeks, there have been numerous claims of corruption on the procurement of Personal Protective Equipment (PPE's). Ever since the Covid-19 state of the National Disaster was declared, various government departments procured PPE’s and it was alleged that in some of the Provinces the National Treasury emergency procurement regulations were not properly followed. There have been allegations of overpricing, appointment of companies that were formed few weeks before being awarded tenders and awarding of tenders to family members of public servants and politicians.

The emergence of these allegations has negatively affected confidence and trust levels of the populace towards government’s commitment to fight corruption. These allegations have also called into question the adherence by Public Service to the prescripts of the law.

The PSC welcomes the appointment of the Cabinet committee and the initiatives by Premiers to investigate these allegations. The PSC wish to reiterate the importance of reporting wrongdoing or corrupt activities through the National Anti-Corruption Hotline (NACH). The NACH has played a big role in ensuring that corruption is reported to relevant bodies and that relevant steps are taken. Through these initiatives, the PSC hopes that those found to have contravened the Public Finance Management Act will be brought to book and face the full might of the law.

The PSC will continue promoting the CVPs throughout the Public Service with the aim to change the mind-set and behaviour of public servants who are involved in corrupt activities and those who are still doing business with the state. Through the normalisation of CVPs amongst public servants, government can be able to realise a developmental state that is ethical and free from corruption as envisaged in the National Development Plan 2030.
2. MESSAGE FROM THE PRESIDENCY REGARDING THE PSC DIRECTOR-GENERAL

President Cyril Ramaphosa has placed Dr Dovhani Mamphiswana, Director-General of the Public Service Commission, on precautionary suspension. The President informed the Director-General on Thursday, 06 August 2020 that the suspension, with full pay, takes effect immediately.

The President’s suspension of the Director-General does not in any way constitute a judgment on the part of the President. This is a precautionary suspension in terms of the Disciplinary Code and Procedures for Members of the Senior Management Services (SMS) contained in Chapter 7 of the SMS Handbook for the public service. In terms of a Presidential Minute dated 27 February 2020, the President delegated to the Minister of Public Service and Administration the power to investigate if there was any improper conduct during the filling of a vacancy within the Department.

A report on the investigation was presented to the President in his capacity as the Executive Authority designated by law to deal with career incidents, including disciplinary matters, pertaining to Directors-General. The report submitted to the President has recommended that the President institute formal disciplinary action against Dr Mamphiswana. The President subsequently advised the Director-General of his intention to place him on precautionary suspension. Following written representations by Dr Mamphiswana, the President decided to proceed with the precautionary suspension.

The President has, in terms of Section 42A(3)(a) and relevant provisions of the Public Service Act, delegated to the Minister for Public Service and Administration the power to:

1. Initiate disciplinary processes against the Director-General in terms of the Disciplinary Code applicable to heads of department as envisaged in Chapter 7 of the SMS Handbook; and
2. Deal with all matters pertaining to the disciplinary hearing and its outcome, including, but not limited to – in the event of a guilty finding at the hearing – the implementation of the sanction pronounced by the chairperson at the hearing.

3. THE ROLE OF PSC IN PROMOTING ETHICS AND SOUND LEADERSHIP MANAGEMENT PRACTICES IN THE PUBLIC SERVICE

South Africa is a developmental state, as such, the values of professionalism, transparency, accountability and responsibility are the very soul of development. Maintaining an ethical status is the responsibility of every manager of the organisation. Managing ethical behaviour is one of the most pervasive and complex problems facing the public service today. As part of more comprehensive compliance and ethics programmes, the PSC has been influential in the promotion of the CVPs across the public sector. In executing its Constitutional mandate the PSC is required both by the Constitution and its founding Act to be impartial and independent and to “exercise its powers and perform its functions without fear, favour or prejudice in the interest of the maintenance of effective and efficient public administration and a high standard of professional ethics in the public service.”
In line with its Constitutional mandate, the PSC’s contribution towards strengthening state capability has prioritised the ambition to build a value-driven public service through ethical leadership and embedding CVPs across the public sector. The shift towards emphasizing CVPs stems from a recognition that despite a robust regulatory and policy environment that promotes ethics, integrity, accountability and the prevention of corruption, evidence suggests that constitutional values and principles are not sufficiently embedded in most public institutions.

The Constitution envisions a public sector, with high standards of professional ethics that enshrinest principles such as efficiency, responsiveness, fairness, transparency and accountability. It envisions that abiding by these principles will lead to ‘human dignity, equality, and freedom’ for the people of South Africa. To build a public sector that serves South Africans in the way that the Constitution intended, the PSC embarked on a Programme to promote and evaluate the CVPs. The PSC has been engaging with government departments, key societal stakeholders and the citizenry at large on the CVPs. These engagements focused on ensuring that the values and principles are understood, adhered to and find expression in public administration daily and in the public at large.

When the public sector is driven by factors other than our constitutional values and principles, it inevitably leads to failures, frequently with far-reaching consequences. Some of the most severe recent values-failures were revealed at the Life Esidimeni, Nugent Commission and State Capture inquiries. The abuse of appointments of senior public officials into government positions as well as the procurement irregularities in the awarding of personal protective equipment for COVID-19 underscores as the red-flag in the public service.

1997 White Paper on Human Resources Management in the Public Service sets out the requirement that public servants must be held accountable for their actions. They are sworn to uphold the highest standards of professional and personal behaviour. Working for Government entails public office and public service that are different from working for private institutions and other entities. All political parties should hold public officials to account separately under their own structures as the Code of Conduct for public service requires public servants to be apolitical and put public interest first. Values of professionalism, transparency, accountability and responsibility demand that public service officials fly above partisan politics and other narrow agendas.

It is fundamental that the public service must have an ethical culture, reflecting constitutional values. An ethical culture is important to ensure that all employees work professionally to achieve organisational goals.

Public Service has undergone various transformation processes since the advent of democratic rule in 1994. The Commission as an institution entrusted with the mandate to, among other issues, promote the values and principles of public administration enshrined throughout the Constitution, has endeavoured to discharge its responsibilities and perform its functions without fear, favour and or prejudice. The PSC remains intolerant of corruption and nepotism in the public service. Precipitated by wide spread public sector patronage and unprofessional behaviour in government, the country expects its public service to demonstrate high standards of professionalism and ethics. The Commission is right in the frontline to ensure that this legitimate public expectation is served.

In the past, the Commission developed ethical frameworks to guide public sector conduct. These include the establishment of the National Anti-Corruption Hotline for reporting suspected corruption that may occur in the public service adoption and promotion of the Code of Conduct for the public service and a financial disclosure framework. These have been attempts to create a climate of ethical conduct in the Public Service that does not only work but is also seen to work.
The Commission would like to re-iterate the fact that ethics in the public service are broad norms that delineate how public officials should exercise judgement and discretion in carrying out their official duties. When a leader conducts himself with integrity the team will most likely in the nature of all role-modelling, do the same. Public Service needs to collaborate with labour partners and ensure that the public machinery functions with the ultimate goal of delivering efficient services to the people of South Africa. Government needs reputable public servants. Servant leadership and ethical leadership is what the public expect from public servants. Florence Nightingale said: “We should never lose an opportunity of...practical, beginning, however small, for it is wonderful how often the mustard-seed germinates and roots itself.” It is small steps that eventually make a journey, and that define a destination.

4. NON-PAYMENT OF GOVERNMENT SUPPLIERS

As we enter the 2020 Public Service Month, we reflect on the State of the Public Service with the focus on the Constitutional principle [section 195 (1)(b)] of efficient, economic and effective use of resources in the Public Service. For the PSC this means, public funds should be used for the purposes they were allocated for while complying with appropriate prescripts. All public resources should be used in a manner that will improve service delivery and thus provide better opportunities to all citizens.

To this end, the PSC monitors government’s adherence to applicable prescripts and Public Service values, amongst others, the payments of suppliers within the prescribed period.

Since 2016, the PSC has been monitoring the 30-day payment of suppliers by departments closely and in the process held various engagements with the repeat defaulting departments. This was to understand the challenges that the departments are faced with in relations to the 30-day payment of suppliers. Although there have been improvements in most of the departments, certain departments continue to default on this matter.

The figures below illustrate a trend of a) payments made after 30 days and b) non-payment of suppliers, per Quarter over four financial years (2016/17 to 2019/20).

![Figure 1: Number of Invoices Paid After 30 Days per Quarter for National Departments](image-url)
Figure 1 shows an overall decline in the number of invoices paid after 30 days during the 2019/20 Financial Year in comparison with the 2017/18 Financial Year. For example, quarter 4 of 2019/20 the number of invoices paid after 30 days were 37 749 in comparison with quarter 4 of 2017/18 which were 55 334. However, in terms of the related costs for quarter 4 of 2019/20 these invoices amounted to R 1.8million in comparison with quarter 4 for 2017/18. This could be attributed to the strategic approach adopted by departments to ensure the payment of invoices with high costs. Further to this, it should be noted that despite that lower number in invoices for quarter 4 of 2018/19 in comparison with 2016/17, 2017/18 and 2019/20 the related costs amounted to R2.4million.

Figure 2 below shows that the number of invoices older than 30 days and not paid has improved during the 2019/20 Financial Year, as at the end of March 2020 with a reported 328 invoices not paid in comparison with the figures during the 2017/18 Financial Year, as at the end of March 2018 which reflects a total of 14 746 not paid. However, the related costs of these invoices show a different picture with the 328 invoices not paid amounting to R 526 907 084 compared with the 14 746 invoices not paid amounting to R 335 752 236. Furthermore, similar to the invoices paid after 30 days, the 956 invoices not paid for March 2019 amounted to R 634 212 966. The reality is that departments are becoming more creative in the reporting of payment of suppliers.

Figure 2: Number of invoices older than 30 days and not paid for National Departments

Despite some improvements within the Public Service, there are still challenges experienced with repeat defaulting national departments and provinces as shown below in tables 1 and 2, reflecting the 2020/21 financial year information for quarter 1:

Table 1: Performance of national departments in respect of payment of invoices

<table>
<thead>
<tr>
<th>National Department</th>
<th>April 2020</th>
<th>May 2020</th>
<th>June 2020</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No of invoices</td>
<td>Value of invoices</td>
<td>No of invoices</td>
</tr>
<tr>
<td>Cooperative Governance</td>
<td>8</td>
<td>R 994,948</td>
<td>20</td>
</tr>
<tr>
<td>Home Affairs</td>
<td>3</td>
<td>R 13,856</td>
<td>3</td>
</tr>
<tr>
<td>National School of Government</td>
<td></td>
<td></td>
<td>0</td>
</tr>
<tr>
<td>Source: National Treasury, Office of the Accountant-General. Exception Reports April-June 2020</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Denotes non-submission of the relevant report by the relevant department for the month.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>* Departments that are not reflecting have no outstanding invoices.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

As indicated in the table above, some departments are still experiencing challenges with the payment of suppliers, as at the end of the first quarter of the 2020/21 financial year (30 June 2020):

a) Public Works and Infrastructure and PMTE with 1,646 invoices at a cost of R 64,973,144
b) Cooperative Governance with nine (9) invoices at a cost of R 1,024,020
c) Water and Sanitation provided information for the first 2 months of quarter 1, which shows 136 invoices at the cost of R 506,584,535 (end of May) and separately for the Trading Entity with 665 invoices at a cost of R 991,931; as at the end of June.

What is noteworthy is the alarming increase in the number of invoices (93) and the related cost of R 3,475,803 at Statistics South Africa. Furthermore, the gross negligence of the Department of Women, Youth and Persons with Disabilities that reflects the non-payment of 1 invoice at a cost of R 1,712,016 for the last 18 months, since quarter one of 2019/20.
What is more, even though an extension was granted for the submission of quarter 1 information for the 2020/21 financial year, due to the COVID19 disruptions, departments such as a) Civilian Secretariat for the Police Service, b) Agriculture, Land Reform and Rural Development, c) Environment, Forestry and Fisheries, and d) Mineral Resources and Energy, still did not submit the required information to National Treasury on time.

With regard to the provinces, the Eastern Cape, Free State, Gauteng, North West and Northern Cape have the highest number of invoices older than 30 days not paid as at the end of the first quarter of 2020/21 financial year.

Table 2: Performance of provincial governments on payment of invoices

<table>
<thead>
<tr>
<th>Provinces</th>
<th>April 2020</th>
<th>May 2020</th>
<th>June 2020</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No. of invoices</td>
<td>Amount of invoices</td>
<td>No. of invoices</td>
</tr>
<tr>
<td>Eastern Cape</td>
<td>11,906</td>
<td>R 2,204,845,981</td>
<td>13,702</td>
</tr>
<tr>
<td>Free State</td>
<td>1,775</td>
<td>R 265,105,615</td>
<td>1,145</td>
</tr>
<tr>
<td>Gauteng</td>
<td>4,349</td>
<td>R 481,198,014</td>
<td>4,577</td>
</tr>
<tr>
<td>KwaZulu-Natal</td>
<td>125</td>
<td>R 296,847,660</td>
<td>69</td>
</tr>
<tr>
<td>Limpopo</td>
<td>9</td>
<td>R 210,931</td>
<td>549</td>
</tr>
<tr>
<td>Mpumalanga</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>North West</td>
<td>5,674</td>
<td>R 652,864,857</td>
<td>6,097</td>
</tr>
<tr>
<td>Northern Cape</td>
<td>6,606</td>
<td>R 376,457,985</td>
<td>6,239</td>
</tr>
<tr>
<td>Western Cape</td>
<td>8</td>
<td>R 1,079,554</td>
<td>0</td>
</tr>
</tbody>
</table>


Denotes non-submission of the relevant report by the relevant province for the month.

The PSC Provincially based Commissioners will continue to engage with the respective Premiers office and relevant departments on how to improve systems to ensure that suppliers are paid within the specified 30 day period.

5. IMPLICATIONS OF LOCKDOWN ON THE EDUCATION SECTOR

Nothing can put a parent’s mind more at discomfort than the thought of letting your child walk into a potentially unsafe zone for hours every day while waiting anxiously after school for their safe return. Covid-19 and its manifestation has created uncertainty especially for families with school going children who also live with vulnerable persons.
During the mop-up week from 01 June 2020, it was clear that some schools did not meet all the pre-requisites for the re-opening as indicated by the Minister of Basic Education.

Furthermore, there was variance among provinces considering factors such as vandalism in 1,672 schools, deliveries of essentials to schools; induction and orientation of educators and support staff, provision of water and sanitation and faulty thermometers 1.

During its service delivery inspections conducted in June 2020 at selected schools, the PSC found that information about COVID-19 was well disseminated at school level and there was a high level of awareness about the pandemic. In few instances where learners were not wearing masks, the schools were able to provide such. However, the PSC noted with serious concern that generally the supply of PPEs was not sufficient which required urgent attention. Equally some of the equipment such as thermometers were dysfunctional as they provided wrong readings. To observe social distancing, the Department of Basic Education ensured that an average of 20 learners were accommodated per class. This is indicative of the historical infrastructure challenge. Provision for isolation rooms were also not provided in the majority of schools.

The PSC further observed, with great concern, the use of pit-latrines in schools, which is a grave health and safety risk that requires urgent attention. COVID-19 has created an environment where government has to work together. In this instance, the Department of Basic Education is reliant on the local municipalities as well as the National Departments of Water and Sanitation and Public Works and Infrastructure to provide a conducive environment for learning in line with general health standards and COVID-19 requirements.

In the contemporary context of the COVID-19 pandemic, the partial transition to home and online learning has exposed government of the apparent depth of our digital divide in the education system. It has had social and pedagogical implications while raising important political debates about the government’s response. It has also thrown into stark relief the pervasive inequalities in South Africa’s education system, the differentiation of public and private schools. This clearly demonstrates government’s failure in achieving the Constitutional principle of ‘services must be provided impartially, fairly, equitably and without bias’.

We must remember that the national lockdown was not introduced to grind life to a sudden halt in perpetuity, but to reduce the rate of the Covid-19 infections in the country. The PSC has provided feedback to the Department of Basic Education on the improvement of conditions in anticipation of the other grades returning to schools as the COVID-19 regulations are eased, while protecting the lives of the learners and educators remain paramount.

6. THE PUBLIC SERVICE LEVERAGING ON TECHNOLOGY TO DELIVER QUALITY EDUCATION

Education is the great engine of personal development. It is through education that the daughter of a peasant can become a doctor, that the son of a mine worker can become the head of the mine, that a child of farm workers can become the president of a great nation. It is what we make out of what we have, not what we are given, that separates one person from another. Nelson Mandela.

1SABC News: 19 May 2020
The COVID-19 pandemic has driven more than 85% of countries around the world to close schools entirely or partially leaving more than 1.6 billion students out-of-school. In South Africa, approximately 13 million learners were affected and were suddenly left without any form of adequate schooling. On a global level, many countries have responded by adopting remote learning approaches with many deploying online learning solutions. At the same time the World Health Organisation (WHO) is warning against re-opening of schools during the pandemic peak. This warning comes at the time when South African Authorities has introduced gradual reopening of schools amid a spike in infection rate in various provinces. These are indeed challenging times for the South African education system, which requires innovation and thoughtful leadership. The question is, should schools be opened or closed and does school closures increase inequality and poverty given that schools provide essential meals to hungry children? There are no easy answers, however, solutions must be found. Sadly, COVID-19 has exposed the glaring inequality in the education system as it became manifest in the digital divides of online learning between and within countries, including high-income countries to support online learning during school closures. The situation is worse in middle and low income countries in which the majority of learners do not have sufficient access to the internet or the necessary devices to enable online learning at home. South Africa fits into this latter category in which learning has all but ceased for millions of learners since the beginning of the lockdown. In the recent study by JET Education Services, statistics from the National Education Infrastructure Management System (NEIMS) found that of the 23 258 school sites, more than 50% had no computer centers and the majority of these sites are in Limpopo, Eastern Cape and KwaZulu-Natal. In fact, only 20% of schools had access to internet connectivity for teaching and learning purposes.\(^2\) Furthermore, the reality is that many of these learners do not have access to stable electricity, television and internet connections at their homes which exacerbates the struggle to gain a quality education.

For countries in which schools have massive resource and infrastructure constraints, it is almost futile to speculate on the benefits of the 4th Industria Revolution (4IR) or even some of the modern technology that many in the enfranchised classes take for granted. One must be realistic about what can be achieved and the best means to mitigate the deficits that COVID-19 has caused to the education and development of learners. One should therefore consider turning to education programmes on lower-technology options like television and radio to dramatically increase access to remote learning.

One such tool that South Africa can leverage on is Interactive Radio Instruction. According to the World Bank report on Improving Education Quality through Interactive Radio Instruction, the concept is to combine broadcast radio or another audio medium with an emphasis on active learning to improve educational quality.\(^3\) However, it is different from the conventional distance learning programmes because the intention is not just to increase access but more importantly to improve educational quality. To this extent, it is designed to engage through the use of entertaining characters and activities and an active learning pedagogy. Interactive Radio Instruction programmes are meant to guide the teacher and the learner through activities, games, and exercises that teach specific subject matter and offer the teacher or facilitator models of how to organize effective learning activities. Participation in the interactive programs is created during pauses that are built into the design of the radio scripts. Interactive Radio Instruction has been practiced successfully for a number of decades and has been proven particularly successful in primary education in the subject matter of mathematics, language and reading, health and early childhood development.\(^4\)

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\(^2\) Jet Education Services (2020) Education, inequality and innovation in the time of COVID-19

\(^3\) World Bank (2005). Improving Educational Quality Through Interactive Radio Instruction

According to the World Bank, some of the advantages of Interactive Radio Instruction are that:

- It has been in use for about 40 years and it has demonstrated that it can be effective on a large scale at low cost.
- It requires teachers and learners to react verbally and physically to questions and exercises posed by radio characters and to participate in group work, experiments, and other activities.
- It has been used to teach nearly all basic primary subjects and audiences of all ages and there is significant evidence that it can increase learning across subject matter, age, gender, and rural or urban location.
- There is evidence that the benefits of Interactive Radio Instruction can be sustained over the long term and can be adapted for other countries.
- Incentives for investing in Interactive Radio Instruction include its cost-effectiveness compared with other technologies and the willingness of donors and lenders to assist with up-front development costs.

Interactive Radio Instruction is not new to South Africa as it was a project of the Open Learning Systems Education Trust during the late 1990s in which it developed an open and distance learning strategy for supporting education transformation in South Africa’s democracy. This is advantageous as it means that educational authorities are able to utilise the knowledge and practice that already exists in the country to develop an interactive program so that learners are able to catch up on the many months of learning that they have missed. Notwithstanding that we face a huge pandemic crisis, there are also opportunities to confront the inequality in education in South Africa. As educational authorities consider the best means to mitigate education and learning that has been lost in the classroom, it should broaden its scope to thinking about how to reduce the inequity and improving educational quality. Interactive Radio Instruction could be one of the means to achieve this beyond the urgent need to mitigate the challenges brought on by COVID-19. As former President Nelson Mandela said, “it is what we make out of what we have, not what we are given, that separates one person from another”. Educational authorities should therefore seriously consider the creative and innovative use of Interactive Radio Instruction to further the curriculum development and learning in South Africa.

7. OVERALL NUMBER OF GRIEVANCES HANDLED BY THE PSC UP TO 30 JUNE 2020

7.1 Overall Number of Grievances Handled by the PSC up to 30 June 2020

As reflected in Table 3 below, up to the end of June 2020, the PSC had 240 grievances registered in its database, including 196 carried over from the previous financial year and 44 cases received between April and June 2020, of which the majority were received in June 2020 after the easing of the national lockdown.

Table 3: The number of grievances handled by the PSC during the first and second quarter (Total numbers reflected are cumulative)

<table>
<thead>
<tr>
<th>Grievances Received</th>
<th>3rd Quarter (01 Oct-31 Dec)</th>
<th>4th Quarter (01 Jan -31 Mar)</th>
<th>1st Quarter (01 Apr – 30 Jun 2020)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total number of grievances registered</td>
<td>644</td>
<td>806</td>
<td>240</td>
</tr>
<tr>
<td>Properly referred cases</td>
<td>438</td>
<td>557</td>
<td>213</td>
</tr>
<tr>
<td>No jurisdiction/Not properly referred</td>
<td>206</td>
<td>249</td>
<td>27</td>
</tr>
</tbody>
</table>

Q4: End of 2019/2020 FY
Of the 240 grievances, 27 (11%) were not properly referred and 213 (89%) were properly referred. The grievances which were not properly referred are those that were either being dealt with elsewhere, such as bargaining councils, and those that were still not finalized in the departments. The 213 properly referred grievances are dealt with through investigation and mediation. These grievances are broken down in figure 3- Location of properly referred grievance cases; figure 4- Status of properly referred grievances and figure 5- Types of properly referred grievances.

Figure 3: Location of properly referred cases

The majority of the properly referred grievance cases are referred by national departments, hence they are located at the national PSC office, while 54 cases are located at the Limpopo and Gauteng provincial offices.

Figure 4: Status of properly referred grievances up to 30 June 2020

While 38 of the 213 properly referred cases were concluded by the end of June 2020, 36 of the concluded cases include some of the grievances carried over from the 2019/2020 financial year. Delays in the finalization of cases can be attributed to the lack of information from the Departments and aggrieved employees due to lockdown, especially during May and June 2020. However, the PSC has noted some improvement in the accessibility of information from departments and aggrieved employees since June 2020. It is anticipated that many cases will be concluded following the easing of the lockdown restrictions, subject to the timeous submission of information by departments, aggrieved employees and other parties such as witnesses.
Figure 5: Types of properly referred grievances

The 213 grievances that have been lodged with the PSC is an indication that departments failed to resolve these grievances internally or because of failure by departments to conclude the grievances within the prescribed timeframes.

The PSC has observed that there is continued referral of grievances outside the provisions of the Grievance Rules, 2003 as a result it calls for Labour Relations Officers within departments to ensure that on an annual basis employees are workshopped on these Rules. Unions are also called upon to play an active role in assisting their members in lodging grievances, and where the time-frame for lodging grievances has lapsed, to advise them accordingly.

7.2 Six-monthly Reporting on Grievances by Departments for the period ending March 2020

The six-monthly report covering the reporting period of 01 October 2019 until 31 March 2020 revealed that a total of 5036 grievances were reported by national and provincial departments, which indicates a decrease of 2.8% from the total of 5180 grievances reported for the previous reporting period of 01 April 2019 until 30 September 2019. Figure 6 depicts a comparison on the total number of grievances reported by national and provincial departments for the two six-monthly reporting periods.

Figure 6: Comparison of the total number of grievances reported by national and provincial departments
Status of resolution on the total number of grievances reported by national and provincial departments

In terms of the provisions of the Grievance Rules, 2003 and Chapter Ten of the Senior Management Service (SMS) Handbook on the Rules for Dealing with Grievances of SMS members, a grievance of an employee/member should be dealt with by the department within a period of 30 and 45 working days, respectively. This period may be extended by mutual agreement between the department and the aggrieved employees. Figure 7 below provides an overview in respect of the status of resolved grievances by national and provincial departments.

![Figure 7: Status of resolved and other grievances by national and provincial departments](image)

As can be seen from Figure 7 above, of the 5036 grievances reported by national and provincial departments, 2932 (58.2%) were resolved when compared with 2954 (57%) grievances resolved during the previous reporting period of 1 April 2019 to 30 September 2019; 18 were withdrawn by aggrieved employees when compared to 28 grievances for the previous period; 5 grievances were reported with contradictory dates in that the date concluded dates precedes the reported date; and with respect to 3 cases, the employees resigned/retired before their grievances could be resolved by their departments. As such, 41.4% grievances remained pending, as indicated in Table 4 below.

Of the 2932 grievances resolved during the reporting period of 1 October 2019 to 31 March 2020, 1821 (62.1%) were resolved within the prescribed timeframes of 30/45 days when compared to 1661 (56.2%) for the previous reporting period, and 1106 (37.7%) were resolved outside the prescribed timeframes when compared to 1290 (43.7%) for the previous reporting period. It should also be noted that out of the 1106 grievances resolved outside the prescribed timeframe, 307 (27.8%) of these grievances were carried over from the 2018/2019 year. As indicated in Table 4 below In addition, during the 2020/2021 financial year, departments should prioritise the finalisation of the 2083 (41.4%) grievance cases that remained pending as at end of March 2020.

The PSC has reminded departments to provide their six-monthly reports for the period 1 April 2020 to 30 September 2020. The statistics for the this period will provide clarity on how many of the 41.4% carried over cases would have been resolved by departments and how many new cases would have been received.
Table 4: Resolution of grievances by national and provincial departments for the period ending March 2020

<table>
<thead>
<tr>
<th>National/Province</th>
<th>Total no of grievances reported</th>
<th>Total percentage number and of concluded grievances</th>
<th>Concluded within timeframe</th>
<th>Concluded outside timeframe</th>
<th>Total number and percentage of withdrawn grievances</th>
<th>Total number and percentage of pending grievances</th>
</tr>
</thead>
<tbody>
<tr>
<td>National</td>
<td>2321</td>
<td>1230</td>
<td>53%</td>
<td>740</td>
<td>60.8%</td>
<td>480 30%</td>
</tr>
<tr>
<td>Eastern Cape</td>
<td>364</td>
<td>277</td>
<td>76.1%</td>
<td>251</td>
<td>90.6%</td>
<td>26 9.4%</td>
</tr>
<tr>
<td>Free State</td>
<td>200</td>
<td>116</td>
<td>58%</td>
<td>49</td>
<td>16.4%</td>
<td>66 56.9%</td>
</tr>
<tr>
<td>Gauteng</td>
<td>466</td>
<td>312</td>
<td>66.9%</td>
<td>231</td>
<td>74%</td>
<td>81 26%</td>
</tr>
<tr>
<td>KwaZulu</td>
<td>349</td>
<td>200</td>
<td>58.7%</td>
<td>95</td>
<td>46.3%</td>
<td>110 53.7%</td>
</tr>
<tr>
<td>Natal</td>
<td>84</td>
<td>22</td>
<td>26.2%</td>
<td>5</td>
<td>21.7%</td>
<td>17 77.3%</td>
</tr>
<tr>
<td>Limpopo</td>
<td>259</td>
<td>105</td>
<td>40.5%</td>
<td>32</td>
<td>30.5%</td>
<td>73 69.5%</td>
</tr>
<tr>
<td>Mpumalanga</td>
<td>307</td>
<td>136</td>
<td>44.3%</td>
<td>83</td>
<td>61%</td>
<td>51 37.5%</td>
</tr>
<tr>
<td>Northern Cape</td>
<td>225</td>
<td>134</td>
<td>59.6%</td>
<td>52</td>
<td>38.8%</td>
<td>82 61.2%</td>
</tr>
<tr>
<td>North West</td>
<td>461</td>
<td>395</td>
<td>85.7%</td>
<td>275</td>
<td>69.6%</td>
<td>120 30.4%</td>
</tr>
<tr>
<td>Western Cape</td>
<td>91</td>
<td>14</td>
<td>15.6%</td>
<td>2</td>
<td>9.0%</td>
<td>1 1.2%</td>
</tr>
<tr>
<td>Sub-Total</td>
<td>(National: 2321 + Provinces: 2715)</td>
<td>(National: 1230 + Provinces: 1702)</td>
<td>(National: 53% + Provinces: 62.7%)</td>
<td>National: 748 + Provinces: 1073</td>
<td>(National: 69.8% + Provinces: 63%)</td>
<td>National: 480 + Provinces: 626</td>
</tr>
<tr>
<td>TOTAL</td>
<td>5036</td>
<td>2032</td>
<td>59.2%</td>
<td>1621</td>
<td>62.1%</td>
<td>1104 37.7%</td>
</tr>
</tbody>
</table>

8. OVERALL NUMBER OF COMPLAINTS HANDLED BY THE PSC UP TO 30 JUNE 2020

Governments all over the world are recognizing the danger of corruption, especially in the Public Service. International institutions such as the United Nations and Transparency International are also continuously drawing attention to the threat that corruption poses to the livelihood of citizens and the much needed service delivery. In South Africa, the Government has over the years, made a concerted effort to deal with corruption in the Public Service.

The PSC has the mandate to investigate, either of its own accord or on receipt of any complaint, personnel and public administration practices to report to the relevant EAs and Legislature. Personnel practices relate to for example, irregular appointments, transfers, qualifications and compensation related allegations, and public administration practices relate to, for example, procurement irregularities and poor service delivery. The own accord investigations undertaken are identified through an analysis of the trends of the complaints handled previously and through media reports.

In September 2004, cabinet mandated the PSC to manage the newly established National Anti-Corruption Hotline (NACH). NACH was an amalgamation of anti-corruption hotlines which were managed by different Departments. This decision was aimed at reducing the duplication of costs and as a “one stop” mechanism for members of the public to report acts of corruption in the Public Service. The NACH forms part of a comprehensive ethics framework by providing a proactive mechanism for prevention and detection control process. It is a system designed to enable members of the public and public servants to report any form of corruption that they might be aware of or suspicious of in their respective areas by reporting to the 0800 701 701 hotline number. A case of alleged corruption can also be reported through text, email, online report, or webchat.

The NACH became one of the most useful instruments for reporting complaints during the Country’s COVID-19 nation lockdown. It provided tip-offs to the SASSA for complaints about food parcels, fraudulent use of SASSA cards and complaints related to R350 social relief payment and reporting tip-offs to SAPS regarding fraud relating to Personal Protective Equipment.
8.1 Cases of alleged corruption received by the NACH

Since the inception of the NACH in September 2004, a total of 22,921 cases of alleged corruption were reported by callers and whistle-blowers as at 30 June 2020. In line with the existing protocols, all the cases were referred to national and provincial departments and public entities for investigation. The outlook on the overall number of cases received suggest that there is significant improvement in the reporting of cases of alleged corruption to the NACH. This is largely because of government’s efforts to eradicate corruption in all spheres of government.

8.1.1 Complaints received in the first quarter of 1 April to 30 June 2020

In terms of the NACH statistics, a total of 104 cases of alleged corruption reported through the NACH were received in the first quarter of 2020/2021 and were simultaneously referred to the national and provincial departments as well as public entities for investigation.

8.1.2 Trends analysis of cases received during the 2017/2018 to 2020/2021 financial years

Figure 8 below illustrates the trends analysis of cases of alleged corruption reported on quarterly basis in the 2017/2018-2020/2021 financial years. The five common cases of alleged corruption reported to the NACH identified are social grant fraud, unethical behaviour, appointment irregularities, service delivery and procurement irregularities.

Figure 8: Trends analysis of cases received from 2017/2018 to 2020/2021 financial years

Of the 3,653 cases of alleged corruption received in the 2017/2018 - 2020/2021 financial years, Social grant fraud recorded the highest number of cases which is 2,400 (66%). Of the 2,400 cases, a highest number of 1,007 cases were recorded in the 2019/2020 financial year compared to 727 cases recorded in the 2018/2019 financial year. The majority of social grant fraud cases involve pension, disability and child support grant committed by members of the public as well as officials. The consequences in the occurrences of social grant fraud are twofold. Not only is there a financial implication when a loss occurs, but the actual beneficiary who qualified to receive the grant suffers. Therefore, SASSA must strengthen their internal controls in the management of social grants.

The second highest number of cases are unethical behaviour which accounted to 377 (10.3%) cases recorded in the 2017/2018-2020/2021 financial years. Of the 377 cases, the highest number of 255 cases were recorded in the 2019/2020 financial year compared to 62 cases recorded in 2018/2019 financial year. The examples of cases of other forms of misconduct includes:
• Officials are coming to work late or being absent from work without permission.
• Officials going on leave without filling and submitting leave forms.
• Unprofessional conduct or behaviour of officials, e.g. Violation of the Code of Conduct for the Public Service.
• Employees of the Public Service undertaking remunerative work outside of their employment.
• Official requesting money from foreign national in exchange for issuing them with identity documents or permits or processing their application on time.
• Officials requesting bribes from members of the public promising them jobs.
• Officials using state petrol cards to buy petrol for their own personal use.

The appointment irregularities account for 316 (9%) of the matters reported through the NACH in the 2017/2018 - 2020/2021 financial years. Of the 316 cases, the highest number of 185 cases were recorded in the 2019/2020 financial year compared to 100 cases recorded in the 2018/2019 financial year. Most of the appointment irregularity cases reported through the NACH were involving senior managers. The major factors that led to the alleged irregular appointment cases included, amongst others:

• non-compliance with departmental recruitment and selection policies and procedures;
• disregard for minimum requirements as specified in the advert when the selection committee conducted the short-listing exercise;
• poor record-keeping throughout the recruitment and selection process; failure to register applications in the applicants’ master list;
• no comments on why applicant were not short-listed;
• job evaluations not being conducted by departments before filling the post; non-compliance with selection processes when head hunting; and,
• and not certifying competency assessment outcomes before they were used by departments to make a decision.

Appointment irregularities in the Public Service is an area of concern and the PSC in the past has issued a guideline on the recruitment and selection process. Subsequently, in view of the increase of the number of reported cases relating to alleged irregular appointments, the PSC has also issued a guide on how to correct irregular appointments.

Service delivery related complaints account for 295 (7%) of the matters reported via the NACH in the 2017/2018 - 2020/2021 financial years.

Of the 295 cases, the highest number of 211 cases were recorded in the 2019/2020 financial year compared to the 2018/2020 financial year, which recorded 140 cases. The complaints reported vary from poor service delivery regarding communication, complaints against police officers and general complaints.

Procurement irregularities have also accounted for a large proportion of the reported cases of alleged corruption reported through the NACH in the 2017/2018-2020/2021 financial years with 165 (5%) cases. Of the 165 cases, the highest number of (70) cases were recorded in 2018/2019 financial year compared to the 2019/2020 financial year which recorded 44 cases. Examples of impacts from investigations that have been substantiated include:

• Enhanced cash handling controls to improve physical security as well as the security surveillance of specific cash handling areas.
• Mitigated future potential losses by identifying employee abuse of government resources.
• Strengthened controls in accounts receivable collection processes.
• Identification of opportunities to streamline the performance of an internal administrative function.
• Disciplinary action including suspension and termination of contractor’s service.
• Revised departmental recruitment process to ensure a fair, open and transparent process is available to all potential applicants.
• Expanded management monitoring and use of exceptions reporting to verify compliance with a specific internal authority.

8.1.3 Types of complaints received in the 2019/2020 financial year

As reflected in Figure 9 below, the majority of cases (66%) are referred to SASSA for investigation. The rest of the cases are referred to national and provincial departments for investigation. The PSC is concerned that departments are taking an extended period of time in providing feedback to the PSC despite the fact that whistle-blowers are requesting feedback on progress made with investigations. Generally many investigations are prolonged due to variety of factors like complexity and retrieval of supporting information.

![Types of allegations](image)

- Social grant fraud
- Procurement irregularities
- Fraudulent visas
- Abuse of government resources
- Appointment irregularities
- Service delivery complaints
- Mismanagement of funds

Figure 9: Types of complaints received in the 2019/2020 financial year

The efficiency with which the departments investigate allegations of corrupt activities reported referred to them contribute towards the effectiveness of the NACH. Some of the successes of the NACH are that a total of eighteen (18) officials were found guilty of misconduct by departments related to corrupt activities reported through the NACH in the 2019/2020 financial year.

8.1.4 Comparative analysis of calls received by the NACH in the 2017/2018, 2018/2019 and 2020/2021 financial years

Figure 10 (next page) shows the number of calls received since 2017/2018-2020/2021 financial years when the NACH is managed in-house. The analysis of the calls revealed that the NACH has registered a total of 66 986 incoming calls during the 2017/2018 financial year. Out of 66 986, eight hundred and eight two (882) case reports were generated and referred to the relevant law enforcement agencies for investigation.
In the subsequent financial year (i.e. 2018/2019), the NACH has registered a total of 51 581 incoming calls\(^1\). Out of 51 581 incoming calls, 1076 case reports were generated. In 2019/2020 financial year, the NACH has registered a total of 70 500 incoming calls, of which 1591 cases were generated. This number is slightly higher as compared to 2017/2018 and 2018/2019 financial years.

As at 30 June 2020 (2020/2021 financial year), the NACH has received a total of 9000 incoming calls, of which 104 cases were generated. The number is slightly lower due to COVID 19 Lockdown and that the NACH was operating in-house five (5) days per week and eight (8) hours per day. Despite this, the NACH received tip-offs related to disaster management funds which were directed to the relevant law enforcement agencies.

![Cases received by the NACH in 2017-2018 to 2020-2021 financial years](image)

Figure 10: Comparative analysis of calls reported to the NACH in the 2017/2018 to 2020/2021 financial years

The arrangement for the operation of the NACH 8 hours has created a severe challenge on the effectiveness of the NACH as the facility is limiting members of the public to report corruption after hours in the presence of the call centre agents. The PSC took the decision for the NACH to operate 8 hours due to lack of adequate funding. As the NACH is designated single hotline through which corruption in the public service should be reported anonymously, it remains significant that it must be adequately resourced to enable people to report 24/7. To this end, an application of \textbf{R5 million} was made to the Criminal Asset Recovery Account (CARA) to improve the functionality of the NACH.

8.2 Other methods of addressing unethical conduct in the Public Service

Apart from the NACH system, there are various other methods of reporting complaints relating to personnel and public administration practices. These methods include completing a form which is on the PSC’s website, written complaints / statement which may be posted, e-mailed or faxed to the PSC, complaints lodged verbally in person (i.e. walk-in), via a WhatsApp or other social media platforms and matters referred to the PSC by other institutions (e.g. the Public Protector or Auditor-General).

Furthermore, sections 196(4)(f) of the Constitutions also mandates the PSC to conduct own accord investigations. Own accord investigations may emanate from an environmental analysis, media / social media reports, request by the PSC, matters of public interests and trends analyses falling within the mandate of the PSC.

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\(^1\) \textit{Incoming calls} are considered inbound calls in the call centre (they include answered calls, unanswered calls and drop calls. A dropped-call is the telephone call which, due to technical reasons, was cut off before the caller had finished the conversation and before the caller had hung up.)
8.2.1 Complaints received in the 1st quarter 1 April to 30 June 2020

All complaints received were within the jurisdiction of the PSC and were concurrently investigated as indicated in Table 5 below.

<table>
<thead>
<tr>
<th>National/Provincial</th>
<th>Number Received</th>
<th>Closed</th>
<th>Pending</th>
</tr>
</thead>
<tbody>
<tr>
<td>National</td>
<td>29</td>
<td>4</td>
<td>25</td>
</tr>
<tr>
<td>Provinces</td>
<td>77</td>
<td>15</td>
<td>62</td>
</tr>
<tr>
<td>Grand Total</td>
<td>106</td>
<td>19</td>
<td>87</td>
</tr>
</tbody>
</table>

For the period 1 April to 30 June 2020, the PSC dealt with a total of 106 complaints. Of these, 40 complaints were received from the NACH system and 66 complaints from methods other than reporting via the NACH. Despite challenges encountered due to the Covid 19 pandemic, as at 30 June 2020, 19 (18%) of the 106 complaints were finalised and 87 (82%) are in progress.

8.2.2 Trends analysis of complaints received

Figure 11 below provides an overview of the complaints handled by the PSC during the 2018/2019 to 2019/2020 financial years are provided below:

![Figure 11](image)

Figure 11 above shows that there has been a steady increase in the number of complaints received, handled and finalised by the PSC in both financial years. These increases could be ascribed to the awareness of the mandate of the PSC as well as a vote of confidence in the PSC.

Further to the above, Table 6 below provides an overview of the complaints handled by the PSC during the 2018/2019 to 2019/2020 financial years are provided below:

Table 6: Overview of the quarter on quarter analysis of complaints handled by the PSC

<table>
<thead>
<tr>
<th>Financial Year / Quarter</th>
<th>Accumulative complaints received</th>
<th>Complaints Finalized</th>
<th>Complaints Pending</th>
<th>% of complaints finalized VS complaints received</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018/19 - Quarter 1</td>
<td>127</td>
<td>15</td>
<td>112</td>
<td>12%</td>
</tr>
<tr>
<td>2019/20 - Quarter 1</td>
<td>125</td>
<td>37</td>
<td>88</td>
<td>30%</td>
</tr>
<tr>
<td>2020/21 - Quarter 1</td>
<td>106</td>
<td>19</td>
<td>87</td>
<td>18%</td>
</tr>
</tbody>
</table>
The number of complaints dealt with in the first quarter of the 2020/2021 financial year is lesser than that dealt with in the same period of the 2018/19 and 2019/2020 financial years. Table 5 above shows that the percentage of complaints finalised in the first quarter of the 2019/20 financial year increased with 18% from 12% in 2018/19 to 30% in 2019/20.

However, the percentage of complaints finalized in the first quarter of 2020/2021 has decreased by 12% in comparison to the first quarter of the 2019/2020 financial year, i.e. from 30% (2019/2020) to 18% (2020/2021). The decrease in the finalisation of complaints in the first quarter of the 2020/2021 financial year is ascribed to the national lockdown level 5, due to the Covid 19 pandemic whereby the movement of people and operation of departments were restricted. The work of investigators was thus impacted by the national lockdown in that they were unable to carry out certain activities such as conducting interviews, obtaining documentation from departments etc, pertaining to investigations.

The nature of the complaints received vary from one another and in some instance are more complexed in nature, thus it takes longer to finalise.

Figure 12: Summary of type of complaints investigated by the PSC in the 2018/19, 2019/20 and 1st quarter of the 2020/21 financial years

- "Personnel practices" refers to issues such recruitment, appointment and transfer of employees.
• “Public administration practices” refers to issues such as financial management, supply chain management processes, service delivery, and application of policies and procedures.

From the 106 complaints handled during the first quarter of the 2020/21 financial year, 46 related to Personnel Practices and the remaining 60 to Public Administration Practices.

In accordance with Figure 12 above it is evident that in all three (3) financial years reflected upon the majority of complaints handled pertain to Public Administration Practices.

8.2.3 Adherence to recommendations issued by the PSC

Emanating from the investigation of complaints regarding personnel and public administration practices, the PSC, in instances where allegations were found to be substantiated, issued recommendations to rectify wrongdoings identified. These recommendations mainly relate to the institution of disciplinary action by departments which results in sanctions such as warnings and dismissals.

Since disciplinary action does not fall with the ambit of the mandate of the PSC, it must be noted that the implementation of recommended disciplinary action is left to the discretion of Executive Authorities.

9 MANAGEMENT OF THE FINANCIAL DISCLOSURE FRAMEWORK

The PSC is responsible to manage the Financial Disclosures of SMS members in the Public Service. All SMS members are expected to disclose their registrable interests to the relevant HoDs, by no later than 30 April each year. The HoDs discloses their registrable interests to the relevant EAs. The HoDs and EAs must submit copies of the forms to the PSC by no later than 31 May of each year.

The PSC has received a total of 9792 (98%) of the 10032 financial disclosure forms that were expected as at 31 May 2020. The 2% non-submission is attributed to the State Security Agency which has not submitted their financial disclosure forms as at 31 May 2020 and some senior officials within the Public Service. Among the officials whose financial disclosure forms were not submitted to the PSC, are those of five (5) Directors-General of national departments and four (4) Heads of Provincial Departments.

The PSC has commenced with the process of verifying the Financial Disclosure Forms of all SMS members in the Public Service with a view to identify cases of conflicts of interest. This exercise assist in the management of conflicts of interest in the workplace. The process will culminate in the drafting of reports to the respective EAs, advising them on appropriate actions to be taken regarding conflicts of interest that might be detected. In cases of potential conflicts of interest, the EAs are advised to monitor the involvement of the affected SMS members to ensure that the potential conflicts of interest do not end up as actual conflicts of interest.

Actual conflicts of interest occur where a company to which a public servant is linked, conducts or has conducted business with an organ of state. This has been made a criminal offence and can also lead to dismissal.