CHAPTER 5

RECRUITMENT

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CHAPTER 5

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1. INTRODUCTION

Any efficient and well-managed organisation is entirely dependent for its continued success on the calibre of its senior employees. The Department of Correctional Services is no different. The Commission has repeatedly made the point that unless members recruited or promoted by the Department to senior positions have the necessary integrity, skills, qualifications and expertise, problems of discipline will continue to beset the Department.

Furthermore all employees expect that diligence and loyalty will be compensated by merit awards being granted to deserving members in a regular manner according to clearly defined policies. The granting of merit awards in an irregular manner to members not entitled to such awards has a negative effect on staff morale, and especially on those who have strived to do their best in the workplace. To be overlooked when merit awards are granted when they are deserving of such an award is demoralising. Their disappointment is likely to be exacerbated when it appears that those who get merit awards belong to a particular work grouping.

It was therefore of serious concern to this Commission to find that in almost all Management Areas it has investigated, issues relating to the recruitment, merit awards and promotion of staff remain a major challenge facing the Department. Recruitment drives, appointments, promotions and merit awards are constantly tainted with allegations of malpractices, irregularities, nepotism and even corruption. The common feature of these allegations is the manipulation of the processes by senior officials in the employ of the Department.

This Chapter will address the Department's policies and procedures relating to recruitment and merit awards and previous investigations conducted into recruitment processes of the Department. Specific instances of maladministration, mismanagement, corruption, nepotism and favouritism relating to recruitment and merit awards in some of the Management Areas the Commission investigated, will be highlighted in this Chapter.

2. RECRUITMENT MALPRACTICES

According to the evidence before the Commission, prior to 1998, the recruitment at entry level to the Department was by word of mouth. There were no advertisements for positions for which the general public could apply. Thus there was a lot of corruption and nepotism within the Department.[1]

2.1 Recruitment Drives

With effect from 1998 the Department started to have formal recruitment drives. Evidence before the Commission indicated that the normal recruitment practice adopted by the Department is to conduct two recruitment drives by means of two rounds of advertising. However, during the recruitment drive of 2001/2002, the Department's management committee decided that one advertisement should cover both recruitment drives for the years 2001/2002.[2]

The process normally involves advertising the relevant posts nationally and applicants are invited to apply for particular posts as advertised. After all the application forms have been received by the cut-off date, the Department

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1 See Mrs Kgosidintsi's evidence in Pietermaritzburg Volume 13 pages 1118 and 1119.

2 The decision was made that applicants would apply once and that they would be interviewed and fill positions during the first recruitment drive, and those applicants who were unsuccessful during the first recruitment drive, would be considered for the second recruitment drive. This procedure was followed nationally during the recruitment drive of 2001/2002.

commences with the selection process. Department officials within the Province then interview the short-listed candidates and thereafter recommend appointees to the Commissioner for the ultimate appointment.

The Commission has heard evidence that the bi-annual recruitment drives conducted in various Management Areas of the Department are riddled with malpractices, corruption, irregularities, favouritism and nepotism. The Commission also found that inexperienced and incompetent officials were appointed as Heads of Recruitment. The problem is further compounded by the fact that even after their appointment, these inexperienced and incompetent officials are not given any specific training in recruitment.

The Commission has established that in addition to the provisions of the Act, there are various policies and procedures in place regulating the recruitment, selection and appointment of members to the Department. However, evidence led before the Commission has shown that members of the Department in charge of the recruitment drives often do not follow these procedures and policies. A closer examination of the provisions of the Act, policies and procedures is therefore necessary.

2.2 The Correctional Services Act and Procedures

The determination of qualifications for appointment, promotion and transfer of members of the Department to a large extent rests with the Commissioner. Section 96(3) of the Correctional Services Act[3] provides as follows:

> *"Subject to the provisions of this Act and the provisions of the Labour Relations Act and having regards to the operational requirements of the Department, the Commissioner shall determine the qualifications for*

[3] Correctional Services Act No. 111 of 1998.

appointment and promotion and decide on the appointment, promotion and transfer of correctional officers but –

(a) The appointment or promotion of a correctional official to or above the post level of director takes place in consultation with the Minister;

(b) All persons who qualify for appointment, promotion or transfer must be considered;

(c) The assessment of persons shall be based on the level of training, the relevant skills, competence, and the need to redress the imbalances of the past in order to ensure the Department broadly represents our South African population, including representation according to race, gender and disabilities;

(d) Despite the provisions of paragraph (c), the Commissioner may, subject to the prescribed conditions, approve the appointment, transfer or promotion of persons to promote the basic values and principles referred to in section 195(1) of the Constitution; and

(e) For the purposes of promotion or transfer, the Commissioner may exempt a correctional official who is exceptionally skilled, has special training, renders exceptional service, or has successfully completed the prescribed departmental training, from the requirements of the code of remuneration."

The Regulations[4] promulgated in terms of the 1959 Act, also deal with enrolment and appointment of staff. In particular, they deal with the enrolment and appointment of a member who is not a commissioned officer, and the waiver of qualifications by the Commissioner in certain circumstances.[5]

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4 See Regulation 8(1) and (2).

5 The new Regulations gazetted on 30 July 2004 no longer deal with this aspect.

Insofar as the entry level is concerned, the Commission heard evidence that with effect from 2000, the educational requirement for entry level is now matric.[6] Previously, the minimum requirement at entry level was Standard 8.[7]

2.3 Departmental Policies and Procedures

The Departmental Policy and Procedure Manual clearly states that the purpose of the Department's human resource employment policy is to ensure an integrated approach that facilitates maximum flexibility to attract, recruit, appoint and retain high calibre employees. The policy also directs the Department on the procedures governing the recruitment process which must be followed in order to ensure consistency, fairness and equity in various aspects of recruitment.[8]

A further document dealing with the Departmental policy on recruitment and employment is the Personnel Provisioning Manual. In terms of this document, the appointment function, on the one hand, forms an integral part of the Correctional Services' broader manpower management programme and, on the other hand, it is sensitive to the organisation's interest as employer.

It is expected of the Department to try and recruit the best candidates according to the post and human specifications. Transfer and recruitment must therefore always take place objectively and without nepotism, according to the 70/30 Affirmative Action Policy as approved by the Commissioner.

Recruitment is currently decentralised to the different Provincial Commissioners. The employment centres are responsible for supplying staff in all occupational classes in the Department. Due to the variable and technical nature of the recruitment/appointment function and the specialised knowledge that is required

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6 Grade 12.
7 Grade 10.
8 See Departmental Policy and Procedure Manual dated 1 January 2001.

for this, it should be understood that staff qualified for this task will not be moved or transferred before suitably trained replacement staff are available.

In terms of section 7(3)(b) of the Public Service Act No. 103 of 1994, Heads of Department are responsible for the efficient management and administration of their respective departments. Therefore in each Department, the Head of that Department is responsible and accountable for the execution of the recruitment function according to the needs of the Department.

In the Department of Correctional Services such duties are delegated to the Provincial Commissioners who are responsible for implementing and activating recruitment in each Province. The final decision of all appointments up to the level of senior correctional officer is vested in each Provincial Commissioner.

Other documents, which deal with the recruitment practices of the Department insofar as those particular recruitment drives were concerned, are the following:

a) Document S3/1 dated 8 June 1998; and
b) Document S3/1-b dated 4 December 1998.[9]

The Department's A-Orders also deal with recruitment and employment of staff. It has been noted that this document makes reference to the Public Service Staff Code throughout.

The multiplicity of documents dealing with the Department's recruitment and employment practices adds to the problems experienced with recruitment. It is extremely difficult for the Department to properly manage its recruitment and employment function when it relies on a multiplicity policy documents, which contradict each other.

[9] See Exhibits 'SS5' and 'TT' – Durban-Westville Management Area.

3. MERIT AWARD MALPRACTICES

3.1 Introduction

From the evidence heard, it is clear that Human Resources malpractices in the Department nationally were not confined to recruitment, but also extended to the merit award system. Evidence established that merit award malpractices were committed by senior Department officials, who commonly manipulated the processes.

3.2 Merit Award Policy

The policy of the Department requires that an officer be in a rank for at least one (1) year before he/she gets a merit award. As will be shown later in this Chapter when the Commission examines the recruitment and merit award malpractices in the Management Areas, certain officials in the Department were given merit awards before they even completed one (1) year's service in their rank.[10]

There was also evidence of favouritism in that the wives and girlfriends of certain senior members were given merit awards when they did not qualify for such awards.[11]

Before dealing with specific recruitment and merit award malpractices, it is appropriate to first examine the previous investigations into recruitment and merit awards in the Department by other agencies.

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[10] Merit awards should only be awarded to a member for meritorious work done in a given twelve (12) month period.

[11] See St Albans Management Area as well as Pietermaritzburg Management Area, hearings. See St Albans transcripts, Volume 16 at pages 1655 *et seq*.

4. PUBLIC SERVICE COMMISSION REPORT[12]

The recruitment challenges faced by the Department have been identified in an earlier investigation by the Public Service Commission[13] (PSC), which completed its report on 31 August 2000.

The PSC Report deals with various irregularities in human resource management practices in the Department. However, the Commission will only deal with the following areas, where the PSC has made findings and recommendations:

- Recruitment
- Verification of qualifications
- Filling of advertised posts
- General management of human resources.
- Performance agreements.

The PSC Report reads as follows :

4.1 Recruitment

The PSC received a number of allegations in respect of the appointment of senior managers, family members and friends to positions within the Department. The PSC found, however, that although the allegations received contained too little detail to enable its investigators to conduct inquiries within the limited time available, they nevertheless point to the

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12 See Public Service Commission: Inquiry into allegations of irregularities in HRM practices in the Department of Correctional Services, August 2000. Hereinafter referred to as the "PSC".

13 The Public Service Commission is chaired by Professor Sangweni, who, with his colleagues, has been of invaluable assistance to this Commission.

existence of problems in human resources and the need for pro-active intervention by the Department.

In this regard, the PSC proposed that the Departmental policy regulating recruitment, selection, appointment and promotion make it obligatory for officials to:

- *Declare being related to an applicant;*
- *Declare being a close friend of an applicant;*
- *Recuse themselves from all actions related to the processing of their family member's/close friend's applications and, in particular, from general management decisions affecting close associates.*[14]

4.2 Verification of Qualifications

The PSC had four hundred and twenty seven (427) cases to investigate in this regard. Four allegations were made regarding officials either not having certain qualifications or having suspect qualifications.

The PSC found that the Department neglected to follow up on the submission of qualifications by new appointees. The Department also does not authenticate school and tertiary qualifications pro-actively in cases where there is reason to doubt their authenticity. Although the Department endeavours to obtain certified copies of qualifications, this by no means guarantees that certificates submitted are indeed authentic.

Although the PSC was to conduct an investigation into the verification of qualifications throughout the public service, it proposed that the Department of Correctional Services adopt the following measures:

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[14] Public Service Commission Report: 1 August 2000 at pages 19 and 79.

4.2.1 In the short term, implement a procedure whereby the relevant staff ensure that the submission of original certificates is always followed up and that all certificates are authenticated with the issuing educational bodies.

4.2.2 In the long term, the PSC proposed that the Department:

(a) Adopt the policy of making a candidate's assumption of duty subject to submission of original certificates; and

(b) Ratify all qualifications and appointments.[15]

4.3 Filling of Advertised Posts

After the investigation of the malpractices regarding the filling of advertised posts, the PSC made the following proposals regarding the filling of advertised posts:

4.3.1 In the short term, the Department should release a circular to make it obligatory that:

(a) The advertisement specify the qualifications and other requirements for occupational classes, posts and person's qualification;
(b) Posts' and persons' specifications should correlate with the job content;
(c) Short-listing is based on advertised requirements;
(d) Reasons for late applications are fully recorded;

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15 At pages 20 and 79 of the Public Service Commission Report, August 2000.

(e) *Interview questionnaires are based on advertised requirements and posts' and persons' specifications;*

(f) *Where potential is measured, this is done with regard to advertised requirements;*

(g) *The candidature of all qualifying candidates is discussed in terms of advertised requirements;*

(h) *Monitor the filling of posts, especially those done under delegated power authority;*

(i) *Enter suitable oversight notes regarding the above in the performance agreements of those responsible for overseeing human resource management.*

4.3.2 In the long term, the Department should:

(a) *Update applicable policy and procedures to incorporate the above;*

(b) *Provide managers with training and a good practice guide;*

(c) *Personnel officers should monitor adherence to policies, report on this to the Chief Deputy Commissioner; Human Resource Management at Head Office and provide advice locally;*

(d) *Ensure that duties of human resource management posts conform to the scope of the core.*[16]

4.4 General Management of Human Resources

4.4.1 The PSC made the following findings regarding the general management of human resources:

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16 Public Service Commission Report, August 2000, page 80.

(a) *Human resource management staff at management level, i.e. Deputy Director and higher, are not always fully conversant with the human resource management policies of the Department. This group is responsible for handling the career incidents in the Department and for advising management on human resources management decisions. Maladministration in the Department can also be understood against this background;*

(b) *Submissions on policy divisions are scanty and poorly reasoned, making both informed decision making and review of cases difficult;*

(c) *Senior managers take decisions in a "rubber-stamping" fashion. They do not query crucial omissions and information on wrongly quoted prescripts. This demonstrates either incompetence in human resource management or outright negligence;*

(d) *Managers deviate from policies and procedures without authorisation or full motivation for their decisions;*

(e) *The Department interprets the application of national norms and standards and, in some cases, even its own policies, inconsistently, with a lack of pragmatism and without due regard for the purpose of such policies;*

(f) *Human resource management policies are not sufficiently detailed and do not show consistency, fairness and objectivity;*

(g) *Policy application is totally open to abuse, manipulation and the furthering of sectarian objectives;*

(h) Apart from affirmative action objectives, there is not always a central set of other equally important human resource management objectives to inform decisions in a strategic and integrated manner, such as ensuring adequate skills levels in areas of management or organisational competence. Each action and decision is approached in an ad hoc manner.

4.4.2 The PSC then proposed that the performance agreements of certain officials include additional clauses. The proposals in this regard were:

(a) Chief Deputy Commissioner: Human Resource Management

(i) Development of human resources plan, taking into account skills levels and distribution in the Department, human resource forecasting, training of managers and personnel officers/practitioners, career management, and other issues linked to service delivery objectives;

(ii) Formulation of criteria on which decision-making of all human resource management practices must be biased;

(iii) Formulation of specifications with regard to record keeping and the documentation of decisions on human resource matters;

(iv) Formulation of a pro-active, obligatory personnel advisory service, the contents of

which must form part of each and every memorandum and/or submission (as a standard item) that is intended to obtain a profile for human resource management actions;

(v) Formulation of an internal monitoring programme to ensure compliance with both national and Departmental human resource management policies and procedures and the criteria and specifications mentioned above.

(b) All Managers from level 13 upwards

(i) Compliance with the Department's specifications regarding record keeping and the documentation of decisions on human resource matters;

(ii) Compliance with human resource management advice provided by the Department's personnel advisory staff;

(iii) Assistance and support to the human resource management monitoring programme;

(iv) Compliance with Departmental criteria on which human resource management decisions must be based.

4.5 Discussion of PSC Report

The PSC completed its investigations and submitted its final report on 1 August 2000. In this report, long and short-term proposals were made in order to address

the existing problems of maladministration and malpractices in the human resource section of the Department.

As will be shown the present Commission also received a number of complaints during its investigations from members in the various management areas relating to corruption, abuse of power by senior officials, nepotism, favouritism and maladministration in the area of the human resources, and in particular recruiting personnel.

A large number of the allegations relating to recruitment were investigated by the PSC, which made certain recommendations.[17] The irregularities persisted and still complaints were brought to the attention of this Commission. It was clear that the Department failed to implement the recommendations of the PSC.

In his report on the implementation of previous investigations into the Department of Correctional Services,[18] the National Commissioner answered that the report of the PSC had led to the President appointing this Commission. The National Commissioner, however, failed to give reasons why the recommendations of the PSC have not been implemented. Several reports have been submitted to date which, could have enabled the Department to deal decisively with the human resource issues identified by this Commission. The PSC as early as 2000 recommended that the Department take pro-active action in the verification of qualifications when recruiting employees. They also recommended that any relation to an applicant should be declared. Both recommendations were aimed at combating corruption, yet the Department chose to be passive and ignored such recommendations.

The Department has preferred to manage the process of restructuring in terms of its project called “Gearing DCS for Rehabilitation” in accordance with the PSCBC

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17 See the recommendations as cited from the Report.

18 See the Chapter dealing with the Implementation of Previous Investigations into the Department for more details.

Resolution 7 and 8 of 2002.[19] This project's report does not, however, address the issue why the recommendations of the PSC relating to recruitment malpractices were not implemented.

5. DIAGNOSTIC ASSESSMENT

During 1998, an organisational diagnostic assessment of the Department was carried out by the Brite Future Executive Recruitment and Consulting Psychological Service Division. Brite Future's report on the status of the mental health of personnel of the Department stationed in Pietermaritzburg was presented to the Department in October 1998.[20]

Although the report relates to Pietermaritzburg, it is clear that the important aspects of the findings relating to recruitment apply to all Management Areas investigated by the Department. Its recommendations also provide the Department with vital assistance as to how to address the problems of recruitment in the Department and offer solutions to address such challenges.

The consultants' findings applicable to this chapter can be broadly categorised as follows:

- Leadership and management;
- Human resources.

Extracts from the aforesaid report is annexed to this Chapter.[21] The Commission will quote from it, insofar as it may be relevant to its current discussion.

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19 Report on investigations previously conducted into the Department of Correctional Services dated 4 May 2002.

20 See Pietermaritzburg Exhibit 'A' from page 72 onwards – Submission by the Area Manager of the Pietermaritzburg Prison.

21 See the extract from the said Report annexed hereto marked "A".

5.1 Comment

The report of the consultants was presented to the Department in October 1998. The Commission, however, found that the malpractices and irregularities relating to recruitment, which were identified by the consultants in their 1998 report, persisted at the time that the Commission conducted its investigations.

The Commission also noted that the Department did not implement the recommendations the consultants made, and there appears to be no reason why it did not. It seems that the Department does not consider the problems arising from recruitment and merit award malpractices as an issue that requires urgent attention and intervention.

The Commission will now deal with the recruitment and merit award malpractices found in some of the Management Areas investigated by the Commission.

6. POLLSMOOR MANAGEMENT AREA

Both recruitment drives in the 2001/2002 year were riddled with irregularities in the Pollsmoor Management Area.

Mr Hennie van Achterberg, an Assistant Director: Recruitment and Transfers, testified that the first step in the process of a recruitment drive is the input of the Area Managers. At entry level, the Head of Recruitment chairs the panel. When it is time to open the application forms, Area Managers normally assign this to representatives from their respective areas. The geographic location of the applicants is not a criterion to be used in the selection process. The Department has an equity policy that a person may be re-interviewed during the second

process but if they are interviewed within the same recruitment drive, then there should be a very good reason for the second interview.

6.1 First Recruitment Drive

During the first recruitment drive for the year 2001, irregularities occurred in that applicants already interviewed were being re-interviewed and people who were not short-listed were interviewed and recommended for appointments. Candidates were being picked by Area Managers, short-listed and interviewed. Mr Nxele, the Acting Provincial Commissioner, interfered with the process and removed the names of certain people who had been recommended from the final recommended list because nepotism was suspected. It was during this recruitment drive that Mr Nxele appointed Mr Samuel Joseph Theron to act as Head of Recruitment, despite him lacking the necessary qualifications, experience or training in recruitment procedures.

Mr Theron was in charge of both the recruitment drives. According to Mr Theron, he was part of the interview panel and sat in on the interviews, which were finalised on 22 May 2001. A final list of recommended candidates was drawn up on 28 May 2001 and then distributed to the relevant Area Managers. Mr Nxele confronted Mr Theron and asked him why they had excluded the Area Managers from the interview process.[22]

Mr Nxele convened a meeting where he suggested that re-interviews and further interviews should be held. Both Mr Steenkamp and Mr Lategan, being psychometrists, objected to this suggestion and told Mr Nxele that they had followed the correct procedure in conducting the interviews and selecting the

[22] It needs to be stated that the Area Managers have always been involved in the interview process but during this recruitment drive a decision was taken to exclude the Area Managers from the process.

candidates. They also stated that the process had been finalised and pointed out that it would be irregular to conduct further interviews.

The Area Managers, at that stage, voiced their displeasure at being excluded and supported Mr Nxele that further interviews should be held. The main concern raised by the Area Managers was that they would not be able to provide accommodation in the Management Area for the candidates initially recommended, which by implication meant they preferred to appoint local candidates.

Mr Steenkamp informed the meeting that the recommended candidates met the criteria and performed better than others during the interviews. He further pointed out that accommodation was not part of the criteria for appointment. He also informed the meeting that if these candidates took the matter to court, they would have a case against the Department.

Mr Nxele's reaction was that Mr Lategan and Mr Steenkamp were negative and asked them to leave the meeting. The meeting then proceeded in their absence. It was resolved that the Area Managers would select the candidates who were to be interviewed. Although the Area Managers participated in the interview process, they did not normally participate in the short-listing of the candidates.

The Area Managers commenced with the selection of the candidates and compiled a list of candidates to be interviewed. This list contained the names of candidates who had already been interviewed, as well as candidates who were not. Some of the candidates had not even been short-listed in the first interviews.

The interviews and re-interviews of the candidates selected by Area Managers were held on 20 June 2001. The re-interviewing panel consisted of Area

Managers and Mr Theron. According to Mr Theron, about forty (40) people were interviewed during this process.[23]

Mr Theron in his testimony referred to candidates who had already been interviewed but not recommended after the first interview process, but who were subsequently recommended by the Area Managers for appointment at the Worcester Management Area. He testified that Area Managers had removed some of the candidates recommended during the first interviews from the final list compiled by them. He also testified that people who were not even on the Area Managers' preferred list were interviewed and added to the final list.[24]

Mr Theron referred to the removal of four people from the final list after Mr Nxele's complaint that the Department was not a family business. Mr Nxele had complained that certain candidates, who were members' relatives, had been recommended for appointment. Some candidates, who had the same surnames as some of the members, were randomly picked and removed from the list. Four other candidates, on Mr Nxele's instruction, replaced four candidates who had been recommended for appointment.

Mrs Elsa Melinda Jones, the Acting Provincial Control Officer: Corporate Services, who was also responsible for this recruitment drive, confirmed Mr Theron's evidence that four names were removed from the final list of recommended candidates and replaced by others on the instructions of Mr Nxele, who complained of nepotism. Evidence also established that there was no attempt to verify whether these candidates were indeed related to officials in the Department before their names were removed.

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23 See Pollsmoor hearings, Exhibit "O".

24 See Pollsmoor transcript Volume 9, pages 801-858, for Mr Theron's testimony regarding the recruitment process followed.

Mr van Achterberg testified that if certain candidates were re-interviewed, then all the candidates should have been re-interviewed and stated that there must be a good reason why people should be re-interviewed.[25]

Evidence also established that only five Area Managers were involved in the selection and re-interviewing of the candidates after the instructions from Mr Nxele. No reason was advanced as to why, out of 28 Area Managers, only five participated in the process.

After the completion of this process, concerned members of the community and applicants lodged complaints of alleged irregularities.

Mr van Achterberg said these complaints were forwarded to the office of the Provincial Commissioner, Western Cape, for investigation and finalisation. No progress report was received from the office on the investigation of these complaints. Head Office thereafter recommended that recruitment investigations into the irregularities should be conducted and an independent investigation was approved. Mr Z. Sikiti, a Human Resource Manager of the Department of Justice and Constitutional Development, was appointed to conduct these investigations.

Mr Sikiti, however, stated the stated that the state vehicle had been broken into and the original short-list given to him had been stolen.[26] In his report dated 18 October 2002, he concluded that, amongst other things, the original short-list that he obtained from Mr Stalcor was sufficient evidence that names had been unlawfully added to the short-list. Mr Sikiti testified that only the files and a key, belonging to the Department, were stolen from his vehicles.[27]

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25 See Pollsmoor transcript Volume 9 at pages 870 *et seq* also see Exhibit "P" for further comments of Mr H van Achterberg.

26 See Pollsmoor transcript Volume 38 at pages 2978 to 2981.

27 Mr Sikiti conceded at the hearings that valuable items, like a radio, were in the car but no attempt was made to take anything else from the car.

6.1.1 Findings on First Recruitment Drive

In the course of these recruitment drives, Mr Nxele was at the middle point of all the irregularities. Evidence established that all the irregularities during these recruitment drives were carried out on his instructions. Mr Nxele was afforded ample opportunity to refute the allegations against him, but he opted not to and walked out of the proceedings.[28] At the conclusion of the proceedings dealing with this recruitment drive, the evidence against Mr Nxele remained unchallenged.

As the Acting Provincial Commissioner for the Western Cape, Mr Nxele had an obligation to assist this Commission in its investigations regarding the allegations of corruption during these recruitment drives. Mr Nxele was the highest-ranking official of the Department in the Western Cape at the time.[29] His conduct, particularly his walking out of the proceedings and his absence during the rest of the proceedings, shows great disrespect for a judicial Commission and certainly sets the wrong example for junior members.

It has been pointed out in the interim reports of the Commission that for as long as senior officials regard themselves above the law, the Department will never be able to get to the root of corruption that is so endemic.

Save for the exclusion of the Area Managers from the interview process, it would appear that a normal procedure was followed during the first recruitment drive until the interviews and recommendations were made. The Area Managers were usually involved in the interview process but during this recruitment drive, a decision was taken by certain officials to have them excluded.

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28 This was the same strategy which had been adopted by the other senior members at St Albans and Johannesburg. For a discussion see Chapter one and Chapters on the applicable Management Areas.

29 He still holds a very senior position in the Western Cape, as Provincial Control Officer: Corporate Services, with the rank of a Deputy Director.

Although it is common cause that they were never involved in the short-listing process, they were, however, involved at the interview stage.

The decision to exclude Area Managers from the interview process when they had previously been involved, appears to have been an arbitrary decision taken by Mrs Jones and other officers, who were fairly junior to the Area Managers. The Area Managers thus had good reason to complain that they were unfairly excluded from the interview process.

However, the management board's decision to conduct further interviews and re-interviews tainted the whole process. This decision, or rather instruction, from Mr Nxele, that people should be re-interviewed, remained in force despite the objections raised by Mr Lategan and Mr Steenkamp, the psychometrists.[30] This decision culminated in a situation where Area Managers became involved in the short-listing process, picking candidates that they wanted and interviewing them. Some of the candidates who had already been interviewed were then re-interviewed.

It appears from the evidence that several candidates, who were not even short-listed, were interviewed during the process, including candidates not initially recommended.

Another strange feature of this process was that the interview panel was made up of only five Area Managers from the 28 Management Areas. The invitation to these five Area Managers to participate in this process is a clear indication that there was an ulterior motive, and the process provided an unfair advantage to certain candidates. When Mr Lategan and Mr Steenkamp raised a valid objection to the process and informed the meeting that the Department could be taken to

[30] See Chapter one for a discussion on how professional people, like psychometrists, are ignored by "disciplinary members."

court, Mr Nxele accused them of being negative and they were eventually excluded from the meeting.

If some candidates were re-interviewed, then all the candidates should have been re-interviewed and it is clear from the evidence of Mr van Achterberg that there must be a good reason why people should be re-interviewed.

Evidence established that names were removed and replaced in the final short-listing process on the instructions of Mr Nxele, who told Mr Theron to carry out his instructions and Mr Theron, in turn, told Mr Lategan to carry out those instructions. This evidence remained unchallenged at the conclusion of the Commission proceedings.

The evidence also showed that Mr Nxele removed four names from the final list and replaced them with four other names as he suspected nepotism. It was shown that no proper investigations were done to determine whether those candidates were indeed related to officials in the Department.

The overall effect of these irregularities is that all the candidates who were lawfully recommended and later excluded on the instructions of Mr Nxele, would have a valid claim for damages against the Department.[31]

6.2 Second Recruitment Drive 2001/2002

The second recruitment drive in the Pollsmoor Management Area took place during the second part of 2001 and was concluded in February 2002. Mr Theron, who was then the Acting Head of Personnel Provisioning, was also in charge of this recruitment drive.

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[31] If all the affected persons should decide to bring the matter before a Court of law, it is highly likely that the Department would be compelled to employ those who were unlawfully excluded.

If all the affected persons brought the matter before a court of law, it is highly probable that the Department would be compelled to employ all those who were unlawfully excluded and pay them.

The Commission heard evidence of a number of malpractices and irregularities relating to the second recruitment drive, and Mr Nxele was also at the center of these irregularities.

Evidence led before the Commission regarding this recruitment drive shows that after the completion of the process and after the interviews had been finalised, Mr Theron received two additional lists from Mr Nxele of people to be interviewed. Mr Theron was instructed to conduct further interviews of all people whose names were on those two lists. Mr Theron convened a further interviewing panel and those people were subsequently interviewed. Mr Theron testified that the first list Mr Nxele gave to him came from a member of Parliament, Mrs Bathabile Dlamini. The second list, containing the names of six people to be interviewed, came from Mr Joseph Jansen, the Head of Maximum Prison at Pollsmoor Prison.[32] In an affidavit, Mr Jansen confirmed that he only handed these application forms to Mr Nxele and did not say anything to him.

Regarding the further interviews, Mr Theron argued that even though this practice was irregular, it was acceptable because it was sanctioned by a more senior member. He was of the view that if the Provincial Commissioner told him to interview additional people, irrespective of what form they filled in, then he had no choice but to interview them. He further stated that he found it impossible to work in accordance with the procedures as set out in the Recruitment Manual when there is such influence from senior officials to do differently.

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[32] See paragraph 23 of Exhibit "O" of the Pollsmoor hearings.

According to Mr van Achterberg, the Head of Recruitment and Transfers at Head Office, Pretoria, the policy regarding recruitment requires that posts must be advertised and people apply by filling in a Z83 form, which all people applying for a post in a government department post must complete, supported with a CV. After the cut-off date has passed, these application forms are sorted and those who comply with the requirements are put on a gross list.

The selection panel compiles the gross list from which the short-list is compiled and eventually the short-listed candidates are called for interviews. After the interviews have been conducted, the recommended candidates go for further final screening, which involves medical testing and a criminal records clearance. The final recommended list is then submitted to the Head Office and presented to the National Commissioner for final consideration and approval.

The list is then submitted to the National Commissioner, who would approve the list on the basis that everything has been done in accordance with the Department's policy. The Department would keep a person's application form, the Z83, together with the annexures, namely, a certified copy of his identity document, as well as certified copies of qualifications. All these documents contain the personal details of that person and how much experience he/she has in various fields. These documents are an essential part of the Department's records. Copies are kept at the provincial office and also forwarded to the Management Areas where candidates have been appointed. The original documents are forwarded to Head Office.

According to Mr Theron, the interviews in this particular recruitment drive were completed on 12 December 2001. Further interviews for the additional candidates, submitted by Mr Nxele to Mr Theron, were completed on 20 December 2001. During this recruitment drive, 30 000 applications were received for 100 posts to be filled in the Western Cape.

Mr Theron testified that Mr Nxele subsequently told him that an additional four posts had been arranged and he gave him the names of the people who had to be appointed to fill these posts. Two of these people were on neither the parliamentarian's list nor on Mr Jansen's list. Two of the candidates had done well in the interviews but were eliminated because of their age. In querying the additional posts with Head Office, Mr Theron was told that no other arrangements had been made for four extra posts.

According to Mr van Achterberg, the two recommended name lists were sent to Head Office.[33] The list that was received first was not in the correct format and the Acting Provincial Commissioner did not confirm and sign it. Only Mr Theron signed it. Head Office then received the final list from the Western Cape. Mr Theron phoned to ask if the list had been increased to 104 candidates and he was informed that the Department had approved only 100 candidates.

According to Mr van Achterberg, the list that contained the names of 104 people was not the list that was originally presented to Head Office. No list containing more than 100 people arrived at the Head Office or was presented to the National Commissioner. The National Commissioner never approved the appointment of the four additional people.

Mr van Achterberg further testified that it was pointed out to Mr Theron that the procedure followed in the Western Cape could result in trouble. Firstly, only one Area Manager should list persons. Secondly, the purpose of the entire recruitment drive is to ensure that in a time of unprecedented unemployment, every person has a fair chance of obtaining a job. If Mr Theron was saying that people were interviewed in a normal interviewing process and thereafter lists were circulated of candidates to be interviewed, then irrespective of who compiled such list, that process could be fair.

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[33] See Exhibit "P" of the Pollsmoor hearings.

Every process that is followed in a recruitment drive must be justified and each candidate should be exposed to the same process. If there is a deadline, then forms must be completed by a particular date and submitted in accordance with that deadline.

If interviews are scheduled for a particular period, then all candidates must be interviewed during that period. There are nine Provinces in this country and Head Office must rely on these Provinces and the Provincial Commissioners to protect the integrity of the process. If the Provincial Commissioner fails to adhere to the procedures, then the whole process in the Department gets tainted.

According to Mr van Achterberg, the integrity of the process was called into question when it was realised that six identified appointees had given as their address 112 Arcadia Park, Goodwood, which belongs to a Member of Parliament, Mrs Bathabile Dlamini. When this was discovered, Head Office requested that the matter be investigated. By the date of the hearing of this matter, Head Office had not received any feedback on this investigation.

The six candidates involved were:

(a) Ms F.B. Mabizela
(b) Mr S.B. Mkhize
(c) Mr S.J. Dlamini
(d) Ms B.M. Hlongwane
(e) Mr M.H. Majola
(f) Mr N.P. Shange.

At the request of the Commission, Mr van Achterberg was asked to examine the personal files (SP files) of these six members. The examination revealed that:

(i) None of the six files had a checklist containing qualifications and other relevant information, which should have been signed by the Head of Recruitment;

(ii) Documentation was missing from each file;

(iii) In some instances, there were no Z83 application forms;

(iv) Date stamps for certification were, in some cases, dated after the closing date of the advertisement;

(v) A Z83 form was, in one case, dated after the closing date of the advertisement; and

(vi) No stations were indicated on some of the application forms. One Z83 form was not dated at all.

According to Mr van Achterberg, a close examination of all these SP files indicated that all these applicants should have been rejected at the screening stage. The applicants all came from Pietermaritzburg.[34]

All the applicants involved were afforded a chance to present their version before the Commission but they simply denied the allegations without providing any satisfactory explanations.

The Area Manager of Paardeberg, Mr Michael Sibusiso Nhlangothi, told the Commission that one of the abovementioned persons, Ms Mabizela, was appointed to his area. From the time of her appointment until about a month before he testified before the Commission, she had been on the Paardeberg

[34] The Member of Parliament, Mrs Dlamini, is also from Pietermaritzburg. She was also the Chairperson of the Portfolio Committee on Correctional Services at the time.

payroll but had never worked at the prison. He testified that none of the five people who were short-listed for his area was qualified. As a result, he unsuccessfully approached different Area Managers looking for candidates who might be suitable. He subsequently received a fax from Mr Theron indicating that one candidate had been appointed to his Management Area even though she was in college at the time. Although he had indicated that it was essential that the candidate reside in the Boland area because of the accommodation problem at Paardeberg, Mr Nhlangothi received a fax from Ms Mabizela requesting accommodation. Mr Nhlangothi told the Commission that he had asked how she got the job at Paardeberg when she did not reside in the area and received a vague answer.

On the day that Ms Mabizela would have been required to commence work, Mr Nhlangothi received information that she had applied for leave from the Department whilst at the college at Paardeberg and would only start five days later. He was subsequently informed that she had extended her leave again.

Mr Nhlangothi met Ms Mabizela, who was accompanied by Popcru officials, in August. He reported to the Commission that the result of the meeting was that Ms Mabizela had to go to the Provincial Office to seek assistance with her accommodation problem because Mr Nhlangothi was not in a position to assist her at the time. He then heard that she was working at the Provincial Office temporarily, although she was still on the payroll of the Paardeberg Management Area.

Mrs Dlamini, who was a member of the Portfolio Committee of Correctional Services at the time that the interviews took place, was no longer a Member of Parliament at the time of the hearings. She responded by way of an affidavit stating that the only allegation against her was that she used her Parliamentary residence as a temporary home for those who applied for jobs in the Department

of Correctional Services. She denied playing any role in the employment of anyone at the Department, saying that she had no intention nor power to do so.

6.2.1 Findings on Second Recruitment Drive

The evidence before the Commission established that during this recruitment drive:

(a) The Acting Provincial Commissioner was at the center of all the malpractices and corruption;

(b) The initial interviews were concluded on 12 December 2001 but further interviews were conducted on 20 December 2001 to accommodate the persons contained in the two lists, which came from the Parliamentarian and from Mr Jansen, as set out above. Evidence given by Mr van Achterberg, who is Head of Recruitment at the Pretoria Head Office, established that the policy does not provide for further interviews or re-interviews after the process had been completed;

(c) Mr Theron, as Acting Head of Recruitment at the time, knew that the policy did not make provision for further interviews but, despite that, he proceeded to conduct further interviews on 20 December 2001, alleging that he was acting on the instructions of his senior, the Acting Provincial Commissioner, Mr Nxele;

(d) Some of the candidates who were interviewed on 20 December 2001 had already been interviewed. These candidates were re-interviewed because they did not perform well at the first interview. It is no defence for Mr Theron to state that he was carrying out an instruction from a senior official, Mr Nxele. For this defence to succeed, the instruction had to be lawful and reasonable. Mr Theron knew that it was contrary to the

Department's policy to hold further interviews especially when the interviews had already been completed;

(e) Both Mr Dlamini and Mrs Hlongwane were interviewed twice, as they did not do well during the first interviews;

(f) The personal files of the six candidates appointed did not contain all the documentation that was required. Evidence also established that none of the six applicants should have been short-listed in terms of Departmental policy;

(g) It is likely that Mrs Dlamini played a role in the appointment of the six candidates by providing a list to the Acting Provincial Commissioner, Mr Nxele. Mr Jansen, who was Acting Head of the Pollsmoor Maximum Prison, gave a similar list to Mr Nxele and admitted this in his affidavit.

According to the evidence given by Mr van Achterberg, as a result of the defects in the application forms, all six applicants would have been eliminated during the screening process. These defects make their applications for appointment irregular;

(h) All the applicants during this recruitment drive should have been given a fair and equal opportunity of employment. If candidates are interviewed twice with the purpose of improving their scores, the whole process then becomes irregular;

(i) The four additional candidates, who Mr Theron included in the final list, were appointed, without being sanctioned by the Head Office, on the instructions of Mr Nxele.

The actions of both Mr Nxele and Mr Theron during this recruitment drive amount to an abuse of power. It has been noted that this abuse of power by senior officials of the Department of Correctional Services remains a major problem within the Department.[35] The Department should not hesitate to act against officials who abuse the system since such abuses creates a breeding ground for corruption.

The process for recruiting new members has been marred by inefficiencies, corruption and the lack of transparency. There is no doubt a need to review the criteria for the type of people required to perform the functions of a correctional official.

The Department of Correctional Services has decided to outsource the processing of applicants due to the extremely high response rate to advertised posts. The Department of Correctional Services received 1 600 000 applicants for 2 200 entry level posts.[36]

7. DURBAN-WESTVILLE MANAGEMENT AREA

7.1 Introduction

As in all the other Management Areas the Commission has investigated, the recruitment of staff in KwaZulu-Natal and, in particular, officials in managerial positions, has been affected by Operation Quiet Storm,[37] which was primarily aimed at replacing white managers with black managers. The issue of skill or potential to do the job was immaterial. Patronage was the only consideration.

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35 Also see the Chapter on Abuse of Power for an in depth discussion of seniors who manipulate and abuse their "offices".

36 See Report of the Ad Hoc Committee of the Correctional Services Portfolio Committee, dated 22 June 2004 at page 8.

37 Operation Quiet Storm was the brainchild of Popcru. See the Chapter dealing with the Historical Background for more details on Operation Quiet Storm.

Officials appointed to occupy senior positions within the Province of KwaZulu-Natal were identified at secret meetings and this resulted in the appointment of unskilled and incompetent managers. This has contributed significantly to the demise of administration capacity in the Department in the Province. Furthermore, the Department neglected to have these unskilled, inexperienced and incompetent managers trained.

7.2 Lack of Managerial Skills

In the Durban-Westville Management Area, the Commission heard evidence of Ms Ntombodumo Laurette Delubom[38] who the Department employs as an Employee Assistance Practitioner in charge of a new programme. The programme is aimed at helping employees to cope with the pressures of life, which affect their performance. This is to enhance their social functioning and productivity in their jobs. Although this programme is directed at all employees in the Department, her evidence revealed that managers were not co-operating. She identified managers with no leadership skills who are unable to inspire their subordinates, untrained managers who do not know or understand their roles, supervisors who do not have managerial skills or skills in decision-making and conflict resolution.

She recommended in her evidence that the following proposals would need to be implemented to enable this programme to be successful:

(a) Having identified the lack of managerial skills amongst the managers, there is a need for them to be trained in managerial skills so as to empower and equip them for a more effective and efficient service delivery;

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[38] See Exhibit 'YY' of Durban-Westville Management Area hearings.

(b) Participation in the Employee Assistance Programme (EAP) should be taken into account in determining managerial skills and the capacity of the managers and supervisors;

(c) Managing employees holistically should form part of the performance agreement management signs in the Department;

(d) The programme should be more formalised and managers should be sensitised to the fact that participation in the programme forms part of their responsibilities and duties;

(e) There is also a need to employ more practitioners so as to be in line with the International Employees Assistance Association's ratio of 1:200, which is currently 1:1 500 in the Department, to ensure a better EAP service.

In the Durban-Westville Management Area, the Commission heard evidence that senior officials of the Department employ their wives, relatives and friends in circumstances that amount to nepotism.

Evidence established that Mrs T.G Zulu, the wife of Mr I.S Zulu, the former Area Manager at Westville Prison, was appointed to Stanger Prison, but she never worked there and was instead transferred to the Westville Prison.[39] Her transfer from Stanger to Westville Prison was facilitated by her husband in circumstances that amount to an abuse of power.[40] Furthermore, Mrs T.G Zulu had a previous conviction. The Commission also found that by condoning Mrs Zulu's

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[39] It was also established that at the time of her appointment she was 36 years of age, which was contrary to the age limit of 35 that is applicable in terms of Regulation 8 of the regulations promulgated in terms of the 1959 Act.

[40] See First Interim Report in respect of the Durban-Westville Management Area, pages 34-53 and 60 for more details.

appointment without regard to her previous conviction, Mr Zulu acted improperly and in circumstances that also amount to an abuse of power.

It transpired during the evidence, however, that each recruitment drive was governed by its own guidelines. The guideline applicable during this particular recruitment drive did not stipulate the maximum age but only the minimum age.[41]

The Commission did not find any evidence indicating that Regulation 8, prescribing the maximum age limit of 35 for members at entry level, had been amended. On the other hand, Exhibit 'TT', referred to above, does not set the maximum age limit at entry level for members.

This is another example of the multiplicity of policy documents, which contradict earlier directives that were issued by the Department regarding recruitment. It is evident to the Commission that there is a need for the Department to recall earlier directives issued on specific topics, like recruitment, if it does not want to create confusion and uncertainty in its Management Areas.[42]

8. PIETERMARITZBURG MANAGEMENT AREA

8.1 Operation Quiet Storm

The Pietermaritzburg Management Area was the most problematic area in terms of the recruitment of staff, with many of the problems being a consequence of Operation Quiet Storm.[43]

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41 See Exhibit 'TT' – a Memorandum issued by the Department of Correctional Services dated 4 December 1997 – Durban-Westville Management Area.

42 See the PSC Report *supra* that recommended as early as 2000 that the Department should update its policies.

43 For more details dealing with Operation Quiet Storm, see the chapter dealing with Historical Background and the Pietermaritzburg Management Area chapter.

Operation Quite Storm, coupled with the affirmative action policy, had a major impact on recruitment and promotion of staff at Pietermaritzburg.[44] The intimidation and violence which prevailed made the ground fertile for corruption and maladministration.

8.2 Political Appointments

The type of discussion which took place outside the formal recruitment process is best illustrated by the manner in which Mr I.S. Zulu was appointed. Mr Philemon Ntuli, a witness before the Commission, referred to what he described as the "political appointment" of Mr Zulu, which was agreed to at a meeting held in Newcastle, where the former Minister of Correctional Services, Mr Sipho Mzimela, and the Minister of Welfare and Social Services in KwaZulu-Natal, Prince Gideon Zulu, were present.[45]

8.3 Alleged Nepotism

The Commission also heard evidence to the effect that the appointment of managers' wives was the order of the day in the Pietermaritzburg Management Area. Out of 17 Area Managers, fewer than five did not have their wives working in prisons.[46]

It was also noted by the Commission that a significant number of employees in the Department in the Pietermariitzburg Management Area were related to one another. Ms Kgosidintsi, who was employed by the Department as a Chief Deputy Commissioner: Human Resource Management, testified that in an assessment of staff conducted in 1998, she and other colleagues found that at least 78% of staff in Correctional Services at the time were related to each other.

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44 See Pietermaritzburg hearings Transcript Volume 3 pages 9 – 11.
45 See Pietermaritzburg Management Area Transcript page 33.
46 See Pietermaritzburg Management Area Transcript page 48.

She testified that she was told that it had been like that for years and that it was also necessary for security reasons, as most prisons were in rural areas.[47]

8.4 Merit Awards

In the Pietermaritzburg Management Area, merit awards were also the subject of testimony at the hearings. The allegations in this Management Area concerned people who had received promotion whilst on probation, and people who received a notch within one (1) year.

The Commission also heard evidence that Mr Russell Ngubo received a merit award whilst on suspension. It also heard evidence that Mr Ngubo was promoted whilst he was in police custody facing a murder charge during the year 1997.

Mr D.J. Makhaye, who was the Area Manager of Pietermaritzburg, testified before the Commission that Mr Ngubo was on suspension from 17 February 1999 and was reinstated on 19 November 1999. After Mr Ngubo's return from suspension, until the end of the financial year, his performance was average. He was accordingly given a score of 110, which was made up as follows:

(a)	Management ability	55
(b)	Ability to adjust	55
		110

According to Mr Makhaye, this information was brought to the attention of the chairperson of the Provincial Moderating Committee for assessment of the year 2000/2001.[48] Notwithstanding this assessment by Mr Makhaye, Mr Ngubo was

47 See Pietermaritzburg Transcript Volume 13 at pages 1118 to 1119.
48 See Pietermaritzburg hearings Exhibit 'L5'.

given an award of Forty Thousand Rand (R40 000,00) by the Provincial Moderating Committee.[49]

8.5 Further Irregularities

Mrs Kgosidintsi also testified that she was instructed to transfer several people and the reason given for these transfers were usually because Popcru was unhappy with these people.

Allegations of irregularities and manipulation of the recruitment process were also referred to in the evidence of:

(a) Mr Zeblon Mthethwa, the Deputy National Chairman of the Public Service Association, who was stationed at Newcastle Prison, who testified before the Commission about two members who were former prisoners and who had been appointed to the Department.[50]

(b) Mr Sibusiso Dumisani Mhlongo, a qualified psychometrist, who testified that personality and I.Q. tests were no longer done on short-listed candidates.[51] However, this had been done previously. Even with his qualifications, he played no role in assisting[52] in the recruitment procedure and, instead, took minutes of what candidates said in reply to the selection panel's questions.[53]

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49 See Pietermaritzburg hearings Exhibit 'L4'.

50 A report in the *Daily News* of 29 March 2001 states that 38 prison warders from Pietermaritzburg Prison are themselves convicted criminals. The National Minister of Correctional Services, Mr Ben Skosana, provided this information in response to a Parliamentary question.

51 The Commission found that this was also the practice in the rest of the Management Areas.

52 See Chapter one for a discussion of the role of psychometrists.

53 An article in the *Echo* newspaper of 6 August 1998 states that recruiting officers in the KwaZulu-Natal Department of Correctional Services have asked for bribes or sexual

8.6 Fraudulent Qualifications

The Commission heard evidence of a number of members who submitted fraudulent matric certificates either to obtain employment, promotions and/or other related benefits within the Department. In the Pietermaritzburg Management Area a total of 14 members submitted fraudulent matric certificates to gain employment in the Department or to receive promotion and other related benefits.

One member, Mr Thamsanqa Memela, submitted two fraudulent matric certificates, one in 1997 and the other during the year 2000. The Commission has already made recommendations that these officials be charged accordingly.[54] This practice is not only confined to the Pietermaritzburg Management Area but is spread over all the Management Areas.[55]

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favours in return for jobs. "It is understood that at least five complaints have been received by the Commissioner's Office in Pietermaritzburg. *Echo* is also in possession of the names of at least five officers who have allegedly resorted to malpractice. A source said that some applicants have been asked to pay between R1 500.00 and R3 500.00 for a job, while women who do not have financial resources "are invited to offer sexual favours". One woman is quoted as saying that an official got her telephone number from her application form and kept on calling her.

The article continues:

> "*Echo* has learned that an official based in the Commissioner's Office is about to be transferred because of her involvement in corruption. 17 posts have since been frozen. However, allegations include:
>
> - The presence of a recruiting officer on a panel which interviewed his wife;
> - Intimidation of employees who question practices they believe are improper;
> - Employment of friends and relatives;
> - Employment of candidates who do not possess matric qualifications. The minimum requirement for a warder's post is Std 8, preference given to candidates with matric."

[54] See the Fourth Interim Report on the Pietermaritzburg Management Area.

[55] In the St Albans Management Area, for instance, two officials, namely Mrs Ditala and Mr Mvana, were also found to have submitted fraudulent matric certificates when they were employed by the Department.

Despite the Department's policy that the validity of matric certificates should be verified before a person is employed in the Department, the high number of fraudulent matric certificates found in this Management Area indicates that this policy has not been adhered to by the Department.

The Public Service Commission also recommended that certificates be verified and that appointments should be subject to the submission of an original certificate. The Department did not comply with this recommendation.

8.7 Concluding Remarks

The implementation of Operation Quiet Storm and incorrect application of the affirmative action principles have resulted in the appointment of unskilled, incompetent managers to run the Department in the Pietermaritzburg Management Area.

This has resulted in a dysfunctional Department. As indicated above, despite the appointment of unskilled and incompetent officials, the Department has not taken pro-active steps to train those officials in managerial positions that lacked the necessary expertise.

As in all other Management Areas the Commission has investigated, recruitment, the appointment of staff and the granting of merit awards were manipulated by senior officials in the Pietermaritzburg Management Area.

As can be seen from the Brite Future consultants report referred to above, the intimidating work environment at Pietermaritzburg had a severe effect on the morale and mental state of members.

9. BLOEMFONTEIN MANAGEMENT AREA

There were also allegations of corruption, nepotism and favouritism in recruitment and promotions in this Management Area. These allegations related to the 1998/99 recruitment drive in the Free State Province. The Commission heard evidence of interference and manipulation of the recruitment processes by a senior official of the Department, Mr M.S Kosana, who was in charge of the recruitment drives in 1998/99. At the time, he occupied the position of Head: Personnel Provisioning.

The allegations against Mr Kosana in this recruitment drive concerned nepotism and corruption. It was alleged that he had appointed his former spouse, a girlfriend, a niece and a brother in circumstances that amounted to nepotism. It was also alleged that he failed to recuse himself during the interview processes, which involved his relatives.

The Commission recommended that the Department should therefore always pro-actively ensure that whoever is in charge of recruitment processes is a person of integrity and, in addition, has undergone intensive training before the drive is executed. In turned out that Mr Kosana did not receive any appropriate training, and he did not have any skills relating to recruitment.[56]

10. ST ALBANS MANAGEMENT AREA

As will be noted from the evidence and the findings below, the affairs of the Department in the Eastern Cape Province, at the time of the Commission's investigations, were effectively run by a group of people closely associated with Popcru. The Department appeared to have lost total control in this region. It is

[56] See the Fifth Interim Report for more details on recruitment in Bloemfontein.

even more disturbing that Head Office was aware of this group's activities in the Eastern Cape but did nothing to rectify the situation.

As in all other areas the Commission has investigated, recruitment is a huge problem in the Eastern Cape. The Commission heard evidence from various witnesses on how appointments and promotions were manipulated by certain members in the St Albans Management Area. Evidence will show that two senior officials, Mr Mpemva and Mr Nweba, played a major role in the manipulation of these processes. The manipulation took the form of:

- interference with the short-listing process;
- the removal from and inclusion of certain names on the short-list;
- the appointment of senior members' wives, relatives and girlfriends;
- the removal or transfer of members who were viewed as obstacles.

There is nothing wrong with transformation of any department, as long as it is done fairly and in accordance with the applicable laws and governmental policies. In fact transformation of the Public Service is a constitutional imperative.[57] The transformation programme, which was embarked upon in this case, was problematic in that it was not in accordance with the law and it was a product of an exclusionary and subjective process.

10.1 Amagqugula

The Commission heard evidence that Popcru embarked upon a programme of action, which was aimed at transforming the prisons in the Eastern Cape. In terms of this programme, the control of prisons was to be removed from white management and placed in the hands of black members. As a result of this programme, black members were placed in managerial positions. The Commission also heard evidence that most of the important decisions dealing

[57] See Section 195(1) of the Constitution.

with the transformation and appointment of staff were taken at these secret meetings called Amagqugula. This programme is similar to what in other provinces was known as Operation Quiet Storm (KwaZulu-Natal) or Operation Thula (Free State).

High-ranking members of the Department, as well as Popcru shop stewards, attended these secret meetings. It is understood that this strategy was adopted from Popcru's National office. Some of the secret meetings were held at the home of Mr K. Titus, who was a senior Popcru shop steward and employed as a warder at St Albans prison. These secret meetings were held to discuss sensitive matters pertaining to the Department in the Province.

10.2 Messrs Mpemva and Nweba

Mr Mpemva was appointed as the Provincial Head of Personnel in the Eastern Cape. His appointment is questionable. His appointment to this position was also discussed at the secret meetings. He was originally appointed in 1997, as Head of the Umtata Prison. He refused this post because he wanted to be appointed as a Provincial Head: Personnel, which is a Deputy Director's post. He was eventually appointed to this position, even though he was not qualified and even refused to submit himself to an interview by Mr Piet Steyn for this post. He demanded that the points allocated for him in the interview for the position of the Head of Umtata Prison be made binding for the more senior post. His demand was acceded to. He was then brought to the Provincial Commissioner's office in the Eastern Cape. He was thereafter appointed as Provincial Head of Personnel. Prior to his appointment to this position, he had been a grade one warder at East London Prison. Despite not being the best candidate for the position, he was nevertheless appointed. Two other candidates, Mrs Muller and Mr Gouws, had performed better than him during the interviews. They were, however, not appointed. Evidence before the Commission confirmed the notion that Mr Mpemva's appointment was as a direct result of his union affiliation.

Mr Nweba, who at the time was an ordinary grade one warder, and only had Standard 10, was also appointed to a senior position, the Deputy Director: Inspectorate. At the time of his appointment he was not the best candidate but he was nevertheless appointed.

After the appointment of Mr Mpemva as the Provincial Head: Personnel, it was felt within the Popcru ranks that they had control of the recruitment and appointment processes in the Eastern Cape. It was felt that he would be in a position to influence and give information regarding post establishments in the province. He would further be able to influence matters of recruitment, transfers and merit awards. The appointment of Messrs Mpemva and Nweba into what were perceived to be strategic positions enabled Popcru to manipulate and influence the recruitment processes within the province.[58]

10.3 Other Irregular Appointments

After Mr Spelman's retirement, Mr Ntoni came to the Eastern Cape from KwaZulu-Natal as Provincial Commissioner. He stayed less than three months in the post and then mysteriously left the province. The reason for the brief sojourn was never explained. The Department then appointed Mr Baloyi as Acting Provincial Commissioner for the Eastern Cape.

The appointment of Mr Baloyi, a Popcru-aligned member, as a Provincial Commissioner for the Eastern Cape provided an opportunity for both Messrs Mpemva and Nweba to manipulate the recruitment processes. At the time Mr Baloyi had been forcibly removed from Grootvlei Prison so he was in a weak position and was in no position to resist the unions demands. Mr Mpemva was still the Head of Personnel and Mr Nweba was the Provincial Head: Inspectorate

[58] See also the Chapter on Historical Background.

Services, as well as Acting Provincial Commissioner during the 1999 recruitment drive, when controversial appointments were made and signed by Mr Baloyi.

The Commission heard evidence that the following controversial appointments were made during the 1999 recruitment drive:

(a) Mr Baloyi's wife, who was approximately 47 years old and who was a former school principal, took a horizontal transfer from the Department of Education.
(b) Mr Nweba's wife, Mrs J.N Nweba.
(c) Mr Nweba's sister's child, Nomvuyisi Kaka.
(d) Mr Molima's wife.
(e) Mr Molima's alleged girlfriend, Ms Jackie Gumede, who came from KwaZulu-Natal.
(f) Mr Mpemva's wife, who was working at the Provincial Commissioner's office.
(g) Mr Mpemva's sister-in-law, Ms Ntsangani, who later withdrew because she was pregnant at the time of her appointment.
(h) Mr Ditala's girlfriend, who is now his wife, was appointed as a typist and thereafter applied to be appointed as a warder but was found to have a false matric certificate and was not appointed. Mr Ditala was a senior shop steward in Popcru and a friend of Messrs Mpemva and Nweba.
(i) During the 2002 intake, another sister-in-law of Mr Mpemva, Ms Mshingale, was appointed.
(j) Family members of Mr Nweba, Mr George and Mr S.G Jinikwe.
(k) Mr Jinikwe's wife.

Many other family members of people in the employ of the Department were appointed as well.

Mr Matshoko testified that he also benefited from the recruitment irregularities that Messrs Mpemva and Nweba committed during the 1999 recruitment drive, in that his ex-wife was appointed to the Department as an educationalist.

The circumstances under which Mr Matshoko's ex-wife was appointed were as follows:

> *"During the year 1999, Mr Matshoko applied for the post of senior correctional officer, Head Management Services, at Cradock. He was interviewed for this position and after the interview, Messrs Mpemva and Nweba called him to Mr Mpemva's house.*
>
> *At this meeting they told him that he did well in the interviews but they would not give him the post because rumours were already circulating at St Albans that he was going to be given the post. They told him that this would confirm the reports in the Evening Post[59] of the previous week, which stated that managers had secured appointments for their wives and friends.*
>
> *He voiced his concerns and displeasure at not being appointed, even though he was the best candidate. Mr Mpemva then came to his house to discuss the matter. Mr Nkebi, another shop steward of POPCRU, joined them five minutes later."*[60]

At this meeting, Messrs Mpemva and Nweba gave him the following three options:

(a) He could be transferred to Cape Town where he came from.

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59 This was a newspaper which circulated in the Port Elizabeth Area at the time.

60 See St. Albans Management Area, Exhibit 'U'.

(b) He could be given the Senior Correctional Officer's post for which he had applied; or

(c) His wife, who had applied for an educationalist post and had not succeeded, could be appointed.

He chose the third option, even though his wife had not been short-listed or interviewed. She was then called for an interview and appointed as an educationalist within the Department. She had resigned from the Department of Education and had received a package. Her employment with the Department of Correctional Services did not involve an inter-departmental transfer.

Messrs Mpemva and Nweba did not only interfere with recruitment processes but also with internal placement and promotion of members. Only people or members who Mr Mpemva and Mr Nweba favoured were appointed to posts. They would, after the interviews had been conducted, simply compile their own recommendations and memoranda and the people they recommended would then be appointed.

The following are examples of people who were appointed because Messrs Mpemva and Nweba favoured them:

(a) Mr Mtanase, who is a friend of Mr Mpemva and who did not meet the criteria when he was appointed in 1999. One of the requirements for this post was a valid driver's licence. He was appointed, despite the fact that he did not have a driver's licence.

(b) Mr Mabandla was appointed in 1999, as a Deputy Director, to a post on the Parole Board. One of the requirements for this post was that the candidate should have managerial experience. He did not have such experience and he was just an ordinary grade one warder at the time when he was appointed.

(c) Mr Abersalie, a senior Popcru shop steward at St Albans who participated in the removal of Mrs Tseane, the former Provincial Commissioner of the Eastern Cape, was, in the year 2000/2001, rewarded with the post of Assistant Head of the Prison at Mdantsane. Before his appointment, he was a grade one warder and also a friend of Messrs Mpemva and Nweba.

(d) Mr Jinikwe from Kirkwood was appointed as a senior correctional officer simply because he was a friend of Mr Mpemva and also a member of his church.

(e) Mr Saki was appointed to the post of Senior Correctional Officer in Grahamstown. His wife was also appointed to the Department in the year 2000. Mr Saki had only two years' experience in the Department when he was promoted to SCO.

10.4 Mr R. Mataka

The arrival of Mr Mataka as the Provincial Commissioner did not help to curb corruption in appointments and recruitment.

Popcru members who were involved in corrupt activities were not charged. For example, even though a complaint was made to Mr Mataka that Mr Tshatshu gave "jobs for sex", no steps were taken against him.

The Commission investigated the aforesaid allegations but witnesses were not willing to testify and the matter could not be taken any further.

Another example of a member who benefited from the system is Mrs Ditala, who is the wife of a Popcru shop steward. It was discovered that her matric certificate was fraudulent. Instead of disciplining Mrs Ditala, it was arranged that she should resign voluntarily. She is now employed as a secretary at the Popcru office.

10.5 Recruitment Drives

Ms Maria Magrieta Fourie, a psychometrist, employed by the Department, gave a detailed account of the manipulation of recruitment drives during the years 1998/99 and 2001/02.

The Department has a bi-annual recruitment drive. Her role in these recruitment drives was merely to prepare the lists and participate in the interview panels. In all other Management Areas the Commission has investigated, including Pietermartizburg and Bloemfontein, the role of psychometrists has been reduced to that of clerks, who, in some cases, only take notes during the interviews. The Commission also noted that these psychometrists are highly qualified and the reduction of their roles as psychometrists amounts to an abuse of professionals.[61]

10.6 1998/99 Recruitment Drive

Of the 68 000 applications received during this recruitment drive, 1 000 candidates were short-listed. Interviews took place on 21 December 1999. Whilst the interviews were in progress, Mr Mfenqe called Ms Fourie and told her that he was lodging a complaint on behalf of Popcru because certain procedures had not been followed during the short-listing process. The panel were then instructed by Popcru members led by Mr Mfenqe[62] to stop the interviews. The candidates were told that there was a problem and they should go home and they would be advised later.

A management meeting was thereafter convened and it was decided that a new panel should be constituted.

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61 See Chapter one for a more detailed discussion.

62 See Exhibit 'Y' St Albans Management Area.

The new short-listing panel comprised Mr Zono, Ms Dumbela, Ms April and Mr Mfenqe. Although management wanted Ms Fourie to be part of the new panel, she declined.

The new panel then compiled a list of candidates to be interviewed. Ms Fourie observed that a number of people who were on the old list were not included on the new list. She also noticed that the new list included family members of the management, as well as the family members and friends of the panel that compiled the list. The wives of Messrs Nweba, Mpemva and Zono were on the new list, although they had not been included in the previous list. The list of the controversial appointments is fully set out on page 38 *supra* in this Chapter.

These people were then interviewed and after the completion of the interviews a list was compiled of people who had been successful. It was sent to Head Office for scrutiny and the National Commissioner's approval.

10.7 2001/2002 Recruitment Drive

The process in the 2001/2002 recruitment drive went smoothly until the compilation of the short-list. The candidates were arranged in their order of preference. A total of 60 people had to be appointed during this recruitment drive. After the interviewing panel had compiled the list, it was given to the Provincial Control Officer, Mr Mpolweni, in terms of the procedure. Whilst they were waiting for feedback from Mr Mpolweni, he informed Ms Fourie that he had instructed the network controller to retype the list on his computer. Three days later, Mr Mpolweni gave her a list, from which he said they should compile the final list of candidates.[63] The two lists, which were included in her affidavit, were not the same. The Head of Personnel thereafter compiled a list of the successful candidates to be appointed on the basis of Mr Mpolweni's list.

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[63] See Exhibit "Y" of the St Albans hearings. The original list sent to Mr Mpolweni is marked Annexure 'B' and the list received from Mr Mpolweni is marked Annexure 'E'.

Ms Fourie observed that the name of Mr Sithole was not on the original list, nor on the short-list. She also observed that Mr Nqeketo's score, one of the applicants, had been changed from 12 to 17. She further noticed that the ranking of the officials had also been changed. When she questioned Mr Mpolweni on the ranking of the officials, he told her that he was giving preference to potential candidates from rural areas. She was not aware of any policy that people from rural areas should be given preference.

Mr N.L. Funani, who initially scored 17 points, was not appointed. Ms Fourie could not see any reason why they should screen the initial list if someone else could arbitrarily change a decision that was made by the panel.

Ms Fourie's testimony was that all the relevant information was kept on computer. At a particular time the network controller came to her office and told her he had to install a virus program on the computer. He did not tell her who had sent him to her office. Five minutes later when she was working on her computer, she found that the list of all the posts, transfers and vacancies had been deleted from her computer.

Mr Vuyani Kenneth Zono confirmed Ms Fourie's testimony that there were two sets of interviewing processes. On 21 December 1999, Mr Mfenqe, a Popcru shop steward, approached Mr Zono in his office. They had a discussion and spoke about things that were happening at the recruitment section, about some people who were being short-listed for reasons not related to the position and others who were excluded for silly reasons. Mr Mfenqe stated that candidates were being included because they were relatives of people employed by the Department. Mr Zono told Mr Mfenqe that he felt that it was wrong for people to be excluded simply because they were relatives of officials.

The following morning Mr Mfenqe came to his office and told him that Mr Baloyi wanted to see him. They then went to Mr Baloyi's office. Ms Dumbela joined them. Mr Baloyi told them that he knew what was happening in the recruitment office. Mr Baloyi then told them that Ms Dumbela and Mr Zono had been selected to sit on a new panel, which would interview candidates all over again. The new panel would comprise of Ms Dumbela, Mr Mfenqe, Ms Fourie, Ms April and Mr Zono. Mr Baloyi appointed Ms Dumbela as the chair of the committee.[64]

After a short while Ms Dumbela came to his office and told him that Mr Mpemva had called him to the conference room. When they got to the conference room, Ms Fourie, Mr van den Berg and Ms April were already there. Mr Mpemva and Mr Mfenqe jointed them later. Mr Mpemva told them that there was dissatisfaction with the short-listing of candidates. He wanted to know why some people had been excluded from the short-list. Mr van den Berg said that people could not expect to be appointed simply because they were relatives of Departmental officials. Ms Fourie added that this would especially be the case if they did not comply with the requirements of the advertisement. Mr Zono then said that people could not be excluded unless there was a valid reason.

Mr Zono, Ms Dumbela and Mr Mfenqe were then left to deal with the selection criteria and were later joined by Ms Fourie. Ms Fourie stated that it was pointless for her to be with them for the criteria as this had already been done. Mr Zono then asked Ms Fourie how they had determined the requirement of “experience”. She was unco-operative and left them. At the time there were approximately 1 500 forms to process and each one of them had their own pile. All those who fulfilled the requirements were referred to Ms April.

During this process Ms Dumbela received a number of calls on her cellphone, which she went outside to receive. What surprised Mr Zono was that after each

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64 The appointment of Ms Dumbela as the Chairperson was thus irregular because she was not the Head of Human Resources (See the evidence of Mr Achterberg discussed under Pollsmoor Recruitment *supra*).

call, Ms Dumbela would go to the excluded pile of forms and look through it again. She did this on a number of occasions until Mr Zono commented on it. Several of these calls were received from Mr Mpemva's office phone and some were not from the Port Elizabeth area. Two of the calls Ms Dumbela received were traced to the Area Manager: East London, that is, Mr Gaqa.[65]

Mr Zono indicated to Ms Dumbela that the forms she kept re-checking had already been done and that there were still many more to be done. He also said he would not work beyond 15h45 and subsequently left at this time. The others continued working. When he came back the following day, he observed that Ms Dumbela and Ms April had worked until late and had done a lot of work.

On 26 December 1999 Ms April contacted Mr Zono and told him that his brother had been short-listed. He was not aware of the fact that his brother had applied for a position. She further told him that his brother would be interviewed the following week. He could not tell whether Ms Dumbela took the rejected batch back to the other forms and whether she had selected his brother from the rejected batch.

10.8 Merit Awards

At the St Albans Management Area, the manipulation of the system by Messrs Mpemva and Nweba was not restricted to recruitment and appointments, it also extended to merit awards and performance appraisals. Evidence in this region established that wives and girlfriends of senior members were given merit awards and performance bonuses, when they were assessed, some of them, after only eight (8) months in the Department.

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[65] See the Chapter on Abuse of Power for a discussion of this member's conduct and abuse of the discipline system.

This was a deviation from the policy, which requires that an officer be in the rank for at least one (1) year before he/she gets a merit award. One has only to look at the merit awards given to Mr Nweba, his wife and Miss Gaga, a relative of Mr Nweba, to find evidence of favouritism and manipulation of the merit and performance awards.

Mrs Nweba and Mrs Mpemva received three (3) merit awards and production bonuses even before they had completed one (1) year of service within the Department.

10.9 Findings

10.9.1 Appointment of Members to Senior Positions

Irregular appointments in the Eastern Cape were not confined to the appointment of junior members but also extended to the appointment of members to senior positions.

These irregular practices culminated in the appointment of four persons to very powerful positions in the province. These four persons were:

(a) Mr Mpemva's appointment as the Provincial Head of Personnel was irregular, as established by evidence. His appointment was also discussed at the secret meetings referred to above.

(b) Mr Nweba was appointed Deputy Director: Inspectorate. Evidence has also established that this appointment was irregular.

(c) Mr Mpolweni was appointed Provincial Control Officer: Corporate Services (Human Resources), which was irregular. Prior to his appointment, a secret meeting was held to discuss his position.

(d) Mr Mataka was appointed the Provincial Commissioner of the Eastern Cape. This appointment was also riddled with irregularities. He was appointed even though he should have been subjected to a disciplinary inquiry for a number of transgressions which had been uncovered by the PSC, the Department of Public Service, and Administration investigators.

After the appointment of these four individuals to their respective positions, they exerted control over the recruitment and appointment processes in the Eastern Cape. Evidence has established that they were effectively in control of the province and manipulated people in the Department. They became the final approving authority in the Department and placed people of their choice in various positions in violation of both the Constitution and fair labour practice.

10.9.2 1998/1999 Recruitment Drive

Evidence led before this Commission has established that the recruitment and selection process in the Eastern Cape Management Area during 1998/1999 was tainted with a number of irregularities. Members of Popcru interfered with this process, which led to the halting of the interviews. Names on the short-list were changed and new lists were drawn up, which included the names of members' relatives. The process also saw a new short-listing panel being constituted and the removal of Mr van den Berg as the Head of the Recruitment.

10.9.3 2001/2002 Recruitment Drive

There is clear evidence supported by documents that Mr Mpolweni, who is Head of Corporate Services, unlawfully interfered with the process during this recruitment drive.

The evidence has proved that the interviewing panel prepared a list of recommended candidates and sent it to Mr Mpolweni's office. When the list was

sent back to Ms Fourie, she observed that the name of Mr Sithole, which was not on the original list, had been included. He also changed the ranking of the candidates and the scores of two applicants, Mr Qekeza and Mr Mqeketo. He included the name of Mr Mbumbe, which was not on the original list. It also appeared that Mr N.L Funani, who scored 17 points, should have been appointed but was not recommended for appointment.

Mr Mpolweni's conduct by changing the recommendations of the panel, made a mockery of the whole recruitment process.

10.9.4 Manipulation of Merit Awards and Performance Appraisals

Evidence has established that Messrs Nweba and Mpemva also manipulated merit awards and performance appraisals. Contrary to the policy, which requires that an officer be in the rank for at least a year before receiving a merit award, the following members received merit awards:

(a) Mrs Mpemva
(b) Mrs Nweba
(c) Ms Kaka.

10.9.5 Fraudulent Matric Certificates

(a) Mrs Ditala

After her appointment it was discovered that she had a fraudulent matric certificate. The Department took no disciplinary action against her but gave her the opportunity to resign. The conduct of the Departmental official who did not discipline her amounts to unsatisfactory work and neglect of duties.

(b) Mr Mvana

Evidence established that Mr Mvana, a Popcru shop steward, was in possession of a fraudulent matric certificate. At the disciplinary hearing he was found guilty and given a final written warning. No criminal charges were preferred against him.

11. GAUTENG (JOHANNESBURG, LEEUWKOP & PRETORIA)

11.1 Recruitment Malpractices

The April/May 2001 recruitment process was also characterised by a number of irregularities, malpractices, corruption, nepotism and non-adherence to the Department's policy in the Gauteng Province.

The then Provincial Commissioner, Mr M.Z.I. Modise, appointed a team of investigators to work together with the Scorpions Unit to investigate allegations of unsatisfactory recruitment practices, maladministration and possible corruption at the Provincial Commissioner's Recruitment Office.[66] The Scorpions' focus was the alleged criminal activities and the internal investigation focused on administration and procedures. The investigating team received their mandate to conduct the investigations on 16 May 2001 and to finalise their mandate by 27 June 2001.

The findings and the recommendations made by the investigating team are fully set out in Exhibit 'W1'.[67] The function of recruitment is centred at the Provincial

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66 See Exhibit 'W1' – Investigation, recruitment of personnel: Alleged unsatisfactory recruitment, administration and possible corruption PC Recruitment Office.

67 See pages 41-51 of Exhibit "W1", Leeuwkop Management Area.

Office and the administration process of recruitment is explained.[68] The nine steps of the administration process on recruitment are fully set out in pages 2 – 6 of Annexure B to Exhibit 'W1' above. The recruitment administration process set out in this document is clear, understandable and simple and there appears to be no reason why officials in charge of recruitment should not follow this process.

The investigating team of the April/May 2001 recruitment process in the PC Recruitment Office made the findings set out below.[69] It is important to note that none of the officials mentioned in the investigations report was implicated during the Commission's investigations. The report is, however, quoted verbatim to provide further insight into the challenges facing the Department in the area of human resources, not only in the Gauteng province but countrywide.[70]

11.2 Merit Awards

Gauteng was also not free of merit award malpractices. In terms of the original Auditor-General's query, seventeen (17) officials from the Leeuwkop Management Area were paid incorrect/invalid merit awards during the 1999/2000 financial year. As a result, the National Commissioner instructed the Provincial Commissioner to investigate the list of incorrect payments of merit awards as reported in the Auditor-General's report and all other incorrect merit award payments.

An investigating team consisting of Messrs Zimba and de Bruin was appointed by the Provincial Commissioner's Office: Operational Support to conduct the investigation. The investigation was conducted from 1 May to 11 June 2002.[71]

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68 See Exhibit 'W ' Annexure 'B' of the Leeuwkop Management Area.

69 The findings of the investigating team are fully set out on pages 41-48 of Exhibit 'W1".

70 See Annexure 'B' to this Chapter.

71 See Exhibit 'W2' of the Leeuwkop Management Area.

The investigation reports into Gauteng clearly show that the incidents of recruitment malpractices, corruption, nepotism and non-adherence to Departmental policy in this province are no different from those found in other Management Areas. The administration processes on recruitment are clearly and in simple and understandable form set out in pages 2 – 6 of Annexure B to Exhibit 'W1' and there appears to be no reason why officials in charge of recruitment should not follow this process.

12. NCOME MANAGEMENT AREA

No direct evidence was heard relating to recruitment malpractices and corruption in this Management Area. However, Mr V.S Hlatshwayo, an Area Commissioner, and Mr G.G Smit, a Director of Human Resources Administration and Development of this Management Area, both identified the following problems relating to recruitment:[72]

(a) Recruitment has been at the centre of many serious problems in the Department and this is also the case at Ncome.

(b) Ncome Prison is a farm prison, which is far from the nearest town and has limited housing available. Despite a request that people from the area be recruited, people are appointed from as far as the Western Cape. Most of these appointees found it difficult to adjust to the farm life at Ncome and, since they did not know the area, they experienced problems in acquiring accommodation, which led to continual problems with reporting to work on time.

[72] See Exhibits 'A' and 'D' of the Ncome Management Area hearings.

(c) Several of these members used Ncome as nothing more than a place of appointment and applied for transfers to their areas in other provinces within the first month of service.

(d) There were also cases where persons were appointed who were clearly medically unfit to be in the Department, which indicates that the screening process is flawed.

During the hearing of evidence into Ncome Management Area it also became apparent that many officials appointed to senior positions at this prison do not have the necessary competency.[73] This suggests that the screening process is flawed as contended or that irregularities occurred at the time of the appointments.

13. CONCLUDING REMARKS

The contents of this report show clearly that recruitment, merit awards and promotions are amongst the most controversial activities undertaken by the Department.[74] In all the Management Areas the Commission investigated, there are ongoing allegations of corruption, nepotism and irregularities in recruitments, merit awards and promotions. These allegations are not confined to provincial or local level, but also surfaced at Head Office.

There is ample evidence that Popcru manipulated appointments and processes. There is also conclusive evidence that at the secret meetings that took place, Popcru members were put into strategic positions, and that the removal of individuals who were perceived by Popcru as being stumbling blocks to "transformation" was discussed at these secret meetings.

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73 See the Chapters dealing with the Ncome Management Area for more details.

74 See the Fifth Interim Report, Bloemfontein Management Area.

A number of investigations have been conducted into the Department regarding malpractices, corruption, nepotism and related issues to recruitment. The findings and recommendations of these investigations have, however, not been heeded to by the Department.

This Commission's investigations reveal that similar problems are recurring in the Department, despite previous recommendations and guidance given by other Commissions to the Department, in how to solve some of the problems.

It is therefore clear that the Department is unable to manage the recruitment of staff. It will be the Commission's recommendation that the Department should rather focus on its core business, that of security and the welfare of prisoners, and that the recruitment of staff be outsourced to an independent body or any other competent institution.

14. FINDINGS

14.1 Recruitment

The Commission makes the following findings regarding recruitment in the Management Areas investigated:

(a) The process for recruiting new members nationally has been marred by inefficiencies, corruption and lack of transparency. There is a need to review the criteria with regard to the type of people required to fulfill the function of a correctional official. The Department of Correctional Services has decided to outsource the processing of applicants, due to the extremely high response rate to advertised posts. The Department of Correctional Services received one point six million (1.6 000 000-00)

applicants nationally for two thousand two hundred (2 200) entry level posts.[75]

(b) In all the Management Areas the Commission investigated, recruitment processes are characterised by corruption, maladministration, nepotism, favouritism and non-adherence to departmental policy.

(c) The common feature in these malpractices and irregular practices is the manipulation of the processes by senior officials in the Department.

(d) Inexperienced, unqualified and incompetent officials are appointed as Heads of Recruitment.

(e) Once these officials are appointed, they are not given any training in the recruitment process or in managerial skills so as to empower and equip them for more effective and efficient service delivery.

(f) The appointment of staff is also influenced by trade union affiliations.

(g) The Department has failed to implement recommendations, which were made in a number of investigations into recruitment processes in the Department.

(h) The Department does not have the capability or capacity to handle recruitment.

(i) The multiplicity of documents dealing with the Department's recruitment and employment practices also causes some problems relating to the recruitment processes.

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[75] See Report of the Correctional Services Portfolio Committee dated 22 June 2004 at page 8.

(j) The Department cannot properly manage its recruitment and employment function whilst it uses a number of different policy documents, which sometimes contradict each other, to effectively manage its functions.

(k) It is the Commission's view that the outsourcing of recruitment exercises nationally would address all its problems and corruption in the Department recruitment processes.

(l) The conduct of Mr Mpolweni in altering the final list of recommended candidates, changing the scores of the candidates, changing the ranking of officials on the list and leaving out certain names of the recommended candidates from the final list, amounts to fraud.

(m) The Commission will be making recommendations that Mr Mpolweni be charged with fraud.

(n) The conduct of Mr Nxele in instructing Mr Theron to conduct further interviews and re-interviews in respect of both recruitment drives, after the closing date, amounts to misconduct in terms of the Department's Disciplinary Code, as well as criminal conduct.

(o) The conduct of Mr Nxele in authorising the appointment of four (4) additional candidates without the approval of the National Commissioner, also amounts to misconduct. The Commission will be making recommendations in this regard.

(p) The conduct of Mr Theron to interview and re-interview certain candidates after the closing dates during both recruitment drives, purportedly on the instructions of Mr Nxele, amounts to gross negligence in terms of the Disciplinary Code.

(q) Section 196(4) of the Constitution deals with the powers and functions of the Public Service Commission. Section 196(4) provides as follows:

> *"The powers and functions of the Commission are-*
>
> *(a) ……*
> *(b) to investigate, monitor and evaluate the organization and administration and the personnel practices of the public service;*
> *(c) …..*
> *(d) to give directions aimed at ensuring that personnel procedures relating to recruitment, transfers, promotions and dismissals comply with the values and principles set out in section 195;*
> *(e) ……*
> *(f) either of its own accord or on receipt of any complaint–*
> *(i)*
> *(ii) ….*
> *(iii) ….*
> *(iv) to 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."*

(r) In the light of the provisions of the Constitution referred to above it is the Commission's view that the Public Service Commission is empowered by

virtue of the said provisions to audit the recruitment practices in the Public Service.

(s) Recruitment is a non-core function of the Department that lends itself to outsourcing to private or non-state service providers.

(t) The outsourcing of recruitment to the private sector will allow the Department to focus on its core responsibilities.

(u) The outsourcing of recruitment nationally would also address the problem of staff shortages experienced by the Department countrywide. The members who are trained regarding safe custody of prisoners can do what they are trained to do instead of trying to be HR Practitioners.

14.2 Merit Awards

The Commission has found that in almost all the Management Areas it has investigated, the awarding of merit awards is problematic in that:

(a) Officials who do not qualify for these merit awards, are given the merit awards through corruption or maladministration.

(b) Nepotism/favouritism played a major role in the awarding of merit awards.

(c) There are no proper controls over the documentation/assessment questionnaires in the awarding of these merit awards. The chairpersons and secretaries of the moderation committees need to ensure that the minutes and all other relevant documentation are kept and properly signed.

(d) The Department should keep proper assessment questionnaires for each assessment made.

(e) The chairpersons and secretaries of the moderation committees responsible for merit awards, do not adhere to the policy of the Department, which requires that an officer be in the rank for a least one (1) year before he/she receives a merit award.

(f) Recommendations made by previous investigations in this regard have not been implemented by the Department. The Commissioner's report on the implementation of the recommendations made in external investigations into the Department dated 4 May 2005, does not explain why recommendations relating to merit awards made by previous investigations, have not been implemented.[76]

15. RECOMMENDATIONS

15.1 Recruitment

The Commission noted that the Department has not heeded or has failed to implement the recommendations with regard to the recruitment process made by various investigations conducted in the Department. The disturbing feature with these recruitment malpractices is that the processes are manipulated by very senior officials.

It has been pointed out that recruitment is one of the non-core functions of the Department, which can readily be outsourced to private non-state service providers.

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[76] See in particular the PSC and DPSA reports and recommendations.

The Commission accordingly makes the following recommendations:

15.1.1 Short Term Recommendations:

(a) The advertising of posts, setting out the criteria, short-listing and interviewing of candidates nationally should be outsourced to independent non-state service providers.

(b) Mr Nxele be charged with:

(i) contravening clause 4.4. Column A of the Department's Disciplinary Code (fraud); alternatively

(ii) contravening clause 5.4. Column A of the Department's Disciplinary Code (sabotage).

(iii) he be charged criminally with the offence of fraud.

(iv) the record of the proceedings relating to Mr Nxele in this regard be handed over to the office of the Director of Public Prosecutions in the Western Cape for his perusal and consideration of the charge of fraud.

(c) Mr Theron be charged with:

(i) contravening clause 2.1. Column A of the Department's Disciplinary Code (gross negligence) (First recruitment drive Pollsmoor).

(d) Mr Mtanase's appointment to a senior position at St Albans Management Area be reviewed by the Department.

15.1.2 Second Recruitment Drive

The Commission recommends that:

(a) Mr Nxele be charged with:

(i) contravening clause 2.1. Column A of the Department's Disciplinary Code (gross negligence); alternatively

(ii) contravening clause 5.4. column A of the Disciplinary Code (sabotage).

(iii) he be charged criminally with the offence of fraud.

(iv) the record of the proceedings with regard to Mr Nxele in this matter to be handed over to the office of the Director of Public Prosecutions in the Western Cape for his perusal and consideration.

(b) Mr Theron be charged with:

(i) contravening clause 2.1. Column A of the Disciplinary Code (gross negligence).

(c) Mr Mpolweni be charged with:

(i) contravening clause 4.4. Column A of the Disciplinary Code (fraud); alternatively

(ii) contravening clause 5.4. Column A of the Disciplinary Code (sabotage).

(iii) he be charged criminally with the offence of fraud.

(iv) the record of the proceedings relating to Mr Mpolweni be forwarded to the office of the Director of Public Prosecutions in the Eastern Cape for his perusal and consideration.

15.1.3 Long Term Recommendations

(a) Recruitment in the Department of Correctional Services nationally, should be outsourced to independent non-state service providers.

(b) Alternatively, recruitment in the Department of Correctional Services should be undertaken under the direct supervision of the Public Service Commission.

15.2 Merit Awards

The Commission makes the following recommendations:

(a) No disciplinary action or any action relating to the recovery of merit awards incorrectly paid, is recommended by the Commission at this stage as this may present difficulties.

(b) Proper systems must be put in place in the Department with regard to the granting of merit awards.

(c) The chairpersons and secretaries of the moderation committees responsible for merit awards, should be senior officials in the Department.

(d) The chairpersons and secretaries of the moderation committees must keep proper minutes in respect of each and every merit award granted.

(e) The chairpersons and secretaries of the moderation committees must adhere to the policy relating to merit awards.

15.3 General Recommendations

(a) The Department should consolidate all its recruitment policies into one Recruitment Policy document applicable in all Management Areas and disseminate it to all the Management Areas as soon as possible.

(b) The Department should implement the recommendations made in the Public Service Commission's Report of August 2000.

ANNEXURE “A”

5.1 Leadership and Management

The consultants found that members generally perceive management as lacking the essential leadership qualities to steer the organisation in the right direction. To back up this belief, they cited the following examples:

(a) Political allegiance, not professional competence, is the major criterion for appointing personnel to major positions.
(b) Management does not develop the authority to allow people who carry out day to day duties of the Department to have a say in the decisions they have to carry out.
(c) There are no training or development opportunities to acquaint staff with the rules and regulations of the transformed Department.
(d) Leadership often fails to implement decisions.
(e) The selection and recruitment procedures are not well publicised.
(f) The recruitment procedures and advertisements are meant for all of those people who are targeted for particular jobs.
(g) Information is not widely disseminated and members have to rely on hearsay.
(h) Management has no flexibility when it comes to the implementation of policy, e.g. gender issues of female guards forced to work with dangerous criminals without assistance.

5.2 Human Resources

There is a general lack of personnel who have the knowledge and skills to motivate staff to attain superior performance. The predominant de-motivators are cited as:

- the reward system; and
- affirmative action.

Reward system:

- There is a general belief that the wrong people or non-performers are the most likely to get rewarded.
- The production bonus in Pietermaritzburg is a most contentious issue, which needs immediate attention.

Affirmative action:

(a) Members contend that they are in favour of some of the principles of affirmative action. However, the way that it is being implemented promotes patronage.

(b) There is a belief that those who were in the anti-apartheid leadership are now using their power to settle old scores, especially in appointments.

(c) The gender issue is not addressed and women and other groups are grossly under-represented in the Department.

(d) There is general lack of discipline on the part of management and staff. Some staff members who are known to be corrupt continue their activities with impunity.

(e) Staff members view some of the disciplinary cases as being arbitrary e.g. the staff member who was accused of beating a prisoner to death was dismissed without due process.

(f) There tend to be dictatorial ways of doing things e.g. members are told to report for work after suspension without proper briefing.[77]

Members also complained that:

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[77] See Exhibit 'A' pages 78-79, Pietermaritzburg Management Area.

(a) There are no clear guidelines in terms of recruitment processes.

(b) There are no clear indications as to what job requirements are.

(c) Available posts are not listed in areas that are easy for members to reach.

(d) Rumours abound that there are officials who will sell jobs for the right price. For this reason, some of the more capable people do not apply for these posts. This deprives the Department of some of the talent that could help it in its quest for transformation.

5.3 Recruitment Findings

The consultants' findings into the problem areas relating to recruitment in Pietermaritzburg can be summarised as follows:

- Lack of leadership skills
- Inability to assume leadership roles
- Corruption
- Nepotism
- Favouritism
- Prevalence of power abuse
- Intimidation
- Lack of regard to compromised evaluations and assessments
- Abuse of affirmative action process
- Selection and recruitment processes lack credibility
- Promotion/rewarding of non-performers
- Job dissatisfaction.

5.4 Merit Award Findings

Bright Future also looked at the reward system in the Department and in their report highlighted that:

(a) There is a general belief that the wrong people or non-performers are most likely to get rewarded and
(b) The production bonus in Pietermaritzburg is one of the most contentious issues, which requires immediate attention.

In their report, they made the following recommendations:

(c) Once a member begins his permanent job, the next phase is that of promotion, whereby the chances of pay increases and merit grade increases are a move up the organisational ladder with new duties and responsibilities.
(d) The merit system in the Department ought to be guided by seniority and performance.
(e) In this Department, however, there is a belief that merit is not rewarded, but mediocrity is.

5.5 Recommendations

The following recommendations were made in the report regarding:

5.5.1 Personnel/Human Resources

In order to meet the organisational objectives, the Department should ensure that at all times it attracts people who are right for the kinds of jobs that are available. The widespread belief that the Department is corrupt in its recruitment and selection criteria makes it a worthwhile effort to put in place highly skilled people.

They will not be attracted to the Department and be retained if the perception that the Department needs only those with mediocre performance does not change.

5.5.2 Selection Criteria

Criteria for selection should be based on:

(a) Those who are involved in selection should be trained in interviewing on selection methods.
(b) Every applicant should have an equal opportunity of getting the job.
(c) Selection should be based solely on merit and no other relevant consideration.
(d) The selection panel should be familiar with the guidelines.
(e) Candidates who have not been successful should be notified in writing within a reasonable time.
(f) Successful candidates should also be informed about their new appointments in reasonable time.

5.5.3 Post-recruitment Phase/Placement and Induction

Once an applicant has been offered a post, an induction process must begin. This is where the newly appointed employees are introduced to procedures, policies and advice so that they can get acquainted with the organisation. At this stage, it would be important to find out if the employee would need any training or wishes to undergo a development programme in order to enhance his or her capabilities to perform.

5.5.4 Promotions/Remuneration

Once a member begins his or her permanent job, the next phase is that of promotion, whereby chances of pay increases and merit grade increases are a

move up the organisational ladder with new duties and responsibilities. The merit system in the Department ought to be based on seniority and performance.

In this Department, however, there is a belief that mediocrity and not merit is rewarded. There is an assertion that management has no managerial skills and thus no leadership qualities.

In summary, it was recommended that:

(a) The Department reviews its recruitment and selection procedures.
(b) Managers, supervisors, a representative from the Personnel department and an outside agency should conduct the interview sessions.
(c) Those who are interviewing should have knowledge of the job requirements.
(d) A standard questionnaire should be formulated based on those requirements that are necessary for the job performance.
(e) Each candidate should be weighed against others using an attribute scale, which is accordingly marked.

The Commission noted that in all Management Areas it has investigated, many officials in leadership or managerial positions are incompetent and unskilled and require training in managerial skills to alleviate the enormous problems facing the Department of Correctional Services.

ANNEXURE "B"

The findings were as follows:

(a) *"The advertisement for vacant posts was placed incorrectly in the newspapers, as it was for two cycles and not for one cycle only.*

(b) *Mrs Makgato had to pay R1 000 to Mr Hlophe and Mrs Makhanya for her employment. This amount of money was paid to the members and the Scorpions arrested them.*

(c) *Mr Mofokeng, the applicant, received the interview questions from Mr Hlophe on the night preceding the interview. Mr Hlophe acknowledged that he gave the questions to Mr Mofokeng but said that he refused to take the R1 000 cash. The Scorpions arrested Mr Hlophe and Mrs Makhanya when they were caught red-handed by Special Agent Ramogoshi and an amount of R1 000 was confiscated together with the interview questions. After they were arrested, Case No. 502/05/2001 was opened against them. They were detained in the Pretoria Central Prison and were released on bail of R3 000 each.*

(d) *Mr Sekhaolelo acknowledged that he made inscriptions in his own handwriting on the application forms.*

(e) *Applicants were interviewed without application forms, at the request of Mr Tshwale. Mr Sekhaolelo, Mr Mmethi and Mr Tshwale completed the applicants' documents.*

(f) *Applicants' documents did not fulfill the requirements of the advertisement as certified by Mr Seseko.*

(g) *Short-listing and gross listing and was not done. On the final day, Mr Tshwale handed over a short-list to panelists, which he had selected.*

(h) *The applicant Mr Malefahlo apparently knew the exact answers to the questions for the interviews.*

(i) Application forms were kept in an unlocked storeroom until Mr Tshwale bought a lock and key, out of his own money. During the investigation, they told Mr Baloyi to open the storeroom and he asked Mr Tshwale to open it. Mr Tshwale left the storeroom open for more than a week.

(j) Mr Tshwale drafted an action plan for equipment but it was never implemented.

(k) The proper documents and guidelines were available for the recruitment process as Ms de Jager handed them over to Mr Mbatha on 14 June 2000.

(l) The handwriting on certain application forms was the same but the signatures differed.

(m) Applicants were allocated to management areas without consultation.

(n) In most cases, short-listed applicants did not comply with the criteria as advertised. Only three out of 817 applications were correct.

(o) Mr Mbatha stated that he had no knowledge of recruitment, although Ms de Jager stated that he had received all the documents and guidelines and he was sent on the National Recruitment work session.

(p) Mr Masango of Leeuwkop Management Area was corrupt, in the sense that he completed an applicant's application form. Mr Masango also collected R350 to ensure proper feedback concerning her application by Mr Mesack at the PC Office. This was collaborated by both the applicant's father and mother. This matter was reported to the Anti-Corruption Unit.

(q) Mr Ngobeni assisted Mr Masango who was corrupt in that he completed an applicant's application form and did not report the matter immediately to the Anti-Corruption Unit.

(r) Mr Dlamini was corrupt because he gave questions and answers to an applicant. Mr Dlamini also committed corruption by transporting private persons in a government motor vehicle.

(s) Mr Dlamini was corrupt by demanding money from a member, Mr Totiki, in return for a merit award and notch increment. Mr Dlamini received an amount of R800. Mr Dlamini also organised that his wife's form be put into

a bundle of application forms that were already submitted. Mr Dlamini's wife was subsequently appointed.

(t) Mr Chere's application form was re-written at Mafikeng. Some of the information was altered or left out on his form.

(u) The administration of recruitment office does not comply with the guidelines and policies of the Department.

(v) Lack of safeguarding and confidential handling of application forms.

(w) The questions for interviews are provided illegally to applicants."

The investigating team made the following recommendations:

(a) "Only one advertisement per cycle should be made to prevent confusion. The Head Office is to be advised to amend the current procedure.

(b) Mr Hlophe and Mrs Makhanya should be suspended immediately until the finalisation of their disciplinary hearings.

(c) Mrs Makhanya should be charged with corruption in accordance with the Disciplinary Code.

(d) Mr Hlophe should be charged in accordance with the Disciplinary Code for corruptive behaviour.

(e) Both Mr Hlophe and Mrs Makhanya should be charged for damaging the public image of the Department in accordance with the Disciplinary Code.

(f) Mr Sekhaolelo should be re-allocated to another post. He should also be charged in accordance with the Disciplinary Code for neglecting to do his work properly.

(g) Mr Tshwale should be re-allocated to another post. He should also be charged for neglecting to do his work properly.

(h) Mr Sekhaolelo, Mr Mmethi and Mr Tshwale should be removed from this section and utilized in another division. They should also be charged in accordance with the Disciplinary Code for neglecting to do their work properly.

(i) *No interviews should be conducted in the future without a short-list. Senior officials should compile the short-list.*

(j) *All future documents should be kept in an allocated room with a padlock.*

(k) *Mr Tshwale should be charged with gross negligence in a disciplinary hearing.*

(l) *All role players should ensure that officials are properly trained before recruitment takes places.*

(m) *An independent official should be appointed to check all forms once completed and before a short-list is compiled.*

(n) *The whole idea of the current system is to make management partners in the selection process. Consultations should be made compulsory in the selection processes.*

(o) *Mr Tshwale should take full responsibility for a shortcoming relating to the applicants not complying with the criteria as advertised. Disciplinary action should be taken against him.*

(p) *Further checking and control mechanisms should be instituted.*

(q) *Mr Masango should be reported to the Anti-Corruption Unit. A criminal case of bribery and corruption should be made against him and the case number should be reported to the PC Office. A disciplinary case should also be opened against him for corruption. He should be suspended until all cases against him have been finalised.*

(r) *In terms of clause 4.1 of the Disciplinary Code, Mr Ngobeni should be charged for corruption for assisting Mr Masango with arranging an interview.*

(s) *Mr Dlamini should be charged criminally for corruption and the case number should be provided to the PC office. Mr Dlamini should be criminally and disciplinary charged further for unlawful use of government property and he should be suspended from duty.*

(t) *Disciplinary steps should be taken against the member who re-wrote Mr Chere's application.*

(u) *Mr Hlophe should be charged with corruption.*

(v) An in-depth training session should be arranged for all members involved in recruitment.

(w) The recruitment process should be monitored.

(x) Security measures should be implemented with respect to applications.

(y) No certification of any documents with respect to recruitment should be undertaken at the recruitment office.

(z) Permanent PH recruitment personnel should be appointed

(aa) Specific guidelines should be directed to certain members with respect to application forms.

(bb) The recruitment function should be delegated to management areas. This could be done by placing specifically sealed boxes for application forms at management areas and that the boxes be opened by PH recruitment personnel only.

(cc) Application forms must be numbered numerically.

(dd) An 'office stamp' should be designed for each intake, for control purposes, and must be signed.

(ee) Questions for interviews must be changed daily. Different questionnaires must be prepared and issued every morning.

(ff) Unions must be involved as observers from the screening to the interview phase to ensure transparency."

It appears from the report itself that the Provincial Commissioner approved almost all the recommendations made by the investigating team. The recommendations were approved on 21 August 2001.[78]

The investigating team made the following general conclusion in its report:[79]

> *"The administration of the recruitment of personnel is below the required standard. There are guidelines and policies in place. Workshops are*

[78] See Exhibit 'W' of the Leeuwkop Management Area at page 3.

[79] See Exhibit 'W1' of the Leeuwkop Management Area pages 48 and 49.

presented by the administration, which still lacks professionalism. Recruitment of personnel is an important aspect of any institution.

The result of this misadministration is corruption because it is so easy to be corrupt if the system lacks security measures. Without the pre-selection audit, application forms can easily be amended, changed or be removed.

A corrupt person will always misuse the system. It is so easy for applicants to sign the forms on walls and on the backs of other people. This explains the difference in signatures.

It was also observed that the time frame allowed by head office to start and finalise the recruitment process, was very limited. To avoid this problem, recruitment and appointments must be finalised at least three months before recruits are trained at the colleges. This will allow recruits to be exposed to the Departmental environment and work activities as a pre-training phase. The recruits can be utilized in selective posts under the direct supervision of senior officials and this will enhance their maturity level and prepare them for the formal basic training phase. By adopting this philosophy, the shortage of personnel will also be partly addressed.

It is stressed that an Anti-Corruption Unit be established at the PC Office, based on one member for every 1 000 members. This means a team of seven officials for Gauteng. The existence of such a team will be an ongoing process, which will be the foundation for a clean and healthy administration. If this structure is in place, the possibilities of corruption are limited. The telephone numbers of this unit must be published in all provincial newspapers to market and advertise it, to curb corruption."

ANNEXURE “C”

The investigating team made the following findings

(a) The seventeen (17) identified officials were indeed paid incorrect/invalid merit awards as no assessment questionnaires are available to prove that they were assessed and all were qualified to receive the merit awards.

(b) No assessment questionnaires are available for the year 1999/2000.

(c) Information points on assessment, questionnaires and the moderation committee minutes appear not to be the same.

(d) The moderation committee minutes were not signed.

(e) Officials who qualified for merit awards, according to the Moderation Committee minutes and the fax from the Area Manager, do not correspond.

(f) Mr Zwane was questioned on a document he signed on behalf of the Area Manager.

(g) There was no control over the documentation/assessment questionnaires for the 1999/2000 financial year.

(i) It cannot be determined when and how assessment questionnaires got lost and who was responsible for it.

(j) The investigating team accordingly made the following recommendations:

    (i) The officials must pay back the money that they received. The back payment must be implemented before the end of July 2002, by way of instalments with interest.

    (ii) Personnel clerks must be sensitised to ensure that all documents must be handled according to policy.

    (iii) The chairperson and secretary of the moderation committee must ensure that the information is correct on all relevant documents.

(iv) The chairperson and secretary of the moderation committee must ensure that the minutes are always signed.

(v) Officials must be sensitised to ensure that correspondence is correct before signing.

(vi) Officials must be sensitised not to sign their own correspondence on behalf of the Area Manager.

(vii) Mr Zwane and Mrs Beukes must be sensitised to ensure that they have control over any assessment questionnaire at all times.[80]

(k) In its conclusion, the investigating team noted that it would not be possible to do an objective audit on the other officials who received merit awards, as no assessment questionnaires are available to do it.

(l) No disciplinary action in relation to incorrect payment of merit awards is recommended at this stage, since the event took place during September 1999, almost three (3) years ago.

[80] See Exhibit 'W2' of the Leeuwkop Management Area.