



correctional services

Department:
Correctional Services
REPUBLIC OF SOUTH AFRICA

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| DATE: | 2013/02/28 | FILE NR: | 10/4/1/1 |
| TO: | CHIEF OPERATIONS OFFICER | FROM: | DD:DIU |

INTERNAL MEMO

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| SUBJECT: | REQUEST TO ACCESS RECORDS IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT (PAIA), NO 2 OF 2000: SAHA 2012 DCS 0004 |
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1. PURPOSE

1.1 The purpose of this memorandum is to provide requested information to the office of COO.

2. MANDATE

By virtue of section 95A of Correctional Services Act No.111/1998 as amended, the Departmental Investigation Unit has been empowered to probe into theft, fraud, Corruption and any other dishonest practices or irregularities within the Department, and suggest measures to curb same.

3. BACKGROUND

3.1 The information that is being requested by South African History Archive (SAHA) are records, policies, procedures, directives, documents or other information related to:

3.1.1 How the department prevents corruption and conflicts of interest within the department,

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- 3.1.2 How the department responds to complaints about corruption and conflicts of interest within the department,
- 3.1.3 How, when and by whom corruption is defined, investigated and disciplined within the department and
- 3.1.4 How, when and by whom conflicts of interest are defined, investigated and disciplined within the department.

4. RESPONSE TO THE REQUESTED INFORMATION

4.1 How the department prevent corruption:

- The Department of Correctional Services is preventing corruption by monitoring compliance with relevant prescriptions by means of internal auditing, performance auditing, inspections and investigation as described in Correctional Services Act 111 of 1998. **See Annexure A.**
- The Department of Correctional Services has Anti-Corruption Policy which creates an enabling environment for the prevention and combating of corruption within the Department and among its stakeholders. **See Annexure B.**
- The Department of Correctional Services has Whistle-blowing Policy which gives protection to whistleblowers to report corruption without fear. **See Annexure C.**
- The Department of Correctional Services is holding Anti-Corruption awareness and Fraud Prevention workshops annually.

4.2 How the department prevent conflict of interest:

- The DCS has policies addressing conflict of interest. There is a separate policy on financial disclosures and remunerative work outside the public service and the other one for dealing with donations, gifts and sponsorship to and from the Department. **See Annexure D.**
- The policies are applicable to non-designated employees (e.g. supply chain management employees dealing with tender adjudication, production workshop managers, and employees approving procurement of goods and services). **See Annexure E.**

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- People involved with the bid committee and human resources selection process are required to disclose their interest on the issues to be handled by these committees.
- Section 118 of the Correctional Services Act, 111 of 1998 prevents employees from doing business with the Department. **See Annexure A.**
- People involved with the bid committee and human resources selection process are required to disclose their interest on the issues to be handled by these committees. Specific forms are used for different purposes.

4.3 How the department responds to complaints about corruption:

- The Department has a specialised internal Minimum Anti-Corruption Capacity (MACC) which became operational as from 1 July 2003 with the clear mandate to deal with corruption, fraud, serious maladministration and other dishonest practices. The MACC got its mandate from Correctional Services Act 111 of 1998 as amended (Section 95A).
- The Department is ensuring that any corruption committed by an employee of the Department is pursued by thorough investigations and to the full extent of the law.
- Taking disciplinary action against implicated official and institute civil actions.
- Initiating criminal prosecution by reporting the matter to the SAPS or any other relevant law enforcement agency.

4.4 How the department responds to complaints about conflict of interest:

- The Department is ensuring that any misconduct of conflict of interest committed by an employee of the Department is pursued by thorough investigations and to the full extent of the law.
- Taking disciplinary action against implicated official and institute civil actions.
- Initiating criminal prosecution by reporting the matter to the SAPS or any other relevant law enforcement agency.

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4.5 How, when and by whom corruption and conflicts of interest are defined, investigated and disciplined.

- Corruption is defined under The Prevention and Combating of the Corruption Activities Act, 2004 (Act No. 85)
- Conflicts of interest are defined under Correctional Service Act 111 of 1998 (Section 118). **See Annexure F.**
- Corruption and Conflicts of interest are investigated by Departmental Investigation Unit as mandated by Correctional Services Act 111 of 1998 (Section 95A) and disciplined by Code Enforcement Unit under Correctional Service Act 111 of 1998 (Section 95B). **See Annexure A.**
- Cases investigated for corruption are attached. **See Annexure F.**
- Cases investigated for conflict of interest are attached. **See Annexure G.**


5. RECOMMENDATIONS

5.1 It is recommended that the information be submitted to Directorate: Information Management.


DD: COORDINATOR INVESTIGATIONS
REJ MPHAMO
DATE: 2013/02/28

6. APPROVAL

5.1 ~~Approved / not approved / amended~~


CHIEF OPERATIONS OFFICER
JOLINGANA NJ
DATE 2013/03/07.