

Request 1

SAHA requires records, policies, procedures directives, documents or other information related to:

a) How does the Office prevent corruption and conflict of interest?

- i. The Office of the Premier prevents corruption and conflict of interest by developing and implementing the Fraud Prevention Plan.
- ii. The Office of the Premier also implements the Gauteng Anti-Corruption Framework.
- iii. The Fraud Prevention Plan is updated on an annual basis by conducting a fraud risk assessment.
- iv. The Fraud Prevention Plan covers the prevention and detection of fraud.
- v. The Prevention is addressed as follows:
 - The Office of the Premier arranges anti-corruption training which focuses specifically on corruption and fraud. This also forms part of induction training (to reach new staff), but there is also training to existing staff members. Training at the very least entails what corruption / fraud is, how to identify it, and what employees should do if they are aware of it (i.e. obtaining advice and whistle blowing). It also focuses on the department's anti-corruption capacity.
 - Ethical Decision Making Workshops are arranged for SMS members and staff working in highest risk areas such as Supply Chain Management in order to bring about heightened ethical awareness and ethical reasoning skills. Scenarios were presented wherein officials had to determine if conflict of interests existed.
 - The Office of the Premier conducts annual awareness sessions on the Code of Conduct which covers issues of conflict of interest and professional ethics. This training outlines that an employee must recuse him/herself from official decision making which may result in improper personal gain, in addition employees are informed that they must declare such interest when it arises. An employee may not use his/her official position to obtain gifts or benefits for self; and may also not accept a gift / benefit which may be seen as a bribe. The Office of the Premier

also communicates the Code of Conduct for the Public Service to all its employees through distribution and training at induction.

- 11 officials from supply chain; human resources and the anti-corruption unit were trained as anti-corruption practitioners in July 2012.
- Further awareness raising occurs through the implementation of a communication strategy (email banners, pamphlets and posters – see attached Communication Strategy).
- All newly appointed employees at the Office of the Premier undergo personnel suitability checks which include the verification of criminal records, qualifications, previous employment, citizenship and financial records. This is also done in compliance with the DPSA circular Ref. no. 14/1/1/P, dated 23 November 2007, which requires the verification of criminal records, qualifications, previous employment, citizenship and financial records for all newly appointed employees.
- All SMS members are required to submit their Financial Disclosure Forms to the Director-General and are constantly reminded before the due date to comply. All the officials who are on levels 1 – 12 which are not obliged to submit Financial Disclosure Forms are required to apply for permission from the Director-General to undertake remunerative work outside the Public Service. This is to implement Section 30 of the Public Service Act, 1994 (as amended) which stipulates that: *“every officer shall place the whole of his or her time at the disposal of the State”*. The view is that should an official be involved in remunerative work outside the Public Service he/she would not, in all probability, have the time to devote his/her full attention to the requirements of the State in terms of his/her official responsibilities.
- The Office of the Premier has a register for gifts, donations and sponsorships that are received and given by its officials and by the Office of the Premier as a department. This register is kept at the Office of the Chief Financial Officer / Deputy Director-General: Corporate Management.

- The staff at high risk areas i.e. Supply Chain Management at the Office of the Premier are allocated separate duties to avoid any attempts of corruption that might occur.
- The detection is addressed through the fraud detection reviews conducted by the Gauteng Department of Finance: Forensic Services

DAC terms of reference

All members in DAC are required prior to every meeting to fill in a conflict of interest (COI) form, declaring if there is a COI. Any member indicating a COI is required to recuse himself/herself from the deliberations (see P32 of Fraud Prevention Plan).

b) How does the Office respond to complaints about corruption and conflict of interest?

- i. There are four ways in which the office responds to corruption and conflict of interest
 - The department utilises the Public Service Hotline, which is administered by the Public Service Commission.
 - The reports received from the hotline are sent directly to the Accounting Officer for investigation and reporting back to Public Service Commission on the outcomes of the investigation.
 - The complainant can also use the Premier's hotline to report corruption or conflict of interest, the outcomes of the investigations are reported to the Premier.
 - A walk-in is also used whereby the complainant can report the complaint directly to the Director General's office for investigation.

c) How, when and by whom is corruption defined, investigated and disciplined within the office?

- i. It is the responsibility of the Accounting Officer and the magnitude of the allegations will guide the Accounting Officer in terms of whether to conduct the investigations in-house or request assistance from other law enforcement agencies.
- ii. A transversal team (Risk; HR; Security and Communications) is responsible for implementing the Fraud Prevention Plan (including matrix of tasks) – see attached and the minimum anti-corruption compliance requirements which includes prevention, investigation and resolution (see attached implementation plan arising from minimum anti-corruption capacity audit), both of which detail responsible directorates and tasks that define, investigate and implement disciplinary measures with regard to cases of alleged corruption.

d) How, when and by whom is conflict of interest defined, investigated and disciplined within the office?

The Human Resources Unit is responsible for ensuring that all SMS members have submitted their Financial Disclosure Forms. The Office of the Premier has a 100% rate of submission. The Director-General is responsible for implementing the recommendations of the assessment of forms by the Public Service Commission by ensuring that appropriate disciplinary actions against defaulting officials are implemented. Security will investigate cases of COI and HR (Labour relations) is responsible for implementing the disciplinary measures.

Request 2

We request the following information with regards to cases that directly involved your office staff, either because your staffs were implicated or because your staffs were responsible for the people implicated in corruption and/or conflicts of interest.

Records, policies, procedures, directives, documents, or other information related to:

a) How many potential cases of corruption your office became aware of in the past five years; how your office discovered these cases; if, how, when, and by whom they were investigated; what the outcome of the investigation was; if, how, when, and by whom they were disciplined.

No cases of alleged corruption implicating the officials of the Office of the Premier have been obtained in the last five years.

b) How many potential cases of conflict of interest your office became aware of in the past five years; how your department discovered these cases; if, how, when, and by whom they were investigated; what the outcome of the investigation was; if, how, when, and by whom they were disciplined.

All the SMS members have been submitting their FDF. 100% submission to the Public Service Commission by 31 May 2012. No cases of potential conflict was detected in the Office of the Premier in the past five years.