

# THE FIGHT AGAINST CORRUPTION REQUIRES RESILIENCE

• By Lerato Maloane

**P**remier David Makhura has met with Supply Chain Management (SCM) and Senior Management Services (SMS) officials on the state of ethics, integrity management and anti-corruption in Gauteng.

The meeting held at Brixton Multipurpose Centre on Tuesday, 14 June 2022, forms part of the provincial government's efforts to build an ethical and developmental state.

It follows the release of the State of Ethics, Integrity Management and Fighting Corruption, as well as the

bi-annual report by the Provincial Advisory Council on 31 May 2022.

The report revealed that collaborations with Chapter 9 Institutions, forensic investigations by the Special Investigation Unit (SIU) and provincial units; criminal proceedings and civil cases are being implemented to recover losses suffered by the State and to prevent further losses.

The provincial government has put several initiatives in place to fight corruption in the province.

These include the establishment of integrity management units in all Gauteng departments to promote ethical leadership and clean

governance, vetting, the appointing of ethics and integrity officers and the implementation of the open tender system including financial disclosures for senior managers and supply chain management officials.

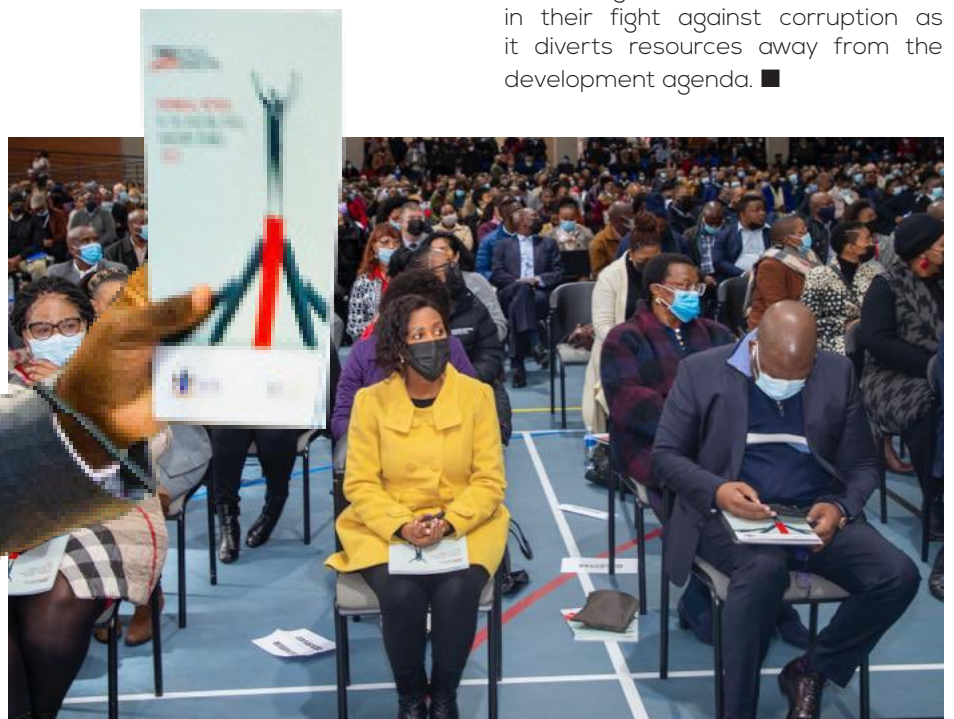
Thus far, of the 784 SMS members in the provincial government - 298 have been vetted, 352 are awaiting feedback and 127 members are in the process of applying to be vetted.

Makhura announced that there will be an immediate implementation of the mandatory lifestyle audits as part of the determination to root out corruption and malfeasance in government.

The initial phase of the audit will be conducted in the Gauteng Department of Human Settlements and the Department of Sport, Arts, Culture and Recreation.

The Premier has committed to implementing all forensic investigations outcomes, including disciplinary processes, criminal proceedings and civil cases.

He urged officials to be resilient in their fight against corruption as it diverts resources away from the development agenda. ■



Officials explored ways to strengthen the fight against corruption and build a capable, ethical and developmental state.

# GAUTENG PROMOTING GOOD AND ETHICAL GOVERNANCE

**Premier David Makhura has committed to holding Members of the Executive Council and Heads of Departments accountable and publishing progress reports on the implementation of ethics and anti-corruption programmes in Gauteng.**

There will be an immediate implementation of the mandatory lifestyle audits as part of the determination to root out corruption and malfeasance in government.

The initial phase of the audit will be conducted in the Gauteng Department of Human Settlements and the Department of Sport, Arts, Culture and Recreation.

By 2024, the audit which is a partnership with the Department of Public Service and Administration will cover all departments and municipalities in Gauteng.

The lifestyle audits for all public servants will complement and close any loopholes in the current vetting process, which often leaves out officials who are not members of the senior management service, said Makhura.

The Provincial Government is strengthening a results-driven collaboration with the South African Police Service, National Prosecuting Authority and Asset Forfeiture Unit to ensure successful prosecutions and recovery of funds back to the state coffers.

In addition, there will be the inclusion of ethics and integrity standards and anti-corruption measures in the Annual Performance Plans (APPs) of officials and delivery agreements of executive authorities.

Speaking at the release of the State of Ethics, Integrity Management and Fighting Corruption in the province, as well as the bi-annual report by the Provincial Advisory Council on Tuesday, 31 May 2022, Makhura said the continuous building of capacity will set the tone of zero tolerance to corruption.

The premier said the provincial



Gauteng Ethics Advisory Council Chairperson, Terence Nombembe launched a parallel biannual report on progress made to build systems against corruption

government is also devitrifying different types of capacity-building programmes targeting all levels of the organisation.

These will include training in ethical decision-making, conducting leadership style assessments, values-based leadership training and collaboration with Gauteng City Region Academy and National School of Government to implement Code of Conduct training.

"This will play a crucial role in building and sustaining an ethical organisational culture. The Office of the Premier is considering using international agreements to identify coaches and mentors for Members of the Executive Council and Heads of Department."

There will be a focused approach to ethics risk assessments to provide an understanding in areas that need improvement to proactively implement controls to mitigate risks and compile context-specific ethics strategies.

Thus far, Gauteng Provincial Government has been in collaborative efforts with the Chapter 9 institutions; Special Investigative Unit (SIU), the Auditor General, Public Service Commission (PSC), the Public Protector and the State Security Agency.



The head of the SIU, Advocate Andy Mothibi has described the formal secondment of SIU officials to Gauteng as a model that could be replicated in other provinces.



GPG ethics and anti-corruption programmes received a stamp of approval from various Chapter 9 institutions.



**People will only trust the call to fight corruption when they have evidence that some effort is made to not only investigate their complaints but disciplinary action is instituted against the implicated officials**

Premier Makhura said the report serves to demonstrate the tangible actions that have been taken by the Gauteng Provincial Government in promoting good governance.

"We are beginning to see more concerted effort to administer serious consequence management such as the disciplinary action against 517 public servants' dismissal of senior officials, opening of criminal cases (147 criminal cases) and instituting civil claims (69).

"We need to see swift prosecutions and civil claims to recover monies lost by the state as a result of corruption and maladministration. People will only trust the call to fight corruption when they have evidence that some effort is made to not only investigate their complaints but disciplinary action is instituted against the implicated officials," said Makhura.

Makhura admitted that there was a weakness in the protection of whistle-blowers. He said the provincial government working with the national government, will put in place a funded programme to protect and incentivise whistleblowing. ■



# THE FIGHT AGAINST CORRUPTION IS KEY TO DELIVERING BASIC SERVICE - SAYS MAKHURA

**T**he battle against corruption is vital to the success of the Growing Gauteng Together (GGT2030) plan, says Gauteng Premier David Makhura.

GGT2030 is a plan of action, that will deliver Gauteng to its desired destination by 2030 by executing 7 priorities, 28 strategies, and 160 interventions to provide significant improvements to the lives of the people.

Building a capable, ethical and developmental state is a guaranteed way of not only delivering basic service to the people but is also an ideal way of ensuring efficient, effective and sustainable governance, said Makhura.

"It must be understood that promoting ethics and integrity and fighting corruption is an integral part of transformation and development agenda of our country and province. Corruption diverts resources away from the development agenda to a few individuals."

Makhura was speaking at the release of the State of Ethics, Integrity Management Systems and Anti-Corruption Strategy report.

Corruption has a disproportionate impact on the poor and most vulnerable, increasing costs and reducing access to services, including health, education and justice.

It erodes trust in government and undermines the social contract and impedes investment, with consequent effects on economic growth and jobs.

Makhura said international experience confirms that winning the battle against corruption is never going to be easy as there are chilling stories and tragedies.

He referred to a book, "Fighting Corruption is Dangerous", by Ngozi Okonjo-Iweala which details the pushback, intimidation and suffering she had to endure in her effort to put counter-corruption systems and measures in Nigeria during her tenure.

Here at home, Makhura mentioned Babita Deokaran who was killed in cold blood for opposing corruption in the



Premier David Makhura says South Africa needs courageous individuals to succeed the fight against corruption.

Gauteng Department of Health and many other officials have been killed in suspicious circumstances because they fought and stood for what is right and lawful.

"Not only do we need courageous individuals, we also need resilient institutions and a mobilised civil society in order to succeed against corruption." Makhura said the state and society need a more systematic, nationwide, well-coordinated, properly resourced, multi-party, multi-agency, and intergovernmental crackdown on corruption.

"This should include a set of institutional reforms and training programmes that will improve the ethical culture and control environment in public institutions and the private sector. Those who profit from unlawful and corrupt dealings will also do

everything to frustrate any national anti-corruption effort in defence of their ill-gotten gains that feed their avaricious and ostentatious lifestyles."

The Office of the Premier and the Provincial Treasury have been the principal champions of clean governance and both departments have demonstrated power and force of example by achieving clean audits for nine consecutive years – from 2012/13 to 2020/21 financial years.

Over the past five years, the Gauteng Provincial Government has been implementing a series of public sector reforms to institutionalise ethics and integrity. These reforms are designed to counter the corrosive culture of corruption and malfeasance in the handling and utilization of public resources. ■

**It must be understood that promoting ethics and integrity and fighting corruption is an integral part of transformation and development agenda of our country and province. Corruption diverts resources away from the development agenda to a few individuals**

# GAUTENG INTEGRITY MANAGEMENT FRAMEWORK

## - CREATING A SYSTEM EMBED IN ETHICS

The Gauteng City-Region (GCR) Integrity Management Policy was adopted by the Executive Council in 2016 with a purpose of giving effect to the Gauteng Anti-Corruption Strategy by setting rules for integrity management in the Province.

The policy clearly outlines what is expected of Gauteng government employees on various issues which include, amongst others, financial integrity, conflict of interest, financial interest disclosures, management of gifts, entertainment, hospitality and other benefits, remunerative work outside public service, nepotism and favouritism and misuse of official information.

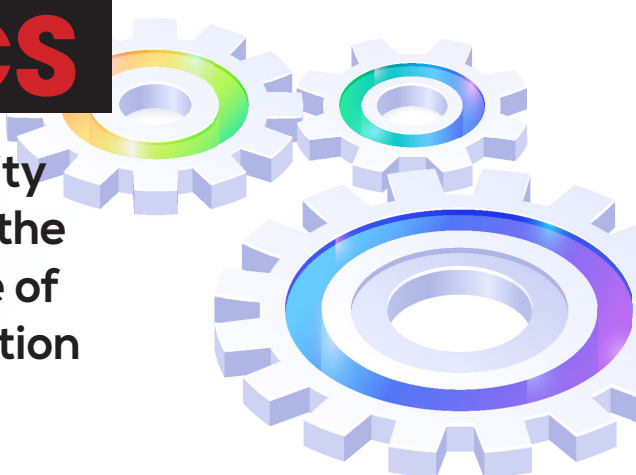
The purpose of the Integrity Management Framework is to change the culture and create systems that embed ethics and integrity at the centre of all decision-making and implementation

processes by:

- **Providing a comprehensive approach to better integrate Integrity Management** into strategic decision-making and day-to-day activities of the GCR institutions;
- **Providing guidance to the Gauteng Executive Council, Mayoral Committees, Accounting Officers, Accounting Authorities, managers and staff** when overseeing or implementing the development of processes, systems and techniques for managing integrity, which are appropriate to the context of the

GCR institutions;

- **Advancing the development and implementation of modern management practices** and supporting innovation throughout the GCR; and
- **Contributing to building an ethical workforce and GCR environment** that allows for innovation and responsible decision-making while ensuring legitimate precautions are taken to protect the public interest, maintain public trust, and ensure due diligence. ■



# STRENGTHENING

# PREVENTION

The Gauteng Provincial Government 6th Administration believes strongly in ethical leadership and is working hard to cultivate a culture of clean, accountable, transparent and an active citizenry.

The province has put proactive systems and processes in place to fight corruption in the province.

These include the establishment of integrity management units in all Gauteng Government departments, regular fraud and ethics risk assessments with a view to determine policy gaps and areas for improvement, promoting organisational values, as well as ethics capacity building ■

## Progress on implementation of risk management action plans (2021/2022)

Name of Department	No of Action Plans	% of Action Plans implemented	% of Action Plans in progress	% of action plans not implemented
Community Safety	47	40 (85%)	7 (15%)	0 (0%)
Infrastructure Development	58	57 (98%)	1 (2%)	0 (0%)
Economic Development	58	50 (86%)	5 (10%)	3 (4%)
Social Development	60	48 (80%)	6 (10%)	6 (10%)
e-Government	50	49 (98%)	1 (2%)	0 (0%)
Agriculture and Rural Development	52	45 (87%)	7 (13%)	0 (0%)
Sport, Art, Culture and Recreation	58	40 (69%)	11 (19%)	7 (12%)
Education	50	33 (66%)	17 (34%)	0 (0%)
Office of the Premier	40	37 (93%)	3 (7%)	0 (0%)
COGTA	41	34 (83%)	6 (15%)	1 (2%)
Provincial Treasury	47	43 (92%)	3 (6%)	1 (2%)
Roads and Transport	53	47 (88%)	5 (10%)	1 (2%)
Human Settlements	21	21 (100%)	0 (0%)	0 (0%)
Health	123	73 (59%)	35 (28%)	15 (13%)
<b>Total</b>	<b>768</b>	<b>617 (80%)</b>	<b>113 (15%)</b>	<b>38 (5%)</b>

- Most departments have put in place and are implementing plans to address fraud risks.
- A total of 768 agreed action plans were identified to strengthen internal control measures.
- An average of 80% of the action plans were implemented by 31 March 2022.

## Training and Awareness

- All employees are expected to comply with the Code of Conduct, as stipulated in Chapter 2, Regulation 13 of the Public Service Regulations of 2016.
- A total of 9537 employees in the Gauteng Provincial Government were trained on the Code of Conduct during the 2020/2021 financial year.
- The Office of the Premier, in collaboration with the Gauteng City Region Academy (GCRA) and the National School of Government (NSG), continues to enrol all Assistant Directors, Middle Management Service and Senior Management Service members for the compulsory Ethics course that is offered online. Other employees at lower levels are also encouraged to enrol for the ethics online training programme.
- A total of 742 officials have completed the ethics online course during course of 2020/21.

## Ethics Compliance in Department

Department	Ethics Champion Appointed	Assistant Ethics Officer Certification	Ethics Officer Appointed	Ethics Committee	Ethics Risk Assessment	Ethics Strategy/Plan
Agriculture & Rural Development	Yes	Yes	Yes	Yes	Yes	Yes
Community Safety	Yes	Yes	Yes	Yes	Yes	Yes
Education	Yes	Yes	Yes	Yes	Yes	Yes
Economic Development	Yes	Yes	Yes	Yes	Yes	Yes
e-Government	Yes	Yes	Yes	Yes	Yes	Yes
Health	Yes	Yes	Yes	Yes	Yes	Yes
Human Settlements	Yes	Yes	Yes	Yes	Yes	Yes
Infrastructure Development	Yes	Yes	Yes	Yes	Yes	Yes
Gauteng COGTA	Yes	Yes	Yes	Yes	Yes	Yes
Office of the Premier	Yes	Yes	Yes	Yes	Yes	Yes
Roads and Transport	Yes	Yes	Yes	Yes	Yes	Yes
Social Development	Yes	Yes	Yes	Yes	Yes	Yes
Sports, Arts, Culture & Recreation	Yes	Yes	Yes	Yes	Yes	Yes
Treasury	Yes	Yes	Yes	Yes	Yes	Yes

Chapter 2 of the Public Service Regulations requires Heads of Department to:

- analyse ethics and corruption risks as part of the department's system of risk management;
- develop and implement an ethics management strategy that prevents and deters unethical conduct and acts of corruption;
- implement Ethics Committees and that the Executive Authority must designate Ethics Officers.

The Table shows levels of compliance with ethics structures and systems by all departments of the Gauteng Provincial Government as of March 2022.

These include the adoption of an ethics strategy, ethics risk assessment, capacity building of officials responsible for implementation of ethics programmes and the appointment of ethics committees, ethics officers and ethics champions.

Three Departments (Office of the Premier, Treasury and Economic Development), are in the process of appointing new Ethics Champions due to the promotion, transfer, and resignation of Ethics Champions.

This Report indicates that the Department of Health and Education have to do more work regarding risk assessment and the implementation of the ethics strategy and plans.

## Vetting of SCM officials

Department	Total number of filled SCM posts	Total number of vetted SCM officials	Total number of SCM awaiting feedback	Total number of SCM who have not yet applied	Denial
Office of the Premier	29	9	19	1	0
Community Safety	18	5	10	3	0
Treasury	147	54	78	15	0
e-Government	40	27	13	0	0
Economic Dev.	12	11	1	0	0
Health	-	-	-	-	-
COGTA	12	9	3	0	0
Roads and Transport	22	20	2	0	0
Sport	16	5	9	2	0
Infrastructure Dev.	57	36	18	3	0
Education	56	30	16	10	0
Agriculture	35	32	3	0	0
Social Development	105	85	5	45	0
Human Settlement	20	2	18	0	0
<b>TOTAL</b>	<b>569</b>	<b>295</b>	<b>195</b>	<b>79</b>	<b>0</b>

**490**  
**569** = **86% compliance**  
vetted or being vetted

- This Table shows the progress across 13 departments on vetting of SCM officials, as of March 2022.
- 195 of the 490 are awaiting their results. There is another 79 SCM officials who are yet to submit their application forms and supportive documentation for vetting.
- The Departments of Health, Social Development and Provincial Treasury have the highest risk of non-compliance with vetting.
- Accounting Officers have been directed to take appropriate action against SCM officials who refuse to be vetted, which includes removing such officials from Supply Chain Management processes.

## Submission of Financial Disclosures by SMS

Department	2016/2017	2017/18	2018/19	2019/20	2020/21
Agriculture & Rural Development	100%	100%	100%	100%	100%
Community Safety	100%	100%	100%	100%	100%
Education	90%	100%	100%	100%	100%
Economic Development	100%	100%	100%	100%	100%
e-Government	100%	100%	100%	100%	100%
Health	100%	100%	100%	100%	100%
Human Settlements	100%	100%	100%	100%	100%
Infrastructure Development	100%	100%	100%	100%	100%
Gauteng COGTA	100%	100%	100%	100%	100%
Office of the Premier	100%	100%	100%	100%	100%
Roads and Transport	100%	100%	98%	100%	100%
Social Development	100%	100%	100%	100%	100%
Sports, Arts, Culture & Recreation	100%	100%	100%	100%	100%
Treasury	100%	100%	100%	100%	99%
<b>TOTAL</b>	<b>99.60%</b>	<b>100%</b>	<b>99.9%</b>	<b>100%</b>	<b>99.87%</b>

- The Public Service Regulations (2016), require all SMS members to submit their financial disclosure forms on an annual basis by 30 April.
- Over the past five years, the Premier had set a target of 100% compliance for all departments with regard to the SMS members financial disclosures.
- In the 2017/18 and 2019/20 disclosure periods the province achieved 100% submission of SMS disclosures.
- In 2016/17; 2018/19 and 2020/21 disclosure periods the province did not achieve 100%

## Lifestyle audits of Members of the Executive and public servants

- The SSA has completed the lifestyle audits of Members of the Executive Council as requested by the Premier, in line with the policy framework developed by President Cyril Ramaphosa. The outcomes of the lifestyle audits will be released separately after due consultations are completed.
- The Department of Public Service and Administration has directed that from April this year, **all public servants will undergo mandatory lifestyle audits** as part of the determination to **root out corruption and malfeasance in government**.
- The lifestyle audits for all public servants will complement and close any loopholes of the current vetting process, which often leaves out officials who are not members of the senior management service. Gauteng provincial government will start the rollout lifestyles audits in all departments in the current financial year.

## Remunerative Work Outside Public Service (RWOPS)

Department	No. of application	Approved	In progress	Applications rejected	Deemed Approvals
Office of the Premier	19	19	-	0	0
Treasury	8	8	-	0	0
CoGTA	5	3	-	2	0
Sport, Arts, Culture & Recreation	1	0	-	0	1
Health	1364	1111	183	70	-
Human Settlements	7	4	3	0	0
e-Government	12	12	-	0	0
Social Development	96	22	-	74	0
Roads & Transport	3	0	-	3	-
Education	22	19	3	0	0
Community Safety	4	4	-	0	0
Economic Development	1	1	-	N/A	N/A
Infrastructure Development	29	25	-	4	N/A
Agriculture	10	10	-	0	0
<b>TOTAL</b>	<b>1581</b>	<b>1238</b>	<b>188</b>	<b>153</b>	<b>1</b>

Section 30 of the Public Service Act states that **no employee shall perform or engage himself or herself to perform remunerative work outside his or her employment in the relevant department, except with the written permission of the executive authority of the department.**

## Vetting of Senior Management Service members

Department	Total number of filled SMS posts	Total number of vetted SMS members	Total number of SMS awaiting feedback	Total number of SMS who have not yet applied	Denial
Office of the Premier	73	10	60	3	0
Community Safety	21	11	09	1	0
Treasury	59	23	33	3	0
e-Government	36	12	23	1	0
Economic Dev.	44	31	13	0	0
Health	110	03	76	34	0
COGTA	31	24	6	0	1
Roads and Transport	50	33	14	3	0
Sport	31	11	14	5	0
Infrastructure Dev.	64	19	40	5	0
Education	108	34	54	16	4
Agriculture	36	21	13	2	0
Social Development	35	19	16	0	0
Human Settlement	56	12	36	8	0
<b>TOTAL</b>	<b>787</b>	<b>263</b>	<b>408</b>	<b>81</b>	<b>5</b>

**668**  
**757** = **88% compliance**  
vetted or being vetted

- This is 88% compliance with the SMS handbook on vetting of Managers in Government.
- Of serious concern is the fact that **84 SMS members were dragging their feet on compliance with vetting**, thus raising suspicions and eye-brows about possible wrongdoing. **5 (five) applications for security clearance were declined.**
- It is important to underscore the fact that Accounting Officers and Executive Authorities must ensure full compliance with vetting requirement for SMS members in their departments. The 11% of SMS officials who are not complying should be red-flagged and be the first to undergo lifestyle audits.



The province has put **proactive systems and processes in place to fight corruption in the province.**



# ENHANCING DETECTION PREVENTS OFFICIALS FROM

# DOING BUSINESS WITH THE STATE

The Gauteng Provincial Government has put focus on how to detect and prevent officials from doing business with the state, taking swift management action against corrupt activities, creating safe whistleblowing and reporting mechanisms as well as deploying vetting and lifestyle audits as measures to detect potential wrongdoing.

Successfully detecting, investigating and resolving corruption cases also serves as a powerful deterrent to people considering corrupt activities – if people know that they will not get away with corruption they will be less likely to get involved in it.

The Leadership Management of government departments need to regularly and practically demonstrate that fighting corruption is the responsibility of every employee within their organisations. Management should participate in relevant training and support the implementation of integrity management programmes. ■

**E** if people know that they will not get away with corruption they will be less likely to get involved in it.

## Officials Doing Business with Organs of State from the PFMA Audit Report 2020/2021

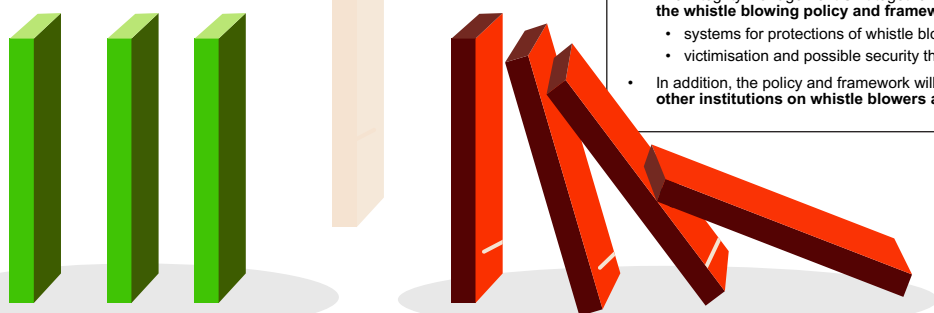
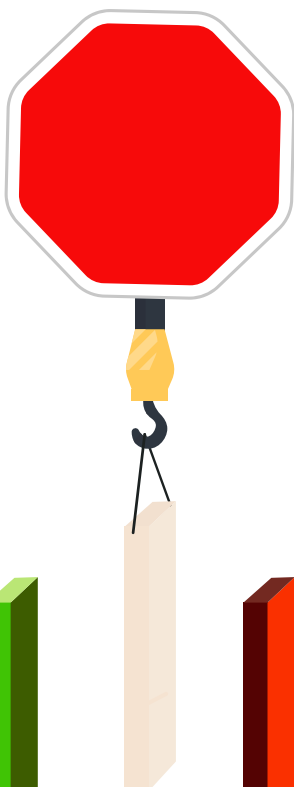
Departments	Trading with Employer	Trading with other Gauteng Department	Trading with other Provincial Departments	Trading with National Departments	Trading with Municipalities	Other State Organs	Total Number of Employees
Community Safety	0	1	0	0	0	0	1
Economic Development	0	1	0	0	0	0	1
Education	2	21	22	14	25	3	87
Health	8	15	20	14	20	0	77
Infrastructure	3	0	1	1	0	0	5
Premier	0	0	0	0	1	0	1
Sport	0	0	2	0	0	0	2
Transport	1	0	0	0	0	0	1
<b>TOTAL</b>	<b>14</b>	<b>38</b>	<b>45</b>	<b>29</b>	<b>46</b>	<b>3</b>	<b>175</b>

Source: Public Service Commission

- In terms section 8(2) of the Public Administration Management Act, 2014 (No. 11 of 2014) and Regulation 13(c) of the Public Service Regulations (2016) government employees are not allowed to conduct business with the state.
- Table 8 shows that the Departments of Education and Health have the largest number of employees who have been detected to be doing business with the state. The relevant executive authorities and accounting officers have been directed to ensure that appropriate action is taken to enforce compliance by opening criminal cases against implicated officials.
- The Office of the Premier will collaborate with the DPSA to ensure commensurate sanctions and consistent action against officials doing business with the state, across the Departments.

## Mechanisms to report and follow-up on allegations from whistle blowers

- The Provincial Forensic Audits Unit has been relocated to the Office of the Premier to give it greater authority and enhance coordination of investigations and consequence management corruption-related matters.
- The Unit analyses all cases received and cases of alleged corruption which implicate officials from the Gauteng Provincial Government departments and entities refers them for forensic investigation by either the SIU or commission private forensic companies. are addressed to the relevant Accounting Officer for their decision and resolution.
- The National Anti-Corruption Hotline and the Gauteng Ethics Hotline (a 24-hour toll free platform) through which alleged acts of corruption are reported by whistle blowers.
- Since the inception of the National Anti-Corruption Hotline (NACH) in 2005, Gauteng Province received 2161 NACH cases from the Public Service Commission. To date, Gauteng has resolved a total of 2051 cases or complaints (95% resolution rate).
- Urgent measures need to be put in place by the whole-of-government to ensure the protection of whistle blowers. The killing and intimidation of whistle blowers is undermining the fight against the scourge of corruption.
- The Integrity Management Unit together with the Gauteng Ethics Advisory Council are in the process of developing the whistle blowing policy and framework that will include amongst others:
  - systems for protections of whistle blowers from intimidation,
  - victimisation and possible security threats.
- In addition, the policy and framework will address the issue of collaboration with law enforcement agencies and other institutions on whistle blowers and witness protection programme.



# COLLABORATION ON FORENSIC INVESTIGATIONS AND AUDITS YIELDS RESULTS

The Gauteng Provincial Government has strengthened coordination and collaboration of various public agencies and private sector institutions on matters that warrant investigations.

Maximum efforts and resources are put in place to ensure that all allegations of fraud and corruption receive urgent and utmost attention of the relevant institutions and agencies so that there is consequence management.

The forensic investigations conducted by the Special Investigating Unit and other institutions that are established by Chapter 9 and 10 of the Constitution of the Republic of South Africa, 1996 such as Public Service Commission, Public Protector, Auditor-General of South Africa, and the South African Human Rights Commission.

## Special Investigating Unit (SIU)

- SIU was established to investigate matters, as contemplated in the Special Investigating Unit and Special Tribunals Act, 1996 (Act No. 74 of 1996), serious malpractices or maladministration about the administration of state institutions, state assets and public money as well as any conduct which may seriously harm the interests of the public.
- In 2017, the Premier, led a joint workshop with the Head of the SIU on how the two institutions can collaborate in combating fraud, corruption, maladministration, and malpractice in Gauteng Province.
- The workshop culminated in the signing of a Memorandum of Understanding between the SIU and Gauteng Provincial Government which provides for the secondment of dedicated personnel to ensure that all

cases that warrant investigations are concluded speedily and consequence management results in disciplinary action, recovery of funds including criminal prosecutions.

**Maximum efforts and resources are put in place to ensure that all allegations of fraud and corruption receive urgent and utmost attention**

## Progress on the number of allegations

The SIU has dealt with fifteen (15) cases that were referred to by Provincial Government or whistle blowers:

- Eight (8) complaints from the Gauteng Provincial Government.
- Four (4) matters on flagship projects that were implemented by the Gauteng Provincial Government; and
- Three (3) additional complaints were submitted by whistle blowers directly to the SIU. ■

## Progress on number of allegations

### 1 Progress on number of allegations referred to the PSC

Department	Number of cases	Finalised Cases	Outstanding Cases
Health	49	28	21
Education	11	8	3
Agriculture	4	3	1
Infrastructure Development	6	6	0
Sport	3	3	0
e-Government	7	3	4
Social Development	4	3	1
Human Settlement	3	3	0
Economic Development	4	4	0
Community Safety	5	1	4
Roads and Transport	3	3	0
Office of the Premier	3	0	3
Treasury	-	-	-
Gauteng COGTA	-	-	-
<b>TOTAL</b>	<b>102</b>	<b>65</b>	<b>37</b>

- The Public Service Commission (PSC) is established by the Constitution of the Republic of South Africa, 1996, as one of the institutions to strengthen the oversight role of the legislatures over the Executive.
- The Office of the Premier has worked very closely with the PSC in dealing with public complaints and allegations pertaining to matters of public administration.
- There are 102 allegations which are related to the Gauteng Provincial Government departments that are investigated by the Public Service Commission.
- Of the 102 allegations, 65 have been resolved and investigations for 37 allegations are still ongoing.

### 2 Progress on number of allegations referred to the PSC

- The Gauteng Department of Health has the highest number of cases that are being investigated by the Public Service Commission.
- The PSC has made specific observations and recommended remedial action on matters affecting various Departments of the Gauteng Provincial Government:
- As illustrated in Diagram 3 (right), most of the cases pertain to human resource management irregularities (69%) and supply chain management or procurement irregularities (17%).

### 3 Office of the Public Protector (PP)

Department	Number of cases	Finalised Cases	Outstanding Cases
Health	14	4	10
Education	7	0	7
Agriculture	0	0	0
Infrastructure Development	2	0	2
Sport, Arts, Culture and Recreation	0	0	0
e-Government	1	1	0
Social Development	1	0	1
Human Settlement	3	0	3
Economic Development	7	1	6
Community Safety	0	0	0
Roads and Transport	6	0	6
Office of the Premier	0	0	0
Treasury	1	0	1
Cooperative Governance and Traditional Affairs	1	1	0
<b>TOTAL</b>	<b>43</b>	<b>7</b>	<b>36</b>

- The Public Protector is an independent institution established in terms of section 181 of the Constitution, with a mandate to support and strengthen constitutional democracy. The Public Protector has the power to investigate, report and remedy acts of maladministration, abuse of power or improper conduct in state affairs.
- There are 43 allegations which are related to the Gauteng departments that were lodged with the Public Protector.
- The PP has resolved 7 such matters, while 36 are still under investigation.
- The Department of Health (14), Department of Education (7) and Department of Economic Development (7) and Department of Roads and Transport (6) have the highest number of cases that are being investigated by the Public Protector.
- The nature of cases that are investigated by the Public Protector involve allegations of irregular appointments, Supply Chain Management and maladministration.

### 4 The nature of cases for GPG departments reported to the Public Protector

The nature of cases that are investigated by the Public Protector involve allegations of:

- Maladministration (18%),
- Irregular appointments (19%),
- Supply Chain Management (12%) and
- Other (51%)

### 5 Number of allegations reported to the Public Protector about municipalities

Municipality	Number of cases	Finalised Cases	Outstanding Cases
City of Ekurhuleni	17	2	15
City of Johannesburg	14	3	11
City of Tshwane	47	7	40
Sedibeng District	1	-	1
West Rand District	1	1	-
Emfuleni	8	-	8
Lesedi	1	-	1
Midvaal	2	-	2
Merapong City	4	-	4
Mogale City	-	-	-
Rand West City	6	2	5
<b>TOTAL</b>	<b>101</b>	<b>15</b>	<b>86</b>

There are 101 allegations which are related to the Gauteng Municipalities that are investigated by the Public Protector. Of these:

- 15 have been resolved
- 86 matters are still under investigation.

The City of Tshwane, City of Ekurhuleni, City of Johannesburg and Emfuleni have the highest number of cases that are being investigated by the Public Protector.

### 6 The nature of cases reported to the Public Protector for municipalities are:

- Maladministration (16%),
- Irregular appointment (4%),
- SCM Irregularities (4%),
- Corruption (2%),
- Other (74%)

### 7 Audit outcomes: Departments 2007/2008 – 2019/2022

- The graph shows the audit outcomes of the Gauteng Provincial Government departments between 2008/09 and 2019/20.
- The number of clean audits increased significantly between 2013/14 and 2017/18. Thereafter there was some regression.
- The 2019/20 financial year saw some recovery and we hope this will be sustained in the 2020/21 financial year.
- The Office of the Premier, Gauteng Provincial Treasury and the Department of Cooperative Governance and Traditional Affairs have been consistent in attaining clean audit outcomes for eight (8) consecutive years since 2013/14 and we hope this will be sustained in 2020/21.

### 8 Audit outcomes: Entities 2007/2008 – 2019/2022

- The graph shows that the number of entities which attained clean audits improved from four (4) in 2007/08 to fifteen (15) in 2017/18.
- Some entities have regressed in the past two years.
- The Executive Council has established a War Room that will pay attention to all matters of sound financial management, clean audits and payment of service providers within 30 days.

### 9 Provincial Forensic Audits – GPG investigations

- Gauteng Provincial Government established its own internal Provincial Forensic Audits (PFA) Division which was for many years under Provincial Treasury.
- The Provincial Forensic Audits Division was transferred to the Office of the Premier to ensure proper coordination with other agencies referred to in this Report: the SIU, PSC, PP and AGSA on matters requiring investigations.
- The Gauteng Provincial Government War Room on clean governance, clean audits and payment of service providers on time is addressing all these problems.
- The objectives of the War Room include amongst others the development of systems processes and internal controls to improve the financial management environment and to curb fraud and corruption in the supply chain management environment.

### 10 Forensic investigation cases received by the Provincial Forensic Audit

YEAR	Total Received	Analysis	Planning	Execution	Reporting	Finalised		Dept		
						Internally investigated	Outsourced cases			
2017/2018	79	-	11	14	26	18	7	3	3	
2018/2019	50	-	1	8	11	10	7	13	-	
2019/2020	57	-	9	5	7	9	9	12	6	0
2020/2021	84	-	12	15	7	2	0	29	19	2
2021/2022	68	15	2	2	4	9	2	8	26	8
<b>Total</b>	<b>338</b>	<b>15</b>	<b>24</b>	<b>41</b>	<b>43</b>	<b>56</b>	<b>36</b>	<b>69</b>	<b>54</b>	<b>13</b>

This table shows the status of GPG forensic investigation cases which have been received by the Provincial Forensic Audits in the past five years (2017/2018 to the 2020/2021).

### 11 Forensic investigation cases received by the PFA

Below is the summary of received cases as of 2017/18 up to 31 March 2022:

- A total number of 338 requests were received by the Provincial Forensic Audit (PFA) from 2017/18 financial year up to 31 March 2022.
- 174 (51%) were finalised;
- 54 (16%) referred to Departments for investigation;
- 15 (4.4%) requests are at analysis stage;
- 24 (7.1%) at planning stage;
- 41 (12.1%) at execution stage while
- 43 (13.7%) are at reporting stage.

The time it takes to initiate forensic investigations and the quality of some of the investigations in relation to consequence management has led to the need to strengthen coordination and collaboration between various institutions and agencies.

However, Table 18 shows that the Gauteng Provincial Government has been working swiftly to implement recommendations coming from Chapter 9 institutions and investigating agencies (94% of the recommendations have been acted upon either fully or they are in the process of being implemented).

The top five (5) highest number of cases which needed to be investigated are from the following departments:

- Gauteng Department of Health – 105 (31%),
- Gauteng Department of Social Development – 36 (10%),
- Gauteng Department of Education – 34 (10%),
- Gauteng Department of Roads & Transport – 32 (9.4%),
- Gauteng Department of Human Settlements – 30 (9%).

Five (5) top categories in allegations reported:

- Procurement irregularities 24
- HR irregularities 20
- Financial irregularities 17
- Maladministration 11
- Corruption 11

Based on the chart above, it shows that the majority of the alleged reported cases are on procurement irregularities and fraud.

The Gauteng Provincial Government War Room on clean governance, clean audits and payment of service providers on time is addressing all these problems.



# RESTORING PUBLIC TRUST

## by resolving corruption cases

Conducting forensic investigation for alleged cases of corruption, fraud and maladministration is necessary but insufficient if not followed by rigorous action correct lapses in the control environment and bring perpetrators of wrongdoing to book.

Another vital consideration is that the resolution of cases brings credibility to the anti-corruption process. Citizens can only trust the call to fight corruption when they have evidence that not only are complaints investigated, but disciplinary action is also taken and criminal charges are brought against those implicated.



### 1 Implementation of Forensic Investigations Recommendations

- The Provincial Forensic Audits Division continues to track the implementation of recommendations on a quarterly basis and it also assists departments with opening criminal cases on matters investigated internally and externally
- 1199 recommendations were made from various investigation reports** issued between 2017/2018 to 2021/2022 financial year
- A total of **1126 (94%) recommendations have received the attention** of the relevant government departments and agencies: **744 recommendations have been implemented fully and 382 are in the process of implementation. Only 6% (73) are not yet implemented**
- The **Integrity Management Unit** and the **Provincial Forensic Audits Division** have been working with all departments and agencies to ensure that **remedial action is implemented**, including **disciplinary processes, criminal charges and civil claims to recover funds**
- The **Premier continuously engages MECs and the HoDs on the implementation of proactive steps to prevent, detect, investigate fraud and corruption and administer consequence management**
- The **Accounting Officers have limited capacity with the implementation of disciplinary actions. The Office of the Premier is assisting Departments with the appointment of presiding officer (external) for disciplinary purpose and opening criminal cases** on matters investigated internally and externally.
- The **Office of the Premier** is currently working with the **Asset Forfeiture Unit** to determine the **cases for civil recovery**

### 2 Implementation of Public Service Commission Recommendations

Department	No of Investigation Reports	RECOMMENDATIONS										STATUS OF RECOMMENDATIONS							
		Total Recommendations for Investigations 65					Financial Implications					Implemented 21							
		Internal Control	Criminal Cases	Civil Cases	Disciplinary Cases	Amount to be recovered	Unauthorised	Irregular	Fraudulent & Wasteful	Amount Recovered/ Paid	Internal Control	Criminal Cases	Civil Cases	Disciplinary Cases	In progress	Not Implemented			
GDE	1	3	-	-	-	-	-	-	-	-	-	-	3	-	-	-	-	-	-
GDARD	1	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
e-Gov	1	1	0	0	1	-	-	-	-	-	-	0	1	0	0	1	0	-	-
GDH	10	24	-	1	10	-	-	-	-	-	-	-	7	-	-	-	-	-	10
GDSD	1	3	-	-	-	-	-	-	-	-	-	-	3	-	-	-	-	-	0
GDID	2	2	-	1	2	To be determined	-	-	-	0	2	-	0	2	-	-	-	-	1
GDSCR	1	1	0	0	5	-	-	-	-	0	0	-	-	-	-	-	-	-	6
<b>TOTAL</b>	<b>18</b>	<b>41</b>	<b>0</b>	<b>2</b>	<b>22</b>	-	-	-	-	<b>0</b>	<b>18</b>	<b>0</b>	<b>0</b>	<b>3</b>	<b>18</b>	<b>26</b>			

### 3 Implementation of Public Service Commission Recommendations

- There are 65 recommendations from the 18 final investigations reports issued by the Public Service Commission to the Gauteng Provincial Government departments.
- A total of forty-one (41) recommendations are for improvement of internal controls, two (2) recommendations are for civil recovery and twenty-two (22) recommendations are for disciplinary cases.
- Of the 65 recommendations, 21 are fully implemented and 18 are in progress, making it 41 interventions (60%) to date in implementing the remedial action of the PSC. We have given a clear directive to all accounting officers to implement the remaining 26 recommendations from the PSC.

### 4 Implementation of the Office of the Public Protector Remedial Actions

Department	No of Investigation Reports	REMEDIAL ACTIONS										STATUS OF REMEDIAL ACTIONS							
		Total Remedial Actions for Investigations - 34					Financial Implications					Implemented - 27							
		Internal Control	Criminal Cases	Civil Cases	Disciplinary Cases	Amount to be recovered	Unauthorised	Irregular	Fraudulent & Wasteful	Amount Recovered/ Paid	Internal Control	Criminal Cases	Civil Cases	Disciplinary Cases	In progress	Not Implemented			
Health	4	17	-	-	2	-	-	-	-	-	12	-	-	-	-	-	-	-	6
e-Gov	1	2	-	-	2	-	-	-	-	-	2	-	-	-	-	-	-	-	-
DED	1	4	-	-	-	-	-	-	-	-	3	-	-	-	-	-	-	-	-
COOTA, DHS, DSD	1	7	-	-	-	-	-	-	-	-	7	-	-	-	-	-	-	-	-
<b>TOTAL</b>	<b>7</b>	<b>30</b>	<b>-</b>	<b>-</b>	<b>4</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>24</b>	<b>-</b>	<b>-</b>	<b>3</b>	<b>1</b>	<b>6</b>			

There are thirty-four (34) remedial actions from the seven (7) final investigations reports from the Office of the Public Protector on different departments; thirty (30) remedial actions are of internal controls and four (4) remedial actions are for disciplinary cases. Of the 34 remedial actions, 27 remedial actions have been fully implemented and one (3%) remedial action is in progress.

This means more than 80% of the remedial action is receiving government attention. All affected departments have been directed to implement the remaining 6 recommended remedial actions.