



PROVINCE OF KWAZULU-NATAL
ISIFUNDAZWE SAKWAZULU-NATALI

PROVINCIAL INTEGRITY LEADERSHIP CONFERENCE RESOLUTIONS

I do right - even when nobody is watching



NO TO FRAUD AND CORRUPTION IN KWAZULU-NATAL! AND YES TO INTEGRITY!

The KwaZulu Natal Government is serious about uprooting fraud and corruption in its Public Service. Premier Dr Zweli Mkhize hosted the first-ever Integrity Leadership Conference in the province on 22-23 November 2011. The aim of the conference was to strengthen the KZN Anti-Fraud and Anti-Corruption Strategy by introducing new and innovative ways of fighting fraud and corruption as well as rekindling the centrality of good ethical behaviour and values in public discourse. The conference was not just an event but part of a process to reduce corruption in the provincial administration.

The focus of the conference was in mainly three areas:

- Prevention measures
- Detection methods
- Sanction

It brought together an array of over 500 participants including – political leadership, experts in the field, public servants, civil society including labour and non-governmental organizations, religious groups and other relevant stakeholders, some government representatives from provincial Premier's Offices. The two-day conference was held at the Olive Convention Centre in Durban.

The theme: "I DO RIGHT – EVEN WHEN NOBODY IS WATCHING"



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Commission One
Prevention (Ethics, Values,
Compliance & Whistleblowing)

Report back by Mr Molefe, Leader was HOD D. N. Qhobosheane

Prevention, Ethics, Values, Compliance & Whistleblowing			
Discussion	Recommendation(s)	Responsibility	Time Frame
Prevention			
Existence of a (Suite of) Legislative Framework designed to deal with fraud and corruption	1. Development of enforcement protocols including but not limited to decisive action being taken for violation of legislative prescripts.	All Public service Institutions	Immediate
Risk assessments performed by would be perpetrators	1. Preliminary risk assessment is done by Management. 2. Risk register subjected to interrogation by a broader stakeholder forum (Management, Labour, Councillors, NGOs, and Treasury) 3. Forum to plug any gaps identified to enable a realistic compliance assessment	All Public service Institutions	Immediate
Risk Management Strategies shelved and collecting dust	1. Risk Management Strategies to incorporate implementation plans	All Public service Institutions	Immediate
Monitoring and evaluation is not performed	1. Shift in the performance management regime from an activity based to a results based regime	All Public service Institutions	April 2012
Measuring busy work instead of measuring accomplishment			
Lack of political will to decisively deal with fraud and corruption	1. Political leadership should act as champions for the eradication of fraud and corruption and ensure that there is no interference or hinderance in investigations as well as to act decisively without fear or favour in confronting fraud and corruption	All Public service Institutions	Immediate

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Public Awareness aimed at ensuring that the public knows what to expect from Government	<ol style="list-style-type: none"> 1. In compliance with the Batho Pele Principles, all public institutions to adopt and publish service charters and standards. 2. Citizens be educated about the levels of services to expect in order to enable them to see if and when they are short changed. 3. Public institutions to boldly display complaints processes and whistle blowing hotline at all service centres'. 	All Public service Institutions	June 2012
Culture of impunity gives perpetrators the impression that fraud and corruption pays and this encourages other would be perpetrators	<ol style="list-style-type: none"> 1. Political Heads to confront fraud and corruption decisively, without fear nor favour. 	All Public service Institutions	Immediate
There's a lack of capacity to identify risks which makes it difficult to prevent what you cannot detect.	<ol style="list-style-type: none"> 1. Develop risk detection capacity within the public service. 	PALAMA Treasury AG	Immediate
The use of yester year technologies to deal with contemporary challenges	<ol style="list-style-type: none"> 1. Consideration for the replacement of the current Basic Accounting System (BAS), as it may have limitations to dealing with current problems 	Treasury and I.T.	April 2012
Discussion	Recommendation(s)	Responsibility	Time Frame
Ethics			
Misrepresentation of official records which may be construed as an attempt to conceal fraudulent activities	<ol style="list-style-type: none"> 1. Ensure that Public records are not misaligned as that interrupts audit trails and create a breeding ground for fraud and corruption. 	All Public service Institutions	Immediate
Fraudulent and corrupt actions are sometimes sanctioned from the top and performed by junior staff	<ol style="list-style-type: none"> 1. Senior Officials and Political leadership to not descend to the arena of fraud and corruption, as such conduct could render them incapable of decisively dealing with the problem. 	All Public service Institutions	Immediate
Prices inflated to	<ol style="list-style-type: none"> 1. Development of Supply 	Provincial Treasury	

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make room for kickbacks	Chain Practice notes containing market related prices for various goods and services procured by government (e.g. Medical Aid schemes dictate prices to industry – Government to use its bargaining power) 2. Incorporate practice notes to Supply Chain regulations 3. Develop a code of conduct for supply chain officials to reinforce the object of the proposed practice notes.	All Public service Institutions SCM Offices	
Discussion	Recommendation(s)	Responsibility	Time Frame
Values			
Moral decay	1. Moral regeneration through the roll out of “Unembeza” campaign		
Unethical behaviour has found a way to embed itself as an Organizational Culture which later influences new recruits	1. Education & Teaching about ethics, integrity and values from Early Childhood 2. Mind-set Re-engineering to target would be and already corrupted individuals that have not been caught to refrain from their behaviour.		April 2012
Owing to there being no clear value based system, inductions are not done at all or not properly done.	1. That a government induction handbook that incorporates issues of ethics and values be developed. 2. That induction be conducted to new recruits and existing employees in the public service	OTP (Integrity Management) All Public service Institutions	Immediate
Discussion	Recommendation(s)	Responsibility	Time Frame
Compliance			
Strive for voluntary compliance	1. The signing of a declaration for voluntary compliance.	All Public service Institutions	Immediate
Non- compliance stems largely from the	1. Development of enforcement protocols	All Public service Institutions	

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culture of impunity that appears to prevail.	aimed at complimenting the proposed voluntary compliance regime where voluntary compliance has not been adhered to and/or achieved.		
Discussion	Recommendation(s)	Responsibility	Time Frame
Whistleblowing			
Fear of victimization	<ol style="list-style-type: none"> 1. The Protected Disclosures Act provides protection assurance for whistle blowers. 2. That public institutions refrain from victimizing genuine whistle blowers 	All Public service Institutions	Immediate
Lack of knowledge of complaints mechanisms	<ol style="list-style-type: none"> 1. That all public service institutions boldly display complaints procedures and the relevant hotline(s) whistle blowers may use. 	All Public service Institutions	March 2012

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Commission Two - Detection (Detection and Investigation)

Report back by Leader DDG Y. Bacus

Challenge	Recommendation(s)	Time Frame	Responsibility
Detection & Investigation			
Job descriptions, policies and procedures are not understood before investigations are undertaken, findings made and charges laid	Create awareness and generate an understanding of job descriptions, policies and procedures before findings are made and charges laid	April 2012	Human Resources Development and Labour Relations (OTP)
Incorrect investigating team and incorrect procedures	Quality investigators must be chosen who follow the correct procedures	Immediate	Labour Relations (OTP)
Financial disclosures and declarations of interest inconsistent across different levels	Financial disclosures and declarations of interest must be made mandatory across all levels	Immediate	HR Policy and Practices Unit (OTP)
Rules and regulations do not apply equally to all	Rules and regulations must be applied equally to all	April 2012	Human Resource Development (OTP)
Audit reports showing irregularities are swept under the carpet	Audit reports must be followed up and the necessary action taken against the guilty parties where irregularities are detected	Immediate	HODs, MMs and CEOs.
There is not continuous awareness created of what needs to be done	Continuous awareness must be created of what needs to be done to effectively deliver on government's mandate	April 2012	Operation Sukuma Sakhe (OSS) in the OTP
Lack of understanding regarding the role and function of the Integrity Management Unit must be representative of all sectors including Security, Treasury and the Ombudsman	The role of the Integrity Management Unit must be well understood and representative of all sectors including Security, Treasury and the Ombudsman	Immediate	Integrity Management Unit (OTP)
Undue influence on investigators who become victimised	Investigators must be allowed to do their job unfettered by any undue	Immediate	Provincial Treasury and Integrity

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	influence		Management (OTP)
Security is not given priority and there are often no evidence based systems in place	Security must be given priority and evidence based systems put in place to support investigations	Immediate	Provincial Treasury and Integrity Management (OTP)
No comprehensive monitoring, evaluation or auditing of actions	Monitoring , evaluation and auditing of actions to establish gaps and close loopholes	Immediate	Provincial Treasury and Integrity Management (OTP)
Reporting is not always used to assist with detection	Comprehensive reporting must be used to assist with detection	Immediate	Provincial Treasury and Integrity Management (OTP)
Integrity of the information obtained where monitoring and evaluation is taking place is questionable due to malicious compliance	Departments must be held accountable for the integrity of the information providing for reporting purposes	Immediate	HODs, MMs and CEOs
Lack of accountability and the inconsistency with which investigations are conducted	Full accountability and consistency in conducting of investigations in line with relevant prescripts	Immediate	HODs, MMs and CEOs
Lack of awareness of DPSA Minimum Anti-Corruption Capacity Framework	Create awareness of MACC Framework	Immediate	Integrity Management Unit (OTP)
Provincial Anti-Corruption Strategy does not necessarily include issues of intergovernmental relations including the different roles and responsibilities of the role players	Strategy must be reviewed and aligned with what comes out of this conference to include intergovernmental relations and roles and responsibilities of all role players	Immediate	Integrity Management Unit (OTP)
No consultation with civil society and no feedback to citizens on measures taken to combat fraud and corruption	Consultation with civil society and constant feedback to citizens on measures taken to combat fraud and corruption	Immediate	Integrity Management Unit (OTP)
No comprehensive vetting of employees before employment as required by the DPSA National Vetting Strategy leading to poor quality of people employed	All prospective employees to be vetted on citizenship, security clearance, financial status, reference checks and vetting of qualifications before being employed even those already in government who have not undergone the vetting process to ensure good	Immediate	Security Chief Directorate (OTP)

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	quality of people with integrity are employed		
Lack of resources to reduce the opportunity for corrupt activities	Create capacity, fill vacant posts, dedicate resources to reduce the likelihood of corrupt activities taking place	Immediate	Provincial Treasury, Human Resource Development and Integrity Management Unit (OTP)
Lack of good work ethics	Inculcate an organisational culture of good work ethics	Immediate	Integrity Management Unit (OTP)
No comprehensive risk analysis	Undertake risk analysis to determine areas of risk and weaknesses	Immediate	Provincial Treasury and Integrity Management Unit (OTP)
No protection for whistle blowers	Whistle blowers must be protected	Immediate	ALL

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Commission Three - Response (Disciplinary Hearings and Prosecution)

Report back by leader DDG P.D. Khumalo

Challenge	Recommendation(s)	Responsibility	Time Frame
Detection & Investigation			
1. Disciplinary process takes too long to be concluded	Disciplinary process needs to be centralised – Feasibility study needs to be completed and put to CO HOD Pilot programme to test Organised labour to be consulted through process Municipal resources to be grouped to service more than one municipality	Treasury Office of the Premier Organised Labour Municipalities Kwanolaga	3 months to complete feasibility study and recommendations
2. Departments not reporting status of disciplinary matters	All Departmental Ombudsman to gather statistics Standardized formatting of reporting to be established	OTP Treasury All department ombudsman	Completed by Dec 2011
3. Need to put well qualified people to handle disciplinary process	List of trained, skilled personnel to be compiled and persons deployed in a co-ordinated inter-departmental manner.	OTP Treasury Municipalities	List by Jan 2012 On going
4. Codes not geared towards integrity	Revisit/Review the codes Both provincial and municipal	OTP Treasury DPSA Organised labour Municipalities	ASAP Provincial analysis to be completed by end June 2012
5. Investigations take long to finalise – lack of coordinated plan	Need engagement with relevant stakeholders to engage on challenges being experienced	All departments co-ordinated by OTP	3 months
6. Long delays in finalisation of Disciplinary enquiries	Reasons to be established by survey. Proceeding in absentia to be considered Legal opinion sought by senior counsel Training Presiding Officers to take more robust approach.	OTP Organised Labour Committee of Labour Practitioners from departments	3 months
7. HODs cannot be	Circular be issued advising	OTP	1 month

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involved in appeals	HODs		
8. Disciplinary responsibilities do not form part of performance agreements – officials reluctant to be involved – regarded as add on	Disciplinary responsibilities to be incorporated into performance agreements of relevant officials	All departments	4 months
9. Employees on suspension with full pay for too long	Alternative redeployment to be considered more seriously policy to be established Close monitoring essential list to be created Time frame for suspended officials enquiries to be prioritised	OTP all departments Treasury	3 months
10. Restriction on mileage – cost cutting matters hinders efficient finalisation of matters	Cabinet resolution to be circulated Travel to be monitored and authorised on motivation and approval	All departments OTP Treasury	1 month
11. Witness protection programme – witnesses disappear because they feel threatened	PSA makes provision for subpoena and protection of witnesses Departments / municipalities to motivate when required DPSA to be consulted	DPSA OTP Departments	On going
12. Turf protection also a challenge	Clear definition and policy of responsibilities needed	OTP Treasury Departments	4 months

NB: No time to consider criminal judicial processes this needs further urgent consideration by specialised team comprising representatives from all departments and municipalities.