

ICD

Independent Complaints Directorate

Annual Report

2 0 1 0 - 2 0 1 1



**independent
complaints directorate**

Department:
Independent Complaints Directorate
REPUBLIC OF SOUTH AFRICA

Mr Nkosinathi Mthethwa
Minister of Police

I have the honour of submitting the annual report of the Independent Complaints Directorate for the period 1 April 2010 to 31 March 2011.



Francois Beukman
Executive Director
11 August 2011

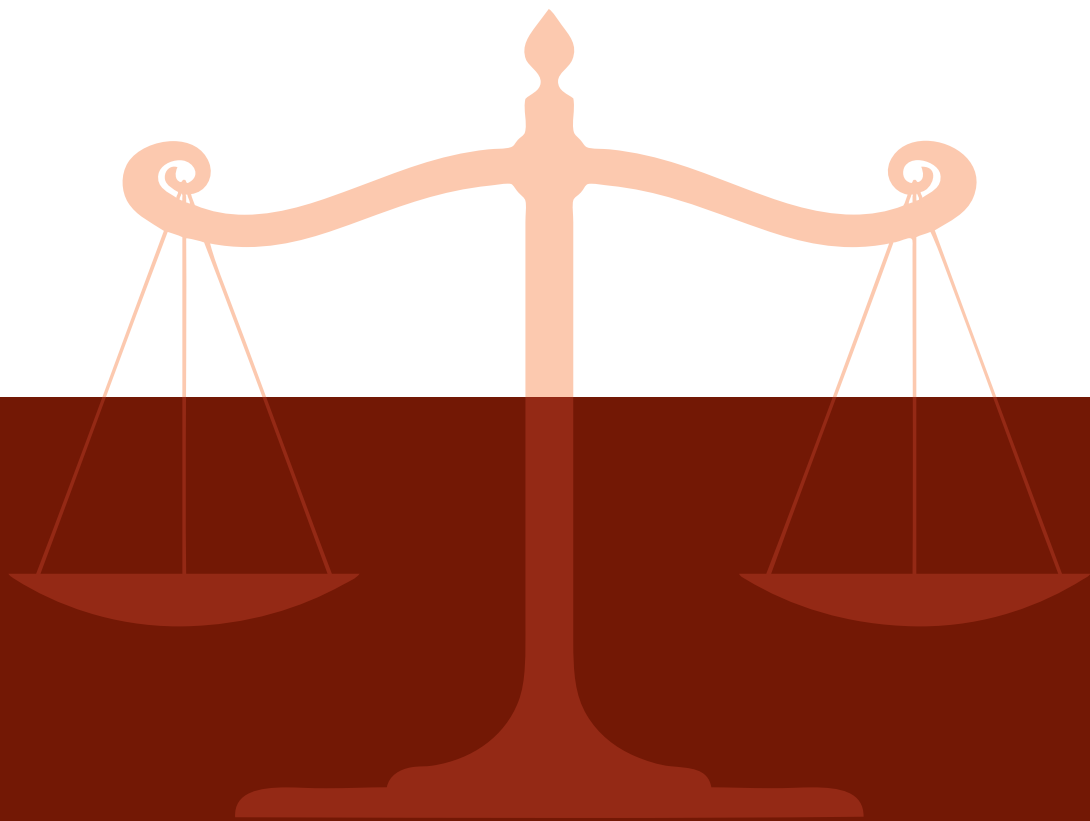


Table of Contents

1.	GENERAL INFORMATION.....	4
	VISION, MISSION AND VALUES.....	4
	ORGANISATIONAL STRUCTURE.....	5
	LEGISLATIVE MANDATE.....	7
	STATEMENT BY THE MINISTER OF POLICE.....	8
	STATEMENT BY THE DEPUTY MINISTER OF POLICE.....	10
	ACCOUNTING OFFICER'S OVERVIEW.....	12
2.	INFORMATION ON PREDETERMINED OBJECTIVES.....	16
2.1	OVERALL PERFORMANCE.....	16
	<i>Voted funds.....</i>	<i>16</i>
	<i>Aim of vote.....</i>	<i>16</i>
	<i>Summary of programmes.....</i>	<i>16</i>
	<i>Key strategic objectives.....</i>	<i>17</i>
	<i>Key strategic achievements.....</i>	<i>17</i>
	<i>Overview of the 2010/11 service-delivery environment.....</i>	<i>18</i>
	<i>Overview of the 2010/11 organisational environment.....</i>	<i>18</i>
	<i>Key policy developments and legislative changes.....</i>	<i>18</i>
	<i>Revenue, expenditure and other specific topics.....</i>	<i>18</i>
	<i>Departmental expenditure.....</i>	<i>19</i>
	<i>Transfer payments.....</i>	<i>19</i>
	<i>Conditional grants and earmarked funds.....</i>	<i>19</i>
	<i>Capital investment, maintenance and asset-management plan.....</i>	<i>19</i>
2.2	PROGRAMME PERFORMANCE.....	20
	PROGRAMME 1: ADMINISTRATION.....	20
	<i>Purpose.....</i>	<i>20</i>
	<i>Strategic objectives.....</i>	<i>20</i>
	<i>Service-delivery objectives and indicators.....</i>	<i>21</i>
	PROGRAMME 2: COMPLAINTS PROCESSING, MONITORING AND INVESTIGATION.....	24
	<i>Purpose.....</i>	<i>24</i>
	<i>Strategic objectives.....</i>	<i>24</i>
	<i>Service-delivery objectives and indicators.....</i>	<i>24</i>
	PROGRAMME 3: INFORMATION MANAGEMENT AND RESEARCH.....	26
	<i>Purpose.....</i>	<i>26</i>
	<i>Strategic objectives.....</i>	<i>26</i>
	<i>Service-delivery objectives and indicators.....</i>	<i>26</i>
2.3	STATISTICS.....	28

2.4	CASES.....	46
3.	HUMAN RESOURCE MANAGEMENT.....	48
3.1	EXPENDITURE.....	48
3.2	EMPLOYMENT AND VACANCIES.....	49
3.3	JOB EVALUATION	50
3.4	EMPLOYMENT CHANGES.....	50
3.5	EMPLOYMENT EQUITY.....	51
3.6	PERFORMANCE REWARDS.....	54
3.7	FOREIGN WORKERS.....	55
3.8	LEAVE UTILISATION FOR THE PERIOD 1 JANUARY 2010 TO 31 DECEMBER 2010.....	55
3.9	HIV AND AIDS AND HEALTH PROMOTION PROGRAMMES.....	57
3.10	LABOUR RELATIONS.....	58
3.11	SKILLS DEVELOPMENT.....	60
3.12	SIGNING OF PERFORMANCE AGREEMENTS BY SENIOR MANAGEMENT STAFF MEMBERS.....	61
3.13	FILLING OF SENIOR MANAGEMENT POSTS.....	61
3.14	INJURY ON DUTY	62
3.15	UTILISATION OF CONSULTANTS.....	63
4.	OTHER INFORMATION.....	64
	ABBREVIATIONS AND LEGISLATION.....	64
	Abbreviations.....	64
	Full references to legislation.....	64
	Contact details.....	65
5.	ANNUAL FINANCIAL STATEMENTS.....	68
5.1	REPORT OF THE AUDIT COMMITTEE.....	69
5.2	REPORT OF THE ACCOUNTING OFFICER.....	71
5.3	REPORT OF THE AUDITOR-GENERAL.....	80
5.4	APPROPRIATION STATEMENT.....	83
5.5	NOTES TO THE APPROPRIATION STATEMENT.....	90
5.6	STATEMENT OF FINANCIAL PERFORMANCE.....	91
5.7	STATEMENT OF FINANCIAL POSITION.....	92
5.8	CASH-FLOW STATEMENT.....	93
5.9	NOTES TO THE ANNUAL FINANCIAL STATEMENTS (INCLUDING ACCOUNTING POLICIES).....	94
5.10	DISCLOSURE NOTES TO THE ANNUAL FINANCIAL STATEMENTS.....	107
5.11	ANNEXURES.....	113

1. General Information

Vision, mission and values

Our vision

The ICD's vision is for an effective, independent and impartial investigating and oversight body that is committed to justice and acts in the public interest, while maintaining the highest standards of integrity and excellence.

Our vision serves to illustrate what the ICD will look like in the future and clarifies the direction in which it needs to progress. It also:

1. Inspires, engages and empowers staff to focus their efforts, and builds an effective organisation.
2. Builds on core competencies and raises the standard of excellence.
3. Creates relevance in the current juncture.
4. Serves to bring about a sense of trust and assurance within the community.

Our mission

The ICD's mission is to serve the public interest by acting with integrity and in accordance with our legislative mandate to investigate, among others, any misconduct or offences committed by members of the South African Police Service and municipal police services.

Our values

At the ICD, we aspire to adhere to the highest standard of ethical behaviour, integrity and the continuous application of our values. The following values are the core from which we operate and respond:

- Mutual respect and trust
- Integrity and honesty
- Transparency and openness
- Equity and fairness
- Courtesy and commitment.

Organisational Structure



Francois Beukman
Executive Director



Elias Valoyi
Programme Manager:
Administration



Tommy Tshabalala
Programme Manager:
Complaints processing,
monitoring and
investigation



Noluthando Mbuli
Programme Manager:
Information
management and
research



Lindokuhle Cwele
Chief Financial Officer



Sibongile Phalatsi
Director: Human
Resource Management



Bongiwe Tukela
Director: Legal Services



Moses Dlamini
Director: Information
Management System



Advocate Sakhele Poswa
Provincial Head:
Eastern Cape



Israel Kgamanyane
Provincial Head:
Free State



Dan Morema
Provincial Head:
Northern Cape



Advocate Siphokazi Moleshe
Provincial Head: Gauteng



Innocent Khuba
Acting Provincial Head:
KwaZulu-Natal



Davies Mokoena
Acting Provincial Head:
Limpopo



Matthews Sesoko
Provincial Head:
North West



Thabo Lehlo
Provincial Head:
Western Cape



McKenzie Tsimane
Provincial Head:
Mpumalanga

Legislative Mandate

Section 53(2) of the South African Police Act (1995) stipulates that the Independent Complaints Directorate:

1. May, on its own authority or upon receipt of a complaint, investigate any misconduct or offence allegedly committed by a member, and may, where appropriate, refer such investigation to the commissioner concerned.
2. Shall, on its own authority or upon receipt of a complaint, investigate any death in police custody or as a result of police action.
3. May investigate any matter referred to the directorate by the Minister or a member of the executive council.

Section 18 of the Domestic Violence Act (1998) stipulates that failure by a member of the South African Police Service to comply with an obligation imposed in terms of this act or the national instructions referred to in subsection (3) constitutes misconduct as contemplated in the South African Police Service Act (1995), and the Independent Complaints Directorate, established in terms of that Act, must be informed of any such failure reported to the South African Police Service. Unless the Independent Complaints Directorate directs otherwise in any specific case, the South African Police Service must institute disciplinary proceedings against any member who allegedly failed to comply with an obligation.

The Independent Complaints Directorate must, every six months, submit a report to Parliament regarding the number and particulars of matters reported to it in terms of subsection (4)(a), and set out the recommendations made in respect of such matters. The National Commissioner of the South African Police Service must, every six months, submit a report to Parliament regarding steps taken as a result of recommendations made by the Independent Complaints Directorate.

In terms of section 64(O) of the South African Police Service Act, read with regulation 9 and appendix 5 of the Regulations for Municipal Police Services, the Independent Complaints Directorate has been given the same civilian oversight duties in respect of municipal police services that it has in respect of the South African Police Service.

STATEMENT BY THE MINISTER OF POLICE



The history of apartheid presented us with a legacy of crime and corruption. We inherited a criminal justice system which itself was pervaded with lawlessness and criminality.

However, the essence of our approach is not to mourn this treacherous past; but to find solutions to a complex reality.

The winning of war against crime demands more than just a passion. It demands a systematic understanding and implementation of detailed plans and techniques in the actual conditions facing us. It demands a sober assessment of the obstacles in our way. It demands dominance in our thinking of achievement over drama.

We once again wish to re-emphasize that, as the ANC government and current police administration, we have committed ourselves to actively combating crime including serious and violent crime by being tougher on criminals and organized syndicates. We have however always emphasized that this tough stance on crime must be balanced by our philosophy that policing must also be oriented along respect for human rights, be community-centred, biased towards the weak and the safety needs of society.

In 2009/10 we emphasized the need to strengthen Civilian oversight of the Police and in 2010/11 we introduced legislation for the Civilian Secretariat for Police and Independent Police Investigative Directorate. Both pieces of legislation were finalized during this past financial year and have been signed off by the President. These pieces of legislation indicate a determination on our part that strong policing oversight bodies are required.

The legislation transforms the ICD into the Independent Police Investigative Directorate and provides them with the necessary powers and capacity for effective oversight of the police. As this piece of legislation comes into operation during the next year the SAPS will need to ensure full co-operation and understand the powers and function of these two institutions.

This new IPID legislation seeks to establish and put in place mechanisms which will ensure the rule of law is upheld at all material times, even by the law enforcement agencies.

In changing the focus and the name of the Independent Complaints Directorate (ICD) to the Independent Police Investigative Directorate (IPID), we are sending a clear message that the new body must focus on not just processing complaints but the emphasis must be on developing strong investigative capacity. We also seek to investigate substantial systemic defects in policing and general corruption.

Through the legislation we have set the building blocks in place for a strengthened ICD. The challenge now is to ensure the building blocks are utilized to the maximum.

For the IPID to achieve its objectives and strategic goals, it is imperative that its operational framework is properly aligned. To this end, the structure of the new IPID must speak to its core functions. Past experiences indicated that there have been structural challenges which impacted on the Directorate's success.

With this piece of legislation we have committed ourselves to continue working for the entrenchment of the human rights culture. We have now provided the new IPID with the necessary tools and it will be up to the leadership of this body to implement their mandate.



EN Mthethwa, MP

Minister of Police

OVERVIEW BY DEPUTY MINISTER OF POLICE



The majority electorate of South Africa has given the ANC-led Government a mandate to establish and to obligate state institutions to perform effectively to meet the objective of creating and sustaining a better life for its citizens.

From the safety and security perspective, a better life for all requires, among other things, an independent investigative body that is committed to contribute to combat crime and corruption while at the same time entrench a culture of human rights and community-centred approach in policing.

The newly assented legislation known as the Independent Police Investigative Directorate (IPID) Act emphasises and balances the tough stance taken by the SAPS top leadership on crime, with both human rights and strong investigative capacity.

As SAPS leadership, we thus seek to investigate substantial systematic defects in policing and general corruption. This is in-line with our government's third crucial priority, the "Fight against Crime and Corruption" for the Medium Term Strategic Framework: 2009 – 2014.

Taking into account the Independent Complaints Directorate (ICD)'s core constitutional and new legislative mandate, we expect ICD to contribute to realization of government outcomes 3 as mentioned above, to combat police corruption and enhance its (the Directorate) ability to serve as a crime deterrent.

The principle that we encourage, and which is also endorsed in the IPID Act, is that, the ICD should investigate those matters that will have a lasting impact on transforming the police into a structure that not only deals with crime zealously, but also the police upholding the Law and the Constitution.

It then becomes vivid that ICD must not just pronounce that the given overall mandate of the Act makes the police officer to understand that s/he is responsible for her/his behaviour on-and-off duty; and that s/he may be required to justify her/his actions in the court of law.

We all have an obligation to make sure that our police officers are effectively trained and drilled in the fact that, being a police officer is more than being a public servant. Being a police officer means being a first line of defence for the innocent citizen and for the Constitution of South Africa. There is thus, no routine-like duties for the police officer.

The ICD must then assist the SAPS top management in the articulation of how we can equip and re-skill our police officers in situations of arresting suspects; transporting or guarding criminals; ambush scenarios; traffic pursuits; disturbance or domestic dispute calls; investigation of suspicious circumstances; and generally, how to be a good role model to the citizens they protect.

The SAPS leadership does realise that, without a strong, effective and efficient administration, the achievement of the above-mentioned outcomes and output remains a far-fetched reality for the ICD.

In view of the legislative evolution of the Directorate during the period under review and going forward, we therefore support the ICD top management as they seek to engage its stakeholders both at government and non-government level.

We encourage the ICD to continue forging new sets of and strengthen its stakeholder relationships, emphasizing cooperation, accountability, transparency and responsiveness as pillars of not only a strong independent and accountable oversight body but also a confident and empowered general public that has trust in the police service both at national, provincial and local government levels.

As we join hands with ICD towards working together with stakeholders at government and non-government level as well as stakeholders in research institutions and civil society in contributing towards a safe and secure South Africa for all and, let us all have one consensus that our innocent citizens do deserve to have the state protection from the careless, heartless and deadly conduct of criminals, including a police officer who acts unlawfully.

Central to this objective, ICD must make sure that its overall mandate is applied and implemented consistently and unambiguously for the good and well-being of our men and women in blue.

As SAPS top leadership, we are therefore, satisfied and encouraged to state that the IPID legislation and the anticipated administrative climate of strong civilian oversight and investigation by ICD, is indeed steadily improving for the better.



Makhotso Maggie Sotyu (MP)

Deputy Minister of Police

Accounting Officer's overview

During the period covered by this report (1 April 2010 to 31 March 2011), the Independent Complaints Directorate (ICD) focused on its constitutional and legislative mandates and prioritised activities that strengthen the directorate's civilian oversight of the South African police.

South Africa's Interim Constitution (1993) stipulated that "an independent mechanism, under civilian control" be established to ensure that "complaints in respect of offences and misconduct allegedly committed by members of the [police] service are investigated in an effective and efficient manner." The South African Police Service Act (1995) responded to this directive by providing for the ICD to be established at both national and provincial level. The South African Constitution (1996) provides for an independent complaints body to investigate allegations of misconduct on the part of, or offences committed by, a member of the police service.

The ICD was established in April 1997 as a government department tasked with investigating complaints of brutality, criminality and misconduct laid against members of the South African Police Service (SAPS) and the municipal police services. The SAPS Act requires the ICD to investigate:

- The death of a person in police custody, or as a result of police action.
- The involvement of SAPS members in criminal activities.
- Police conduct or behaviour that is prohibited in terms of the SAPS Standing Orders or Police Regulations.
- The failure to assist or protect victims of domestic violence, as required by the Domestic Violence Act (1998).
- Dissatisfaction with or complaints laid by members of the public about poor police service delivery.
- Misconduct or offences committed by members of the municipal police services.

These legal requirements conferred a serious duty on the ICD. The ICD was established when South Africa was a fledgling democracy, and the SAPS was already a radically different organisation from its apartheid-era predecessor, the South African Police. Shaping a brand-new police service committed to democracy and the fundamental rights of all South African citizens was not an easy task, and the ICD quickly became a repository for the frustrations and disappointments of the communities the SAPS served.

This report demonstrates the ICD's readiness and ability to adapt to the demands of all those institutions and individuals who put their trust in our country's police, and who accept that the ICD will properly investigate any allegation of a breach of that trust, and contribute to an accountable, transparent police service in South Africa.

Giving top priority to serious offences

In 2010/11, the ICD resolved to prioritise serious cases, also referred to as Class 1 offences – deaths that occur while a person is in police custody, or as a result of police action during, for example, a robbery; or a rape allegedly committed by a police officer, whether on or off duty. This decision was taken to ensure that each case is thoroughly investigated, and the objective of finalising the investigation of 65 percent of these cases in 2010/11 is met.

The Monitoring and Evaluation Committee monitored progress throughout the year, which also ensured that investigators adhered to the ICD's high standards of investigation. The committee intervened during complex cases and committed additional resources from other ICD provincial offices to these cases.

This process helped the ICD to complete 1 052 investigations of Class 1 offences in 2010/11, exceeding the target of 65 percent in all but one of the nine provincial offices. The provincial investigators started the year with a backlog of 479 Class 1 offences, but succeeded in carrying over only 224 cases in this category to 2011/12.

The ICD's strong performance in finalising these investigations extended to all other offence categories as well.

This annual report includes several examples of case studies where ICD action has led to further investigation and charges against SAPS members for serious crimes. Several of these court cases have been concluded, and those found guilty have been sentenced.

TYPES OF OFFENCES

Class 1: Deaths in police custody or as a result of police action.

Class 2: Complaints of non-compliance with the Domestic Violence Act and with the national instruction on the act.

Class 3: Complaints alleging criminal offences committed by members of the SAPS and municipal police services.

Class 4: Complaints alleging misconduct relating to service delivery by members of the SAPS and municipal police services.

Strategic objectives shaped the 2010/11 agenda

The strategic objectives for 2010/11 were defined in late 2009. A planning meeting, attended by the ICD's national office managers and the heads and deputy heads of the provincial offices, was followed by a consultative workshop on the directorate's future strategic direction.

In addition to ICD staff, representatives of the SAPS, the Civilian Secretariat for the Police Service, organised labour, civil-society and non-governmental organisations, and academia also participated in the workshop. Two consultations with the Portfolio Committee on Police were held, in October 2009 and in January 2010.

This planning process resulted in 12 strategic priorities to shape and guide the ICD's work from 2010 to 2013. The results of implementing these strategic priorities are reflected throughout this report, particularly in the sections that focus on the directorate's three work programmes. In this overview, I highlight some of the most important outcomes of setting these priorities and the affect they have had on the ICD's ability to meet its service-delivery targets.

THE ICD'S THREE WORK PROGRAMMES

Programme 1: Administration, headed by Elias Valoyi.

Programme 2: Complaints processing, monitoring and investigation, headed by Tommy Tshabalala.

Programme 3: Information management and research, headed by Noluthando Mbuli.

A new legislative framework

One of the most significant developments in 2010/11 was the completion of the parliamentary process for a new legislative framework for the ICD.

The ICD is legally constituted by a provision in the SAPS Act. However, parliamentary and academic reports have long recommended separate legislation for the ICD to ensure a more impartial and effective civilian oversight of the SAPS and the municipal police services, and the directorate's independence of the SAPS.

To this end, the Independent Police Investigative Directorate Bill was introduced in Parliament in July 2010 and was adopted in March 2011 after thorough consultation. President Zuma signed the IPID Bill into law on 12 May 2011. At the time of compiling this report, the new legislation was awaiting the implementation date, after which it would become operational. On that implementation date, the ICD will become the Independent Police Investigative Directorate (IPID).

The ICD has often been criticised for being a “toothless watchdog” because the SAPS has no obligation to give effect to a recommendation made by the ICD in cases of police misconduct (for example, when a police officer performs his or her functions in an improper manner). This situation will change considerably when the IPID is established: a Police Commissioner will be obliged to initiate disciplinary steps in response to the IPID’s recommendation within 30 days, and to report back quarterly to the Minister of Police and the IPID.

The IPID will investigate all deaths that occur in police custody or as a result of police action; any complaint relating to the discharge of an official firearm by any police officer; the rape of any person while in police custody and any act of rape by a police officer, whether on or off duty; any complaint of torture or assault against a police officer in the execution of his or her duties; corruption matters within the police; and matters of systemic corruption involving the police.

The new legislation places a legal obligation on the police to inform the IPID of any death in police custody or as a result of police action. Currently, the ICD is not always informed of these cases; sometimes it only receives a report, or joins the investigation when a post mortem is being performed. This will change with the IPID.

The ICD was created specifically to ensure proper police conduct and a police force that is always cognisant of the human rights of the people it serves. The ICD helps entrench the spirit of the South African Constitution, and it provides the country’s citizens with an important insurance against brutal, criminal or improper conduct by the police force. The IPID will strengthen this crucial mandate.

Liaising with the Civilian Secretariat for the Police Service

Meetings were held with the Secretariat to ensure that the necessary structures for cooperation between the IPID and the Secretariat will be in place when the IPID Act comes into effect.

Improving public access to the ICD

Setting up additional satellite offices, especially in rural areas, increases the ICD’s provincial investigative capacity and makes services more accessible to the public. These offices also raise awareness of the ICD and its work.

In addition to the ICD’s national office in Pretoria, there are nine provincial offices and six satellite offices. The new satellite office in George (Western Cape) will join those in Empangeni (KwaZulu-Natal), Mthatha (Eastern Cape), Rustenburg (North West), Thohoyandou (Limpopo), Bethlehem (Free State) and Upington (Northern Cape).

Raising awareness of the ICD

The ICD set a target of conducting 250 community outreach activities in 2010/11 to raise awareness and explain the directorate’s mandate. This target was exceeded, with 307 events held. Community events are usually organised by the ICD’s provincial offices, bringing together as many stakeholders as possible. They are often held in conjunction with other institutions, such as the Human Rights Commission and the Public Protector. The ICD uses these outreach events to interact: we listen to people, and we give them the opportunity to register complaints against the police at the events.

A community may often be particularly interested in a case for which the ICD is responsible. The ICD shares case information relevant to a particular community or province at these outreach events.

The ICD also stepped up its efforts to communicate regularly with the media. Nearly 50 media releases were issued in 2010/11.

Achieving the targets set for concluding investigations

In its strategic plan for 2010 to 2013, the ICD set very specific service-delivery targets to improve its investigative function. The ICD's success in achieving these targets will be explained in detail in this report, but I would like to highlight some significant figures:

In 2010/11, the ICD finalised investigations of deaths in police custody or as a result of police action in 82 percent of its workload, exceeding the target of 65 percent. We finalised 83 percent of our workload regarding criminal acts allegedly committed by the police. The target for this strategic objective was 55 percent. In regard to misconduct cases, 92 percent of the workload was finalised.

The ICD aims to carry over not more than 10 percent of cases from one year to the next during government's medium-term strategic framework for 2010/11 to 2013/14. In 2010/11, the directorate achieved a reduction of 57 percent of cases carried over from 2009/10, which puts it in a good position to reach the ultimate goal of not carrying over more than 10 percent of cases annually from 2013/14.

Ensuring better service delivery

The directorate is delivering a steadily improving service to its stakeholders by prioritising serious cases. The directorate's quality of service is demonstrated by securing convictions, but there are other important issues to consider as well.

Complainants must feel that the matters they report are being addressed, which makes the flow of information between the ICD and complainants a crucial aspect of our work. The progress of a case through the justice system often takes a considerable amount of time, and the ICD is working diligently with the media to communicate progress and results to the public.

In closing, I would like to thank the staff of the ICD for their hard work, dedication and commitment to our work.

I am also grateful for the Portfolio Committee on Police, headed by Lydia Sindisiwe Chikunga, and the National Council of Provinces Select Committee on Security and Constitutional Development, headed by Tjheta Makwa Harry Mofokeng, for their ongoing support and their commitment to strengthening civilian oversight of the police.

The directorate also benefits from the unwavering support of the Minister and Deputy Minister of Police, Nkosinathi Mthethwa and Makhotso Magdeline Soty.



Francois Beukman
Executive Director

2. Information on predetermined objectives

2.1 Overall performance

This section looks at the overall environment in which the ICD worked to achieve the strategic objectives set out in the 2010 to 2013 strategic plan, while continuing to improve the quality of the service it delivers to the public.

Voted funds

MAIN APPROPRIATION R'000	ADJUSTED APPROPRIATION R'000	ACTUAL AMOUNT SPENT R'000	(OVER)/UNDER EXPENDITURE R'000
129 335	131 435	128 444	2 991
Responsible minister/ member of the executive council	Minister of Police		
Administering department	Independent Complaints Directorate		
Accounting officer	Executive Director		

Aim of vote

The ICD is a national department listed in schedule 1 of the Public Service Act (1994), and listed as Vote 22 in the Estimates of National Expenditure 2010. The directorate is financed from money that is appropriated to it by Parliament.

Vote 22 gives financial effect to the ICD's duty to service the public interest by acting with integrity and in accordance with its legislative mandate to investigate, among others, any misconduct or offences committed by members of the SAPS and the municipal police services.

Summary of programmes

The ICD's work is performed through three main programmes.

- **Programme 1: Administration**

This programme is responsible for the overall management of the ICD and its support services. It consists of executive support, the internal audit unit, human resources management, financial management, supply chain management, asset management, risks and ethics management, labour relations, employee wellness management and security services.

- **Programme 2: Complaints processing, monitoring and investigation**

This programme receives, registers, processes and investigates complaints of deaths in police custody or as a result of police action, and complaints of misconduct and criminality against the police. It also has a legal services component that provides legal advice to ICD officials and the department.

- **Programme 3: Information management and research**

This programme maintains a crucial database that registers all complaints. It manages the ICD's information technology needs and the distribution of its products, provides services to stakeholders and conducts research.

Key strategic objectives

The ICD's strategic plan for 2010 to 2013 sets out 12 strategic objectives for the organisation. These objectives were the result of a strategic-planning process that started in August 2009 and included ICD staff members and stakeholders (see "Strategic objectives shaped the 2010/11 agenda" in the accounting officer's overview above).

The strategic objectives were:

- New legislation.
- Revised activities and focus areas.
- Streamline and reorganise the complaints-handling process and investigative function.
- Dedicated legal services.
- Liaison with the Civilian Secretariat for the Police Service.
- Transfer of functions to the Civilian Secretariat.
- Database and information-management services.
- Communications.
- Access points.
- Community-awareness programmes.
- Investigation services.
- Additional priorities, for example, develop and implement service-delivery improvement plans and charters; improve the management of the ICD's security; develop and implement a risk-management plan; promote employment equity and the employment of people with disabilities as staff members; build the ICD's human resources capacity and facilitate a conducive work environment; and develop and implement a national case-management system.

Some of these strategic objectives were not applicable to the year under review, and the next section ("Key strategic achievements") looks only at those objectives that shaped the ICD's work in 2010/11.

Key strategic achievements

- The legislation to effect the transition from the Independent Complaints Directorate to the Independent Police Investigative Directorate was passed by Parliament in March 2011. The IPID Bill was signed into law by President Jacob Zuma on 12 May 2011.
- The ICD's strategic decision to prioritise serious cases (deaths that occur in police custody or as a result of police action) resulted in 82 percent of these cases being finalised in 2010/11. This exceeded the target of 65 percent set in the 2010 to 2013 strategic plan.
- In 2010/11, the ICD made significant progress towards reaching its target to carry over only 10 percent of cases from one year to the next during the 2010/11 to 2013/14 period. In 2010/11, the directorate achieved a reduction of 57 percent of cases carried over from 2009/10, which puts it in a good position to reach the ultimate goal of not carrying over more than 10 percent of cases annually from 2013/14.
- The directorate held 307 outreach events in 2010/11 to raise public awareness of the ICD's activities and responsibilities. The target for this strategic objective was 250 events. The ICD also stepped up its efforts to communicate its activities to the media by issuing statements on cases and holding media briefings in various parts of the country.

- The quality of the directorate's investigative services also came under the spotlight in the reporting period. The ICD is proud to report that 83 percent of investigations into complaints of criminality laid against the SAPS and the municipal police services were finalised in 2010/11, against a target of 55 percent.
- Ninety-six percent of 5 869 complaints received by the ICD were registered and allocated within 48 hours, the 4% shortfall in meeting this target occurred mainly in the Western Cape office and this challenge is being addressed.

Overview of the 2010/11 service-delivery environment

The ICD's 2010 to 2013 strategic plan identified six key areas in which to improve service delivery:

- Investigation of deaths in police custody.
- Investigation of deaths where there is police involvement.
- Investigation of offences, for example, criminal offences.
- Investigation of misconduct by members of the SAPS or the municipal police services.
- Monitoring of the implementation of the Domestic Violence Act by the SAPS and the municipal police services.
- Decrease the backlog of cases from the preceding financial year to not more than 10 percent of the workload by 2013/14.

Overview of the 2010/11 organisational environment

The ICD is a national organisation with provincial offices. The national office is in Pretoria and is headed by the Executive Director. The national office provides overall strategic leadership to the directorate. Investigations are conducted at provincial level.

To improve access to ICD services, six satellite offices have been established and have been fully functional since 2008 /09. They are located in Empangeni (KwaZulu-Natal), Mthatha (Eastern Cape), Rustenburg (North West), Thohoyandou (Limpopo), Bethlehem (Free State) and Upington (Northern Cape).

The ICD's Chief Financial Officer retired during the reporting period. A new Chief Financial Officer was appointed on the 22nd of November 2010.

Key policy developments and legislative changes

One of the most significant developments during 2010/11 was the finalisation of a new legislative framework for the ICD.

The ICD is currently legally constituted by a provision in the SAPS Act. To ensure more independent, impartial and effective civilian oversight of the SAPS and the municipal police services, and the directorate's independence of the SAPS, the IPID Bill was introduced in Parliament in July 2010 and adopted in March 2011. At the time of compiling this report, the new legislation was awaiting the President's assent, after which it would become law.

Revenue, expenditure and other specific topics

Collection of departmental revenue

Revenue is mainly generated from parking fees, commissions on insurance deductions and bursary debt recovery.

	2007/08 ACTUAL	2008/09 ACTUAL	2009/10 ACTUAL	2010/11 TARGET	2010/11 ACTUAL	% DEVIATION FROM TARGET
Sales of goods and services other than capital assets	99	2	69	63	89	41%
Interest, dividends and rent on land	21	3	24	2	5	150%
Transactions in financial assets and liabilities	257	64	61	100	74	26%
TOTAL DEPARTMENTAL RECEIPTS	377	69	154	165	168	1.8%

Departmental expenditure

The funds budgeted but not utilised for the financial year can be attributed to the awaiting of invoices for goods and services which amounted to R2 991 615.57. An application for roll-over to the 2011/12 financial year was made to National Treasury in this regard.

There is not an impact on programmes and service delivery due to the under-spending, as it relates to software licences, furniture and equipment.

Actions taken or planned to avoid recurrence includes monthly meetings with Top Management to discuss the spending patterns as well as quarterly meetings with all Responsibility Managers.

Transfer payments

A transfer payment has been effected to the Safety and Security Sector Education Authority (SASSETA) with regard to administrative fees in terms of the Skills Development Levy. This has been disclosed in the Annexure reflecting Transfers to Departmental Agencies and Accounts (refer to Annexure 1A).

In terms of section 38(1)(j) of the PFMA, the above transfer payment was made after receiving the tabled Annual Report of SASSETA including the relevant Auditors Report.

Conditional grants and earmarked funds

No conditional grants were received by the ICD.

The ICD received earmarked funds of R8 125 000 from the Department of Public Works for the expenditure on office accommodation and municipal services. The ICD utilised all the earmarked funds received to pay for office accommodation and municipal services.

Capital investment, maintenance and asset-management plan

Capital investment

The department has no capital investments.

Maintenance

The ICD occupies leased buildings and does not own any property. In view thereof, the ICD is not affected by any maintenance backlogs.

Asset management

Quarterly asset verifications were conducted by all staff to ensure that assets were managed effectively and efficiently. Quarterly asset verifications were also conducted by Asset Management to ensure that all assets were managed properly and thus prevented theft and fraudulent use. The Asset Management team also embarked on provincial visits in order to reconcile the existence of the actual assets per office to the electronic Asset Register on the Logis System. Details such as unique asset numbers, ICN numbers and locations were reconciled to the electronic Asset Register.

Verification of the correctness of the Asset Register against Vulindlela/ELBIS reports was conducted on a monthly basis to ensure the accuracy of reporting at financial year end.

The asset holdings of the ICD have changed due to Asset Management disposing of items such as furniture, office equipment and IT equipment. The Asset Register was appropriately updated to account for these disposals. Details of asset movements are disclosed in the Disclosure Note related to Movement of Tangible Assets.

During the 2010/11 financial year the department continued with the implementation of the new Barcoding Asset Management System. All assets were physically barcoded in the 2010/11 financial year. The final phase of updating the Logis System to correspond with the unique asset barcoded numbers will be completed in the 2011/12 financial year.

2.2 Programme performance

Programme 1: Administration

Purpose

This programme is responsible for the overall management of the ICD and its support services. The programme consists of executive support, the internal audit unit, auxiliary services, human resources management, financial management, supply chain management, asset management, risks and ethics management, labour relations, employee wellness management and security services.

Strategic objectives

In 2010/11, the work of Programme 1 was in compliance with the 12 strategic objectives set out in the 2010 to 2013 strategic plan:

- Increase compliance with the Employment Equity Act by ensuring that 50 percent of staff employed senior management positions are women. The ICD aims to achieve this target fully in 2012/13.
- Comply with the Employment Equity Act by ensuring that 2 percent of ICD staff are disabled persons (to be achieved by 2012/13).
- Maintain the overall vacancy rate below 10 percent (by 2012/13), and fill vacancies within three months of a position becoming vacant.

- Implement government's strategy on asset management in line with the Public Finance Management Act by maintaining and updating an electronic assets register.
- Promote discipline in the ICD by finalising any disciplinary procedure within 90 days.
- Evaluate the effectiveness of internal controls and ensure the ICD's compliance with the applicable rules by finalising all audit activities by 31 March annually.
- Promote the wellness of all employees by launching at least one health and wellness campaign per quarter.
- Combat corruption and fraud, and encourage ethical behaviour in the organisation by investigating all cases reported to the ethics helpline within 90 days of receiving a complaint.
- Effectively manage risk in the ICD by providing quarterly risk-management progress reports in line with the directorate's risk-management strategy.
- Improve service delivery by revitalising the Batho Pele programme and updating the service-delivery improvement plan by 31 March every year.
- Ensure the quality of staff training programmes by using recognised service providers only.
- Conduct proper policy reviews by reviewing 70 percent of the ICD's policies and procedures by 31 March annually.
- Comply with the minimum information security standard policy by conducting security audits.

Service-delivery objectives and indicators

In the reporting period, Programme 1 paid particular attention to three objectives that are regarded as imperatives, not only for the ICD but for government as a whole: comply with the Employment Equity Act, represent people with disabilities in the ICD staff complement, and fill vacant positions promptly.

As stated in the strategic plan for 2010 to 2013, the ICD aims to increase its compliance with the provisions of the Employment Equity Act by ensuring that 50 percent of staff employed in top and senior management positions are women. This target is to be reached in 2012/13.

As at 31 March 2011, 29 percent of the 17 existing senior management positions are held by women. Because the ICD is a small department with a very low staff turnover at senior management level, vacancies at that level do not often become available. In addition, no new posts were created at that level in 2010/11. These conditions make it difficult to reach the target of 50 percent representation.

The third target of maintaining the ICD's vacancy rate below 10 percent, set to be achieved in 2012/13, was also reached in 2010/11. As at 31 March 2011, the directorate had a vacancy rate of 7.5 percent. The vacancy rate in the ICD fluctuates considerably. Exit interviews with staff members who resign have revealed that most leave for a promotion elsewhere. Because of its small size, promotion opportunities at the ICD are limited, and young, ambitious employees look for better positions elsewhere.

The table below provides detailed information on all Programme 1 service-delivery objectives and indicators.

PROGRAMME 1: ADMINISTRATION (SUB-PROGRAMME: HUMANRESOURCES MANAGEMENT)				
STRATEGIC OBJECTIVE	MEASURE/ INDICATOR	ACTUAL PERFORMANCE AGAINST TARGET		REASON FOR VARIANCE
		Target	Actual	
Increase compliance with the Employment Equity Act	% of women in senior management	50% of women in senior management	29% of women in senior management	There were no vacancies at this level
	% of people with disabilities	2% of staff to be people with disabilities	1.5% of staff members have disabilities	People with disabilities do not always apply for posts in the directorate, even when invited
Effective implementation of the approved retention strategy	% of vacancy rate	Maintain vacancy rate below 10%	Vacancy rate was 7.5%	Target exceeded
	Period within which vacancies are filled	Vacancy to be filled within three months	Filled all vacancies within three months	Target achieved
Promote discipline in the ICD	% of disciplinary hearings finalised within 90 days	Hearing to be finalised within 90 days	Finalised 86% of disciplinary cases within 90 days	Employee in one case (out of seven) was constantly on sick leave
	% of grievances finalised within 60 days	Within 60 days of being registered	Finalised all grievances (100%) within 60 days	Target achieved
Policy review	% of policies updated annually	70% of all policies to be reviewed	Updated/ reviewed 38% of policies	Staff shortages in the Human Resources Management component

PROGRAMME 1: ADMINISTRATION (SUB-PROGRAMME: SUPPLY-CHAIN AND ASSET MANAGEMENT, INTERNAL AUDIT, ETHICS AND RISK)				
STRATEGIC OBJECTIVE	MEASURE/INDICATOR	ACTUAL PERFORMANCE AGAINST TARGET		REASON FOR VARIANCE
		Target	Actual	
Implement government's strategy on asset management in line with the prescripts of the Public Finance Management Act	Number of asset verifications and updates of asset register completed	Quarterly	Quarterly	Target achieved
Evaluate the effectiveness of internal controls and ensure the ICD's compliance with applicable prescripts	Number of internal audit reviews conducted	10 audit reviews	7 audit reviews	Audit unit had to conduct additional <i>ad hoc</i> audits
Combat corruption and fraud and encourage ethical behaviour	% of cases investigated within 90 days	All reported cases within 90 days	Investigated all reported cases (100%) within 90 days	Target achieved
Effectively manage risks in the ICD	Number of risk-management reports submitted	One report per quarter	Submitted one report per quarter	Target achieved

PROGRAMME 1: ADMINISTRATION (SUB-PROGRAMME: SERVICE DELIVERY AND TRAINING, SECURITY UNIT)				
STRATEGIC OBJECTIVE	MEASURE/INDICATOR	ACTUAL PERFORMANCE AGAINST TARGET		REASON FOR VARIANCE
		Target	Actual	
Improve service delivery through the Batho Pele revitalisation programme	Number of times the service-delivery improvement plan was updated	Annually by 31 March	Updated by 31 March	Target achieved
Quality assured training programme	Number of training programmes offered by accredited/recognised service providers	All training programmes	All training programmes offered by recognised service providers	Target achieved
Compliance with minimum information security standard policy	Number of security audits conducted	10 audits annually	Conducted 6 audits	Target not met The security manager was only appointed at the beginning of the third quarter (October-December 2010)

REASONS FOR MAJOR VARIANCES:

See reasons provided in the preceding tables.

Programme 2: Complaints processing, monitoring and investigation

Purpose

This programme has two components:

- Complaints processing, monitoring and investigation, and
- Legal services.

The purpose of this programme is to:

- Investigate deaths in police custody or as a result of police action.
- Investigate and/or monitor complaints of criminality and misconduct against the police.
- Provide legal advisory services.

Strategic objectives

This programme aims to promote proper police conduct. Progress towards achieving this objective is measured by two outputs:

- Finalising investigations of deaths in custody or as a result of police conduct.
- Finalising investigations of complaints of criminality against members of the SAPS or municipal police services.

The ICD set 12 strategic priorities in its strategic plan, and one of these, “targets for investigation services”, has two priorities that fall under Programme 2:

- Decrease the cases carried over from one financial year to the next to constitute not more than 10 percent of the workload (backlog and new cases) in a new financial year.
- Increase crime-scene attendance by 90 percent.

Service-delivery objectives and indicators

A strategic decision taken shortly before the start of the reporting period had considerable impact on the work of Programme 2.

At a planning meeting in November 2009, senior ICD staff decided to prioritise activities and to focus, in 2010/11, on finalising all cases of deaths in custody or as a result of police action, as well as cases involving serious police brutality.

The ICD also decided to focus on specific serious crimes, such as allegations of rape by a police officer, irrespective of whether the police officer was on or off duty when the offence was committed, as well as allegations of rape of a complainant by other detainees while the complainant was in the custody of the police.

The ICD’s Monitoring and Evaluation Committee, consisting of four senior ICD staff, played an important role in ensuring that the focus on serious crimes was implemented vigorously and consistently. The committee was responsible for several strategic interventions in the process of monitoring the work of the provincial offices.

This decision helped investigators finalise 82 percent of cases of deaths in custody or as a result of police action, exceeding the target of 65 percent by 17 percent.

During 2009/10, a strategy to reduce the backlog of cases was piloted and immediately yielded positive results. This strategy was fully implemented during the year under review, and investigators were under considerable pressure to finalise cases carried over from 2009/10 within the financial year 2010/11. Provinces with a large backlog of cases had to dedicate a team of investigators to complete all outstanding work, and all provinces were expected to have made considerable progress on backlog cases during the reporting period. The Monitoring and Evaluation Committee kept close watch over the provincial offices' progress, and made recommendations to the Executive Director on appropriate interventions to assist provinces struggling to meet their targets.

The focus on reducing the backlog of cases early in the new financial year resulted in 224 Class 1 cases being carried over to 2011/12, compared to 479 cases that had not been completed by 2010/11.

The table below provides detailed information on all Programme 2 service-delivery objectives and indicators.

PROGRAMME 2: COMPLAINTS PROCESSING, MONITORING AND INVESTIGATION				
STRATEGIC OBJECTIVE	MEASURE/ INDICATOR	ACTUAL PERFORMANCE AGAINST STRATEGIC OBJECTIVE		REASON FOR VARIANCE
		Target	Actual	
Complete investigations of deaths in custody or as a result of police action	Number of cases completed during the financial year	65% of the workload which comprises cases carried over from 2009/2010 financial year and notifications of deaths received during the 2010/2011 financial year	82% (1 052 cases completed)	Target exceeded
Complete investigations of complaints of criminality against the police	Number of cases completed during the financial year	55% of the workload which comprises cases carried over from 2009/2010 financial year and those received during the 2010/2011 financial year	83% (2 811 cases completed)	Target exceeded

REASONS FOR MAJOR VARIANCES:

The ICD credits its decision to prioritise major crimes and reducing cases carried over from 2009/10 for the differences between the target and the actual performance in the table above.

Programme 3: Information management and research

Purpose

Programme 3 manages the ICD's information needs, conducts research and performs various oversight activities. It also manages all communication and marketing activities. The programme maintains a database that serves as a register for all complaints, and it manages the directorate's information technology requirements.

Strategic objectives

The strategic objectives for 2010/11 were to:

- Register and allocate all complaints received by the ICD within 48 hours.
- Attend to all applications for exemption in terms of the Domestic Violence Act.
- Increase the number of community-awareness programmes.
- Increase the number of police stations audited for compliance with the Domestic Violence Act; and
- Provide relevant information to the public and stakeholders.

Service-delivery objectives and indicators

Programme 3 met all of its strategic objectives in 2010/11.

The programme developed and implemented a new case-management using a browser as it's interface, which was a significant achievement. The system delivers correct information at the right time to ICD staff nationally. It has been implemented at all relevant sites, and staff have been trained to use the system.

The programme has made great strides in implementing the ICD's information and communication technology plan. In 2010/11, a wireless mobile access solution was implemented for ICD staff, the directorate's website was redesigned, and an intranet for use by ICD staff was developed.

The table below provides detailed information on all Programme 3 service-delivery objectives and indicators.

PROGRAMME 3: INFORMATION MANAGEMENT AND RESEARCH				
STRATEGIC OBJECTIVE	MEASURE/INDICATOR	ACTUAL PERFORMANCE AGAINST TARGET		REASON FOR VARIANCE
		Target	Actual	
Timely registration and allocation of all complaints received	Register and allocate all complaints within 48 hours	100% within 48 hours (5 450 complaints anticipated)	96% (5 644 complaints registered & allocated within 48 hours out of 5 869 received)	Target not met
Auditing police stations in compliance with Domestic Violence Act	Increase number of police stations audited for compliance with the Domestic Violence Act	108 stations audited	Conducted 279 audits	Target exceeded
Attend to all applications for exemption in terms of the Domestic Violence Act	Applications for exemption in terms of the Domestic Violence Act completed within 30 days	100% (50 applications anticipated)	100% (Received and processed 21 applications within 30 days)	Target achieved
Provide relevant information to the public and stakeholders	Number of reports produced annually	Three reports annually	Completed five research reports	Target exceeded
Conduct community-awareness programmes	Increase the number of community-awareness programmes	250 per annum	307 awareness programmes conducted	Target exceeded

REASONS FOR MAJOR VARIANCES:

Four (4) percent of cases or 225 cases were not registered and allocated within 48 hours of receipt. Most occurred in the Western Cape. The non-compliance has been brought to the attention of the Provincial Head of the Western Cape.

2.3 Statistics

Notifications and complaints received in 2010/11

The ICD received 5 869 complaints in 2010/11, with Gauteng and the Western Cape receiving the largest number of complaints.

TABLE 2.3.1: Complaints and notifications received in 2010/11, per province

Provinces	Total	%
Eastern Cape	322	5%
Free State	766	13%
Gauteng	1 169	20%
KwaZulu-Natal	570	10%
Limpopo	581	10%
Mpumalanga	366	6%
North West	590	10%
Northern Cape	499	9%
Western Cape	1 006	17%
Total	5 869	100%

Table 2.3.2 shows that of the 5 869 complaints received, 797 were deaths, 102 domestic violence cases, 2 493 allegations of criminal offences and 2 477 misconduct cases.

TABLE 2.3.2: Complaints and notifications received, by class of offence, 2010/11

Provinces	Deaths	Domestic Violence	Criminal	Misconduct	Total
Eastern Cape	109	7	146	60	322
Free State	36	15	267	448	766
Gauteng	182	23	418	546	1 169
KwaZulu-Natal	248	6	190	126	570
Limpopo	55	8	302	216	581
Mpumalanga	56	2	214	94	366
North West	36	7	214	333	590
Northern Cape	20	6	304	169	499
Western Cape	55	28	438	485	1 006
Total	797	102	2 493	2 477	5 869

Performance information

- Workload – 2010/11

In 2010/11, the ICD had a workload of 8 424 cases, including cases carried over from the previous year.

TABLE 2.3.3: Workload, backlog and new cases

Provinces	Carried over by from 2009/10	Cases received during 2010/11	Workload
Eastern Cape	159	322	481
Free-State	95	766	861
Gauteng	671	1 169	1 840
KwaZulu-Natal	692	570	1 262
Limpopo	58	581	639
Mpumalanga	153	366	519
North West	38	590	628
Northern Cape	13	499	512
Western Cape	676	1 006	1 682
Grand Total	2 555	5 869	8 424

Table 2.3.4 gives a breakdown of the workload per classification. Most of the cases were misconducts (3 603), followed by criminal offences (3 390), deaths in police custody or as a result of police action (1 276) and non-compliance with the Domestic Violence Act (155).

TABLE 2.3.4: Workload, by class of offence

Provinces	Death Cases	DVA non-compliance cases	Criminal cases	Misconduct Cases	Total
Eastern Cape	169	13	211	88	481
Free State	37	15	304	505	861
Gauteng	260	23	632	925	1 840
KwaZulu-Natal	478	15	434	335	1 262
Limpopo	61	8	336	234	639
Mpumalanga	86	3	299	131	519
North West	36	7	234	351	628
Northern Cape	20	6	314	172	512
Western Cape	129	65	626	862	1 682
Grand Total	1 276	155	3 390	3 603	8 424

- Cases completed in 2010/11

The ICD completed 87 percent of its workload in 2010/11. Northern Cape and North West achieved 99 percent, followed by Limpopo and Free State, both with 96 percent respectively. All other provincial offices completed more than 70 percent of their overall workload, except Mpumalanga, which completed only 64 percent of their workload.

TABLE 2.3.5: Completed cases

Provinces	Workload	Completed	%
Eastern Cape	481	447	93%
Free State	861	830	96%
Gauteng	1 840	1 631	89%
KwaZulu-Natal	1 262	996	79%
Limpopo	639	616	96%
Mpumalanga	519	332	64%
North West	628	621	99%
Northern Cape	512	506	99%
Western Cape	1 682	1 342	80%
Grand Total	8 424	7 321	87%

Most of the completed cases were misconduct matters (3 326), followed by criminal offences (2 798), deaths in police custody and deaths as a result of police action (1 065) and non-compliance with the Domestic Violence Act (133).

TABLE 2.3.6: Completed cases, per class of offence

Provinces	Death Cases	DVA non-compliance cases	Criminal cases	Misconduct Cases	Total
Eastern Cape	157	13	193	85	447
Free State	36	15	298	481	830
Gauteng	219	23	513	876	1 631
KwaZulu-Natal	390	15	305	286	996
Limpopo	59	8	323	226	616
Mpumalanga	50	2	169	111	332
North West	36	7	229	349	621
Northern Cape	20	6	308	172	506
Western Cape	85	44	473	740	1 342
Grand Total	1 052	133	2 798	3 326	7 321

- Cases completed in 2010/11, compared to set targets for the year

The ICD finalised 82 percent of its cases of deaths in police custody or as a result of police action, exceeding the target of 65 percent. North West and Northern Cape both achieved 100 percent completion rates. Mpumalanga is the only provincial office that did not meet the target.

TABLE 2.3.7: Deaths in police custody and as a result of police action – target, 65%

Provinces	Workload	Completed cases	Percentages	Target
Eastern Cape	169	157	93%	Target Exceeded
Free State	37	36	97%	Target Exceeded
Gauteng	260	219	84%	Target Exceeded
KwaZulu-Natal	478	390	82%	Target Exceeded
Limpopo	61	59	97%	Target Exceeded
Mpumalanga	86	50	58%	Target not met
North West	36	36	100%	Target Exceeded
Northern Cape	20	20	100%	Target Exceeded
Western Cape	129	85	66%	Target Exceeded
Grand Total	1 276	1 052	82%	Target Exceeded

Table 2.3.8 shows the completion rate for criminal matters per province. The ICD exceeded its strategic target of completing 55 percent of its workload. All provincial offices, except Mpumalanga, exceeded the target.

TABLE 2.3.8: Criminal cases – target, 55%

Provinces	Workload	Completed Cases	Percentages	Target
Eastern Cape	211	193	91%	Target Exceeded
Free State	304	298	98%	Target Exceeded
Gauteng	632	513	81%	Target Exceeded
KwaZulu-Natal	434	305	70%	Target Exceeded
Limpopo	336	323	96%	Target Exceeded
Mpumalanga	299	169	57%	Target Exceeded
North West	234	229	98%	Target Exceeded
Northern Cape	314	308	98%	Target Exceeded
Western Cape	626	473	76%	Target Exceeded
Grand Total	3 390	2 811	83%	Target Exceeded

The completion rate for misconduct matters was exceeded by 37 percent. Northern Cape achieved 100 percent completion rate. All other provinces achieved completion rates of between 85 percent and 99 percent.

TABLE 2.3.9: Misconduct cases – target, 55%

Provinces	Workload	Completed Cases	Percentages	Target
Eastern Cape	88	85	97%	Target Exceeded
Free State	505	481	95%	Target Exceeded
Gauteng	925	876	95%	Target Exceeded
KwaZulu-Natal	335	286	85%	Target Exceeded
Limpopo	234	226	97%	Target Exceeded
Mpumalanga	131	111	85%	Target Exceeded
North West	351	349	99%	Target Exceeded
Northern Cape	172	172	100%	Target Exceeded
Western Cape	862	740	86%	Target Exceeded
Grand Total	3 603	3 326	92%	Target Exceeded

- Recommendations and outcomes – 2010/11

The ICD made 501 recommendations to the Director of Public Prosecutions regarding criminal matters, including deaths.

TABLE 2.3.10: Recommendations to Director of Public Prosecutions, by province and class of offence

Province	Deaths	Criminal matters	Total
Eastern Cape	70	59	129
Free State	5	32	37
Gauteng	3	1	4
KwaZulu-Natal	11	7	18
Limpopo	5	19	24
Mpumalanga	17	7	24
North West	2	98	100
Northern Cape	6	150	156
Western Cape	8	1	9
Total	127	374	501

In the 59 cases where members of the SAPS were convicted for various criminal offences, 30 were convicted in relation to deaths in police custody and deaths as a result of police action, and 29 convictions were related to other criminal offences.

TABLE 2.3.11: Criminal convictions, by province and class of offence

Province	Death cases	Criminal cases	Total
Eastern Cape	4	1	5
Free State	4	6	10
Gauteng	2	1	3
KwaZulu-Natal	4	5	9
Limpopo	3	1	4
Mpumalanga	3	1	4
North West	2	5	7
Northern Cape	0	9	9
Western Cape	8	0	8
Total	30	29	59

Table 2.3.12 sets out the details of acquittals in criminal matters. There were 11 acquittals in murder cases, and 17 for other criminal offences.

TABLE 2.3.12: Acquittals in criminal cases, by province and class of offence

Province	Deaths Cases	Criminal cases	Total
Eastern Cape	4	4	8
Free State	0	0	0
Gauteng	0	0	0
KwaZulu-Natal	3	3	6
Limpopo	3	5	8
Mpumalanga	1	1	2
North West	0	0	0
Northern Cape	0	4	4
Western Cape	0	0	0
Total	11	17	28

The ICD made a total of 2 261 recommendations to the SAPS for various offences. Of these, 1 211 were for misconduct, and 924 were for criminal offences.

TABLE 2.3.13: Recommendations to the SAPS, by province and class of offence

Province	Deaths cases	DVA non-compliance cases	Criminal cases	Misconduct Cases	Total
Eastern Cape	7	3	6	3	19
Free State	21	14	170	177	382
Gauteng	10	20	50	219	299
KwaZulu-Natal	22	1	45	4	72
Limpopo	1	3	11	20	35
Mpumalanga	5	1	8	0	14
North West	7	6	67	155	235
Northern Cape	3	1	88	8	100
Western Cape	1	0	479	625	1 105
Total	77	49	924	1 211	2 261

Table 2.3.14 gives a listing of cases in which police officers were convicted in departmental trials and the penalties meted out.

TABLE 2.3.14: Departmental convictions, by province and class of offence

NO.	CCN	STATION	NATURE OF COMPLAINT	SENTENCE / SANCTION	DATE
1	2009100272	Kakamas	Fraud	Discharged from service and the sentence was wholly suspended for a period of six months	16 April 2010
2	2010060431	Augrabies	Assault	Final written warning	23 August 2010
3	2009080354	De Aar	Drunk driving	Final written warning	21 November 2010
4	2009090068	De Aar	Theft	Final written warning	23 November 2010
5	2008100138	Kimberley	Assault with intent to cause grievous bodily harm	Written warning	26 November 2010
6	2010110108	Kimberley	Assault	Guilty of contravening SAPS regulation 9(1): verbal warning	27 October 2010
7	2009020067	Barkly West	Defeating ends of justice	Dismissal wholly suspended for 12 months and fine of R500	16 November 2010
8	2009090466	Rietfontein	Assault	Dismissal suspended for a period of six months and fined R500	30 June 2010

NO.	CCN	STATION	NATURE OF COMPLAINT	SENTENCE / SANCTION	DATE
9	2009080209	Kimberley	Drunk driving	Fined R300 suspended for 12 months	16 November 2010
10	2010070149	Williston	Assault	Fined R5 000	8 February 2011
11	2009120320	Kuruman	Assault	Fined R600 or six months wholly suspended for 12 months	16 February 2011
12	2010110561	Florida	Violation of Regulation 20(a) of SAPS Disciplinary Regulations	Corrective counselling	2 March 2011
13	2008030532	Wonderboompoort	Unsatisfactory investigation	Verbal warning	20 July 2010
14	2008110413	Mamelodi East	Attempted murder	Verbal warning	29 July 2010
15	2010080604	Cullinan	Unsatisfactory investigation	Verbal warning	23 September 2010
16	2010100013	Lenasia	Assault with intent to cause grievous bodily harm	Dismissal	5 January 2011
17	2010040162	Florida	Death in police custody (neglect of duty – cells not visited)	Verbal warning	10 June 2010
18	2010110561	Florida	Death in police custody (Regulation 20(a) of disciplinary procedures)	Corrective counselling	2 March 2011
19	2010070063	Benoni	Improper conduct by police	Verbal warning	5 August 2010
20	2008110485	Tshilwavhusiku	Common assault	Final written warning	10 July 2010
21	2010070224	Mpophu	Abuse of power	Verbal warning	13 November 2010
22	2007110031	Mankweng	Attempted murder	Discharged from the service	6 May 2010
23	2010020179	Bityi	Murder	Written warning	30 June 2010
24	2009090558	Mpophomeni	Murder	Fined R500	4 May 2010
25	2009090091	Tlhabane	Common assault	Verbal warning	3 May 2010
26	2010010327	Biesiesvlei	Failing to provide complainant with feedback	Reprimand	17 May 2010
27	2009110543	Madikwe	Failing to provide complainant with feedback	Verbal warning	2 June 2010
28	2009100526	Mmabatho	Violation of SAPS disciplinary regulation 20(i)	Reprimand	5 June 2010
29	2009100067	Zeerust	Improper performance of duties	Reprimand	5 June 2010
30	2009080490	Lomanyaneng	Improper performance of duties	Reprimand	9 June 2010

NO.	CCN	STATION	NATURE OF COMPLAINT	SENTENCE / SANCTION	DATE
31	2009060263	Lomanyaneng	Improper performance of duties	Reprimand	15 June 2010
32	2009100564	Mmabatho	Ignoring the instruction of the public prosecutor	Reprimand	15 June 2010
33	2009040411	Mmabatho	Improper performance of duties	Verbal warning	18 June 2010
34	2010010529	Mafikeng	Failing to provide progress report to complainant	Reprimand	18 June 2010
35	2009040403	Mmabatho	Improper performance of duties	Verbal warning	22 June 2010
36	2009070179	Mafikeng	Improper performance of duties	Verbal warning	1 July 2010
37	2009030107	Mafikeng	Common assault	Dismissal	1 July 2010
38	2009090596	Mmabatho	Improper performance	Verbal warning	1 July 2010
39	2009120027	Atamelang	Improper performance of duties	Reprimand	1 July 2010
40	2010020436	Lehurutshe	Failing to provide complainant with progress report	Verbal warning	12 July 2010
41	2009100188	Klerksdorp	Improper performance of duties	Verbal warning	13 July 2010
42	2010020497	Wolmaransstad	Failing to provide complainant with progress report	Reprimand	14 July 2010
43	2010010344	Coligny	Failing to provide complainant with progress report	Reprimand	14 July 2010
44	2008060584	Mafikeng	Improper performance of duties	Reprimand	19 July 2010
45	2009090081	Klerksdorp	Common assault	Written warning	23 July 2010
46	2008030565	Mafikeng	Improper performance of duties	Reprimand	26 July 2010
47	2007080297	Mmabatho	Improper performance of duties	Written warning	1 November 2010
48	2007100450	Mmabatho	Intimidation	Verbal warning	14 July 2010
49	2008060517	Mmabatho	Improper performance of duties	Verbal warning	4 August 2010
50	2008090617	Mmabatho	Improper performance of duties	Verbal warning	4 August 2010

NO.	CCN	STATION	NATURE OF COMPLAINT	SENTENCE / SANCTION	DATE
51	2008100064	Mafikeng	Improper performance of duties	Verbal warning	5 August 2010
52	2008110155	Makwasie	Death as a result of police action	Written warning	9 July 2010
53	2009030618	Mmabatho	Failure to arrest transgressor	Verbal warning	12 July 2010
54	2009070141	Mmabatho	Reckless driving	Reprimand	15 March 2011
55	2009080193	Mmabatho	Improper performance of duties	Reprimand	10 July 2010
56	2009090060	Phokeng	Improper performance of duties	Reprimand	5 August 2010
57	2009030089	Madikwe	Common assault	Written warning	25 August 2010
58	2009040251	Leeudoringstad	Attempted murder	Suspended for six months	2 September 2010
59	2009100642	Rustenburg	Improper performance of duties	Reprimand	4 August 2010
60	2009080404	Mogwase	Common assault	Written warning	16 September 2010
61	2009120049	Tlhabane	Improper performance of duties	Reprimand	5 August 2010
62	2009070058	Jouberton	Improper performance of duties	Written warning	27 September 2010
63	2010010243	Rustenburg	Improper performance of duties	Reprimand	5 August 2010
64	2010010493	Boitekong	Improper performance of duties	Reprimand	5 August 2010
65	2009060416	Mogwase	Improper performance of duties	Written warning	27 September 2010
66	2009100668	Mogwase	Failure to open a docket in response to a criminal charge being laid	Written warning	30 September 2010
67	2010020575	Phokeng	Improper performance of duties	Reprimand	5 August 2010
68	2010040158	Zeerust	Improper performance of duties	Reprimand	12 January 2011
69	2010040199	Boitekong	Improper performance of duties	Reprimand	11 February 2011
70	2010040373	Coligny	Improper performance of duties	Verbal warning	27 September 2010

NO.	CCN	STATION	NATURE OF COMPLAINT	SENTENCE / SANCTION	DATE
71	2010030185	Marikana	Improper performance of duties	Reprimand	5 August 2010
72	2010040477	Mafikeng	Improper performance of duties	Reprimand	16 March 2011
73	2009080279	Itsoeng	Improper performance of duties	Reprimand	2 November 2010
74	2004100632	Ga-Rankuwa	Assault with intent to cause grievous bodily harm	Written warning	4 November 2010
75	2010020328	Sun City	Failing to provide complainant with progress report	Verbal warning	17 January 2011
76	2008100587	Mmabatho	Improper performance of duties	Written warning	2 February 2011
77	2009030212	Mmabatho	Improper performance of duties	Written warning	2 February 2011
78	2007110555	Mafikeng	Improper performance of duties	Written warning	2 February 2011
79	2010010398	Rustenburg	Improper performance of duties	Verbal warning	2 February 2011
80	2009090141	Mooifontein	Improper performance of duties	Reprimand	23 February 2011
81	2009040476	Mmabatho	Reckless driving	Written warning	15 March 2011
82	2009080544	Setlagole	Attempted murder	Convicted	15 March 2011
83	2009110551	Klipgat	Contravening SAPS regulation 20(a)(e)(i)(q)(z)	Dismissed	15 March 2011
84	2008090425	Bloemhof	Assault with intent to cause grievous bodily harm	Written warning	15 March 2011
85	2008110573	Tlhabane	Assault with intent to cause grievous bodily harm	Dismissed	15 March 2011
86	2009100001	Monakato	Theft	Reprimand	15 March 2011
87	2008080206	Phokeng	Improper performance of duties	Written warning	15 November 2010
88	2008100165	Lomanyaneng	Improper performance of duties	Written warning	2 February 2011

Table 2.3.15 shows that there were 14 acquittals in departmental trials.

TABLE 2.3.15: Departmental acquittals, by province and class of offence

NO.	CCN	STATION	NATURE OF COMPLAINT	SENTENCE / SANCTION	DATE
1	2010080264	Kakamas	Assault	Not guilty and discharged	28 February 2011
2	2010080080	Kakamas	Assault	Not guilty and discharged	8 February 2011
3	2010090216	Upington	Assault	Not guilty and discharged	8 February 2011
4	2010080560	Rosedale	Assault	Not guilty and discharged	8 February 2011
5	2010090061	Rosedale	Assault	Not guilty and discharged	8 February 2011
6	2009080186	Lulekani	Murder	Not guilty and discharged	13 January 2011
7	2009090199	Thohoyandou	Defeating the ends of justice	Not guilty and discharged	14 July 2010
8	2009070181	Verulam	Contravening regulation 20 (e)	Not guilty and discharged	26 April 2010
9	2009090089	Mafikeng	Improper performance of duties	Not guilty and discharged	26 July 2010
10	2009080432	Potchefstroom	Assault with intent to cause grievous bodily harm	Not guilty and discharged	3 August 2010
11	2009100011	Letlhabile	Improper performance of duties	Not guilty and discharged	19 October 2010
12	2009100146	Letlhabile	Improper performance of duties	Not guilty and discharged	19 October 2010
13	2009100068	Ikageng	Violation of Reg. 20(a) (e) (i)(q) (z) of the SAPS Disciplinary Regulations	Not guilty and discharged	11 March 2011
14	2009100661	Ikageng	Assault with intent to cause grievous bodily harm	Not guilty and discharged	16 March 2011

- Court attendance – 2010/11

ICD investigators spent a total of 1 014 days in court or testifying in disciplinary matters held by the SAPS during 2010/11. Most of the court attendance was in relation to criminal matters.

TABLE 2.3.16: Court attendance in days, by province and class of offence

Province	Deaths Cases	Criminal cases	Misconduct Cases	Total
Eastern Cape	53	39	0	92
Free State	105	150	0	255
Gauteng	51	15	0	66
KwaZulu-Natal	52	56	0	108
Limpopo	76	59	0	135
Mpumalanga	52	10	0	62
North West	27	195	2	224
Northern Cape	5	35	0	40
Western Cape	31	1	0	32
Total	452	560	2	1 014

Table 2.3.17 sets out the details of convictions for criminal offences in which SAPS members were found guilty.

TABLE 2.3.17: Convictions in criminal cases

NO.	CCN	STATION	NATURE OF COMPLAINT	SENTENCE / SANCTION	DATE
1	2009020067	Barkly West	Defeating the ends of justice	Sentenced R3 000 or 12 months' imprisonment wholly suspended for five years	23 November 2010
2	2008050219	Warrenton	Indecent assault	Three years' imprisonment	20 May 2010
3	2009080209	Kimberley	Driving under the influence of alcohol	R3 000 or six months' imprisonment wholly suspended for five years	16 November 2010
4	2010070358	Noenieput	Assault common	R6 000 or six months' imprisonment wholly suspended for four years	16 July 2010
5	2007020579	Warrenton	Rape	10 years' imprisonment	20 May 2010
6	2009070435	Keimoes	Assault common	Three months' imprisonment or R300 wholly suspended for five years	30 June 2010
7	2009060186	Upington	Assault with intent to cause grievous bodily harm	R3 000 or six months' imprisonment wholly suspended for four years	30 June 2010
8	2009100320	Kuruman	Assault with intent to cause grievous bodily harm	R1 000 or three months' imprisonment	6 February 2011

NO.	CCN	STATION	NATURE OF COMPLAINT	SENTENCE / SANCTION	DATE
9	2008100138	Kimberley	Assault with intent to cause grievous bodily harm	Cautioned and discharged	17 September 2010
10	2009010357	Vosloorus	Murder	15 years' imprisonment	8 December 2010
11	2009030269	Springs	Murder	Four years' imprisonment suspended for five years	18 August 2010
12	2008120155	Kagiso	Murder	15 years' imprisonment and declared unfit to possess a firearm	7 March 2011
13	2008110485	Tshilwavhusiku	Murder	Found guilty of common assault and sentenced to 18 months' imprisonment or R5 000 fine	11 June 2010
14	2008010549	Bela-Bela	Two counts of murder and one count of attempted murder	Count 1, murder: 20 years' imprisonment Count 2, murder: 15 years' imprisonment Count 3, attempted murder: 10 years' imprisonment Ordered that 15 years on count 2 run concurrently with sentence on count 1, and sentence on count 3 run concurrently with sentence on count 1 – effective sentence is 25 years' imprisonment	31 May 2010
15	2002090022	Polokwane	Assault with intent to cause grievous bodily harm	R8 000 fine or eight months' imprisonment, and R2 000 fine or two months' imprisonment suspended for three years	17 June 2010
16	2008100110	Seshego	Murder	Six years' imprisonment, suspended for eight months	14 June 2010
17	2009090278	Nemato	Murder	15 years' imprisonment	21 May 2010
18	2009010594	Tarkastad	Attempted murder	R3 000 or six months' imprisonment	23 February 2011
19	2009070182	Graaff Reinet	Murder	Five years' imprisonment and correctional supervision	11 January 2011
20	2004010059	Willowvale	Murder	R10 000 or three years' imprisonment suspended for five years	29 August 2010
21	2006050323	Seymour	Murder	Accused 1: five years' imprisonment Accused 2 and 3: four years' imprisonment	4 August 2010
22	2009090081	Klerksdorp	Common assault	Paid admission-of-guilt fine of R500	15 October 2010
23	2010070492	Mafikeng	Assault with intent to cause grievous bodily harm	Four months' imprisonment or R3 800	18 March 2011

NO.	CCN	STATION	NATURE OF COMPLAINT	SENTENCE / SANCTION	DATE
24	2009040251	Leeudoringstad	Attempted murder	Two years and five months' imprisonment or R11 000 fine	2 September 2010
25	2009100661	Ikageng	Assault with intent to cause grievous bodily harm	Five years' imprisonment or R10 000 fine	16 March 2011
26	2009030089	Madikwe	Assault common	R200 admission-of-guilt fine	25 August 2010
27	2008110155	Makwasi	Culpable homicide	R8 000 or 24 months' imprisonment wholly suspended for five years	17 October 2010
28	2008100036	Tlhabane	Murder (pleaded guilty to culpable homicide)	Three years' imprisonment wholly suspended for five years	22 June 2010
29	2008030271	Fernie	Murder	Guilty of culpable homicide: five years' imprisonment, suspended for four years; not to have committed similar offence	9 November 2010
30	2009050155	Schoemansdal	Assault with intent to cause grievous bodily harm	Fined R1 800 or six months' imprisonment, half of which was suspended for five years	30 November 2010
31	2009020017	Mhala	Murder	Guilty of culpable homicide: five years' imprisonment, suspended for five years; not to have committed similar offence	1 February 2011
32	2009060097	Hazyview	Murder	Sentenced for three years imprisonment, wholly suspended for a period of five (5) years	21 June 2010
33	2007030395	Kwandengezi	Murder	15 years' imprisonment	12 July 2010
34	2002120057	Phoenix	Culpable homicide	Three years' imprisonment suspended for four years	3 May 2010
35	2007040156	Bellair	Extortion and attempted corruption	Two years' imprisonment without option of fine	25 May 2010
36	2002090332	Wentworth	Murder	10 years' imprisonment	25 May 2010
37	2007110330	Colenso	Attempted murder	Three years' imprisonment suspended for five years	28 August 2010
38	2009090093	Greytown	Murder	Eight years' imprisonment, which was wholly suspended for five years	14 February 2011
39	2008090339	Umbilo	Four counts of murder and attempted murder	25 years' imprisonment on each count of murder, and 15 years' imprisonment for attempted murder	27 September 2010
40	2008090339	Umbilo	Four counts of murder and attempted murder	20 years' imprisonment on each count of murder, and 10 years' imprisonment for attempted murder	27 September 2010
41	2003040270	Pietermaritzburg	Assault with intent to cause grievous bodily harm	Five years' imprisonment, wholly suspended for five years	31 January 2011

NO.	CCN	STATION	NATURE OF COMPLAINT	SENTENCE / SANCTION	DATE
42	2008050465	Botshabelo	Assault with intent to cause grievous bodily harm	All five members fined: R400 for two accused and R800 for the other two, with the option of 90 days' imprisonment	26 July 2010
43	2010040161	Sasolburg	Murder	12 years' imprisonment	12 November 2010
44	2009020031	Kagisanong	Assault with intent to cause grievous bodily harm	Found guilty and sentenced to R2 000 or four months imprisonment suspended for three years	1 December 2010
45	2009050463	Marquard	Assault with intent to cause grievous bodily harm	R12 000 or 18 months' imprisonment, half of which was suspended conditionally for five years	6 April 2010
46	2010020067	Phuthadithjaba	Murder	10 years' imprisonment	18 August 2010
47	2008050543	Clocolan	Assault with intent to cause grievous bodily harm	R4 000 fine conditionally suspended for four years	17 August 2010
48	2008050546	Clocolan	Assault with intent to cause grievous bodily harm	R4 000 fine conditionally suspended for four years	17 August 2010
49	2008030363	Allanridge	Assault with intent to cause grievous bodily harm	Six months' imprisonment or R1 500 fine wholly suspended for five years, with conditions	28 January 2011
50	2009050479	Tumahole	Murder	12 years' imprisonment suspended for four years, further suspended for five years	9 February 2011
51	2010050206	Reitz	Murder	12 years' imprisonment	24 February 2011
52	2008010232	Bellville	Murder	12 years imprisonment	13 May 2010
53	2006110388	Kuils River	Murder	20 years Imprisonment	17 May 2010
54	2009010511	Lwandle	Murder	Found guilty of assault with intent to cause grievous bodily harm and fined R3 000 or 18 months imprisonment suspended for 5 years	27 May 2010
55	2007080530	Kwanokuthula	Murder	4 years imprisonment suspended for 3 years	18 October 2010
56	2007010212	Bishop Lavis	Murder	10 years imprisonment	15 December 2010
57	2008020510	Steenberg	Murder (Accused 1)	9 years imprisonment for being an accessory after the fact	22 March 2011
58	2008020510	Steenberg	Murder (Accused 2)	9 years imprisonment for accessory after the fact and 12 months for assault common	22 March 2011
59	2008020510	Steenberg	Murder (Accused 3)	5 years on culpable homicide and suspended for 5 years	22 March 2011

Table 2.3.18 gives a listing of acquittals in criminal cases. Members were found not guilty and discharged.

TABLE 2.3.18: Acquittals in criminal cases

NO.	CCN	STATION	NATURE OF COMPLAINT	SENTENCE / SANCTION	DATE
1	2009100208	Warrenton	Assault	Not guilty and discharged	11 December 2010
2	2008100138	Kimberley	Assault	Not guilty and discharged	26 November 2010
3	2009120449	Kimberley	Assault	Not guilty and discharged	27 August 2010
4	2008090154	Barkly West	Assault	Not guilty and discharged	21 January 2011
5	2007110031	Mankweng	Attempted murder	Not guilty and discharged	6 January 2011
6	2009080186	Lulekani	Murder	Not guilty and discharged	27 January 2011
7	2009090199	Thohoyandou	Defeating the ends of justice	Not guilty and discharged	3 December 2010
8	2006120077	Tubatse	Murder	Not guilty and discharged	19 January 2011
9	2009020398	Mankweng	Attempted murder	Not guilty and discharged	2 December 2010
10	2007050378	Dennilton	Attempted murder	Not guilty and discharged	2 December 2010
11	2007120253	Dennilton	Attempted murder	Not guilty and discharged	2 December 2010
12	2006030131	Nebo	Murder	Not guilty and discharged	22 April 2010
13	2007060007	Ngqeleni	Murder	Not guilty and discharged	22 April 2010
14	2008090470	Adelaide	Murder	Not guilty and discharged	10 May 2010
15	2008050154	Ntabethemba	Sexual assault	Not guilty and discharged	19 July 2010
16	2008070413	Nemato	Murder	Not guilty and discharged	5 June 2010
17	2008030604	Steve Tshwete	Assault with intent to cause grievous bodily harm	Withdrawn	6 August 2010
18	2008090572	Nemato	Assault with intent to cause grievous bodily harm	Not guilty and discharged	14 July 2010
19	2003080205	Keiskammahoek	Assault with intent to cause grievous bodily harm	Not guilty and discharged	1 November 2010
20	2008040496	Keiskammahoek	Murder	Not guilty and discharged	13 December 2010
21	2009070518	Vosman	Murder	Not guilty and discharged	10 February 2011
22	2006070310	Sakhile	Defeating the ends of justice	Not guilty and discharged	8 November 2010
23	2008030628	Alexandra	Defeating the ends of justice	Not guilty and discharged	3 May 2010
24	2006050582	Umlazi	Murder	Not guilty and discharged	14 April 2010
25	2007080299	Sundumbili	Defeating the ends of justice	Not guilty and discharged	19 October 2010
26	2007050488	Phoenix	Assault with intent to cause grievous bodily harm	Not guilty and discharged	1 March 2011

NO.	CCN	STATION	NATURE OF COMPLAINT	SENTENCE / SANCTION	DATE
27	2007050023	Thembaletu	Murder	Not guilty and discharged	5 July 2010
28	2005090121	Ashton	Murder	Not guilty and discharged	16 August 2010

- Closed cases – 2010/11

The ICD closed 5 695 cases in 2010/11. The majority, 2 804 or 49% were cases of misconduct, 1 929 or 34 percent were criminal cases, and 832 or 15 percent were deaths in police custody and deaths as a result of police action.

TABLE 2.3.21: Manner of disposal

Class	Death	DVA	Criminal	Misconduct	Total
Substantiated	144	42	376	309	871
Unsubstantiated	683	84	1 473	2 395	4 635
Withdrawn	5	4	80	100	189
Total	832	130	1 929	2 804	5 695

2.4 Cases

This section provides a sample selection of ICD cases during the reporting period.

Case study: Murder

A police constable, Elliot Khaka (31), was found guilty of murder and sentenced to 12 years in prison in November 2010. Constable Khaka was stationed at SAPS Sasolburg in the Free State when he shot and killed a 20-year-old male, Sombane Lungile, at a local tavern on 8 April 2010.

Lungile had allegedly tried to steal a car belonging to another constable who was with the accused Constable Khaka shot Lungile twice in the chest and head and left the scene. He returned later and again shot the deceased in the chest and head.

The ICD investigated the matter. Constable Khaka was arrested and charged with murder. He was found guilty and sentenced in the Parys High Court.

Case study: Assault and corruption

On 22 February 2011, the ICD arrested warrant officer Abel Baloyi (43) of SAPS Mokopane. He faces multiple charges, including three counts of assault with intent to cause grievous bodily harm, common assault and corruption.

On 23 October 2010, Baloyi allegedly assaulted a foreign national working at a local store. The officer had taken airtime and soft drinks from the store without paying. Apparently, the victim was also arrested and false charges brought against him. Baloyi allegedly tried to extort money from the victim in return for his release. After the complainant opened a case against the policeman, Baloyi and his colleague apparently coerced the victim into withdrawing the charges.

The ICD took over the investigation, and as a result Baloyi was charged with corruption and assault with intent to cause grievous bodily harm. The ICD opened further cases of defeating the ends of justice and intimidation against the officer, after he allegedly threatened key witnesses with violence and deportation.

On 28 March 2011, Baloyi appeared before Mokopane Magistrates' Court for a bail application. He was denied bail and remanded in custody pending the conclusion of his trial for corruption and defeating the ends of justice charges. The case is currently on trial.

Case study: Murder (Vosloorus)

On 2 December 2010, Captain Sibuyi was convicted for the murder of 16-year-old Vusi Zwane, and the South Gauteng High Court handed him an effective 15 years prison sentence.

The verdict against Sibuyi, who was stationed at SAPS Vosloorus, followed an incident in January 2009 when the police received a complaint of armed robbery in Vosloorus. The police found the suspects at Vosloorus stadium. The suspects fled, and one was arrested. While the other policemen were chasing the other suspect, Captain Sibuyi ran after two school boys who were not connected to the robbery. One boy managed to flee, but Sibuyi shot Vusi Zwane dead while the teenager was raising his hands to surrender.

The ICD investigated the incident and recommended that Captain Sibuyi be charged for murder.

Case study: Murder

The ICD arrested 15 police officers for the alleged murder of Nhlanhla Lala Luthuli, a 40-year-old from Mpumalanga, Hammarsdale, KwaZulu-Natal. It is alleged that on 29 October 2010, at about 2am, 15 police officers from Pinetown and Inanda went to Luthuli's home to search for a firearm belonging to a member of the Pinetown Crime Intelligence Unit, whose house had recently been robbed.

The 15 officers allegedly assaulted Luthuli in front of his 11-year-old son and his girlfriend until he became unconscious. The suspects tried to resuscitate him by pouring water over him but did not succeed. They allegedly took Luthuli in a police vehicle and dumped him on the side of a road. When he was discovered he was still unconscious, and died on the way to hospital.

The ICD conducted an investigation and the suspects were arrested and charged on 19 November 2010. They appeared at the Hammarsdale Magistrates' Court and were granted R5 000 bail each. The case was postponed to 14 January 2011. The case is currently on trial.

Case study: SAPS Odendaalsrus (attempted murder)

On 2 October 2010, the ICD arrested a 28-year-old reservist constable stationed at SAPS Odendaalsrus on allegations of attempted murder following the shooting of Martha Frans (23).

The suspect reportedly had a romantic relationship with the victim. It was alleged that the couple had a heated argument and the suspect chased after Ms Frans with his service firearm. The victim fled to a neighbour's house and locked herself inside a room. The suspect followed her to the house where he allegedly fired two shots through the door. The victim opened the door and the suspect fired a shot that hit her upper body. The victim managed to flee and hid at a neighbour's house.

The suspect threatened to commit suicide with his service firearm. The police were called to the scene and convinced the suspect to surrender after several hours of negotiation. The victim was taken to hospital to receive medical attention.

The ICD took over the investigation. The suspect appeared before the Odendaalsrus Magistrates' Court on 5 October 2010. The case is on trial.



3. Human resource management

3.1 Expenditure

TABLE 3.1.1: Personnel costs by programme, 2010/11

PROGRAMME	TOTAL EXPENDITURE (R'000)	PERSONNEL EXPENDITURE (R'000)	TRAINING EXPENDITURE (R'000)	PROFESSIONAL AND SPECIAL SERVICES (R'000)	PERSONNEL COST AS % OF TOTAL EXPENDITURE	AVERAGE PERSONNEL COST PER EMPLOYEE (R'000)
Administration	50 387	22 433	348	432	44.5	83
Complaints processing, monitoring and investigations	64 997	42 935	323	10	66.1	159
Information management and research	13 060	6 384	442	8	48.9	24
Total	128 444	71 752	1 113	450	55.9	266

TABLE 3.1.2: Personnel costs by salary band, 2010/11

SALARY BAND	PERSONNEL EXPENDITURE (R'000)	% OF TOTAL PERSONNEL COST	AVERAGE PERSONNEL COST PER EMPLOYEE (R'000)
Lower skilled (levels 1-2)	-	-	
Skilled (levels 3-5)	13 022	18	137
Highly skilled production (levels 6-8)	25 194	35	279
Highly skilled supervision (levels 9-12)	21 754	30	315
Senior management (levels 13-16)	11 782	17	736
Contract			
Abnormal appointment			
Total	71 752	100	266

TABLE 3.1.3: Salaries, overtime, home-owners' allowance and medical assistance by programme, 2010/11

PROGRAMME	SALARIES		OVERTIME		HOME-OWNERS' ALLOWANCE		MEDICAL ASSISTANCE	
	Amount (R'000)	Salaries as % of personnel cost	Amount (R'000)	Overtime as % of personnel cost	Amount (R'000)	Home-owners' allowance as % of personnel cost	Amount (R'000)	Medical assistance as % of personnel cost
Programme 1	14 698	65.5	301	1.3	625	2.7	991	4.4
Programme 2	27 541	64.1	375	0.8	1 033	2.4	2 047	4.7
Programme 3	4 412	69.1	92	1.4	179	2.8	335	5.2
Total	46 651	65	768	1	1 837	2.5	3 373	4.7

TABLE 3.1.4: Salaries, overtime, home-owners' allowance and medical assistance by salary bands, 2010/11

SALARY BANDS	SALARIES		OVERTIME		HOME-OWNERS' ALLOWANCE		MEDICAL ASSISTANCE	
	Amount (R'000)	Salaries as % of personnel cost	Amount (R'000)	Overtime as % of personnel cost	Amount (R'000)	Home-owners' allowance as % of personnel cost	Amount (R'000)	Medical assistance as % of personnel cost
Lower skilled (levels 1-2)								
Skilled (levels 3-5)	8 133	11.3	101	0.1	729	1.0%	1 178	1.6
Highly skilled production (levels 6-8)	14 783	20.6	427	0.6	692	0.9%	1 422	2.0
Highly skilled supervision (levels 9-12)	14 908	20.8	240	0.3	361	0.5%	650	0.9
Senior management (levels 13-16)	8 827	12.3	-	-	55	0.1%	123	0.2
Total	46 651	65	768	1	1 837	2.5	3 373	4.7

3.2 Employment and vacancies

TABLE 3.2.1: Employment and vacancies by programme as at 31 March 2011

PROGRAMME	NUMBER OF POSTS	NUMBER OF POSTS FILLED	% VACANCY RATE	NUMBER OF POSTS FILLED ADDITIONAL TO THE ESTABLISHMENT
Programme1	95	86	9.4	None
Programme 2	154	144	6.4	None
Programme 3	43	40	6.9	None
Total	292	270	7.5	None

TABLE 3.2.2: Employment and vacancies by salary bands as at 31 March 2011

SALARY BAND	NUMBER OF POSTS	NUMBER OF POSTS FILLED	% VACANCY RATE	NUMBER OF POSTS FILLED ADDITIONAL TO THE ESTABLISHMENT
Lower skilled (levels 1-2)	-	-	-	None
Skilled (levels 3-5)	103	95	7.7%	None
Highly skilled production(levels 6-8)	93	90	3.2%	None
Highly skilled supervision (levels 9-12)	76	69	9.2%	None
Senior management (levels 13-16)	20	16	20%	None
Total	292	270	7.5%	None

TABLE 3.2.3: Employment and vacancies by critical occupation as at 31 March 2011

The ICD had no critical occupations during the period under review.

3.3 Job evaluation

TABLE 3.3.1: Job evaluation, 1 April 2010 to 31 March 2011

No jobs were evaluated during the period under review.

TABLE 3.3.2: Profile of employees whose salary positions were upgraded due to their posts being upgraded, 1 April 2010 to 31 March 2011

There were no employees whose salaries/posts were upgraded.

The following table summarises the number of cases where remuneration levels exceeded the grade determined by job evaluation. Reasons for deviations are provided in each case.

TABLE 3.3.3: Employees whose salary level exceed the grade determined by job evaluation, 1 April 2010 to 31 March 2011 (in terms of PSR 1.V.C.3)

Total number of employees whose salaries exceeded the level determined by job evaluation in 2010/11	None
---	------

TABLE 3.3.4 summarises the above beneficiaries in terms of race, gender and disability.

There were no employees whose salaries exceeded the level determined by job evaluation.

TABLE 3.3.5: Cases where remuneration bands exceeded the grade determined by job evaluation

Total number of employees whose salaries exceeded the grades determined by job evaluation in 2010/11	None
--	------

3.4 Employment changes

TABLE 3.4.1: Annual turnover rates by salary band for the period 1 April 2010 to 31 March 2011

SALARY BAND	NUMBER OF EMPLOYEES PER BAND AS AT 1 APRIL 2010	APPOINTMENTS AND TRANSFERS TO THE DEPARTMENT	TERMINATIONS AND TRANSFERS FROM THE DEPARTMENT	TURNOVER RATE
Lower skilled (levels 1-2)	-	-	-	-
Skilled (levels 3-5)	94	19	15	16%
Highly skilled production (levels 6-8)	90	14	13	14%
Highly skilled supervision (levels 9-12)	69	3	7	10%
Senior management service band A	12	-	2	17%
Senior management service band B	4	2	-	0%
Senior management service band C	1	-	-	0%
Total	270	38	37	14%

TABLE 3.4.2: Reasons why staff are leaving the department

TERMINATION TYPE	NUMBER	% OF TOTAL
Death	-	-
Resignation	12	75%
Expiry of contract	-	-
Dismissal – operational changes	-	-
Dismissal – misconduct	2	12.5%
Dismissal – inefficiency	-	-
Discharged due to ill-health	-	-
Retirement	2	12.5%
Transfers to other public service departments	-	-
Other	-	-
Total	16	100%
Total number of employees who left as a % of the total employment		6%

The ICD had no critical occupations during the period under review.

TABLE 3.4.3: Promotions by salary band

SALARY BAND	EMPLOYEES 1 APRIL 2010	PROMOTIONS TO ANOTHER SALARY LEVEL	SALARY BANDS PROMOTIONS AS % OF EMPLOYEES BY SALARY LEVEL	PROGRESSIONS TO ANOTHER NOTCH WITHIN A SALARY LEVEL	NOTCH PROGRESSIONS AS % OF EMPLOYEES BY SALARY BAND
Lower skilled (levels 1-2)	-	-	-	-	-
Skilled (levels 3-5)	94	7	7.4	57	60.6
Highly skilled production (levels 6-8)	90	23	25.6	67	74.4
Highly skilled supervision (levels 9-12)	69	6	8.6	23	33.3
Senior management (levels 13-16)	17	-	-	11	64.7
Total	270	36	13.3	158	58.5

3.5 Employment equity

TABLE 3.5.1: Total number of employees (including employees with disabilities) in the following occupational categories as at 31 March 2011

OCCUPATIONAL CATEGORIES (SASCO)	MALE				FEMALE				TOTAL
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Legislators, senior officials and managers	3	-	-	1	3	-	-	-	7
Professionals	67	1	3	5	38	3	2	2	121
Technicians and associate professionals	7	-	-	1	7	-	-	1	16
Clerks	20	-	-	-	57	7	1	1	86
Service and sales workers	19	2	1	3	15	-	-	-	40
Total	116	3	4	10	120	10	3	4	270
Employees with disabilities	2	-	-	-	2	-	-	-	4

TABLE 3.5.2: Total number of employees (including employees with disabilities) in each of the following occupational bands as on 31 March 2011

OCCUPATIONAL BANDS	MALE				FEMALE				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Top management	2	-	-	1	2	-	-	-	5
Senior management	8	-	-	-	3	-	-	-	11
Professionally qualified and experienced specialists and mid-management	31	3	3	8	19	1	-	4	69
Skilled technical and academically qualified workers, junior management, supervisors, foremen and superintendents	45	-	1	1	40	1	2	-	90
Semi-skilled and discretionary decision making	30	-	-	-	56	8	1	-	95
Total	116	3	4	10	120	10	3	4	270

TABLE 3.5.3: Recruitment for the period 1 April 2010 to 31 March 2011

OCCUPATIONAL BANDS	MALE				FEMALE				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Top management	-	-	-	-	1	-	-	-	1
Senior management	-	-	-	-	1	-	-	-	1
Professionally qualified and experienced specialists and mid-management	-	-	-	1	2	-	-	-	3
Skilled technical and academically qualified workers, junior management, supervisors, foremen and superintendents	6	-	-	-	5	-	-	-	11
Semi-skilled and discretionary decision making	12	-	-	-	10	-	-	-	22
Total	18	-	-	1	19	-	-	-	38
Employees with disabilities	2	-	-	-	1	-	-	-	3

TABLE 3.5.4: Promotions for the period 1 April 2010 to 31 March 2011

OCCUPATIONAL BANDS	MALE				FEMALE				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Top management	-	-	-	-	-	-	-	-	-
Senior management	-	-	-	-	-	-	-	-	-
Professionally qualified and experienced specialists and mid-management	1	-	-	-	-	1	-	-	2
Skilled technical and academically qualified workers, junior management, supervisors, foremen and superintendents	4	-	-	-	-	2	-	-	6
Semi-skilled and discretionary decision making	1	-	-	-	-	2	-	-	3
Total	6	-	-	-	-	5	-	-	11
Employees with disabilities	-	-	-	-	-	-	-	-	-

TABLE 3.5.5: Terminations for the period 1 April 2010 to 31 March 2011

OCCUPATIONAL BANDS	MALE				FEMALE				TOTAL
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Top management	-	-	-	-	-	-	-	1	1
Senior management	-	-	-	-	1	-	-	-	1
Professionally qualified and experienced specialists and mid-management	3	-	1	1	-	-	-	-	5
Skilled technical and academically qualified workers, junior management, supervisors, foremen and superintendents	2	-	-	1	-	-	-	-	3
Semi-skilled and discretionary decision making	4	-	-	2	-	-	-	-	6
Total	9	-	1	4	1	-	-	1	16
Employees with disabilities	-	-	-	-	-	-	-	-	-

TABLE 3.5.6: Disciplinary action for the period 1 April 2010 to 31 March 2011

	MALE				FEMALE				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Disciplinary action	3	-	-	1	3	-	-	-	7

TABLE 3.5.7: Skills development for the period 1 April 2010 to 31 March 2011

OCCUPATIONAL CATEGORIES	MALE				FEMALE				TOTAL
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Legislators, senior officials and managers	35	2	5	5	19	2	-	1	69
Professionals	13	-	-	2	24	1	-	-	40
Technicians and associate professionals	9	-	-	-	12	-	-	-	21
Clerks	8	-	-	-	20	1	-	-	29
Total	65	2	5	7	75	4	-	1	159
Employees with disabilities	1	-	-	-	-	-	-	-	-

3.6 Performance rewards

TABLE 3.6.1: Performance rewards by race, gender, and disability – 1 April 2010 to 31 March 2011

	BENEFICIARY PROFILE			COST	
	Number of beneficiaries	Total number of employees in group	% of total within group	Cost (R'000)	Average cost per employee
African	99	232	42.6	876	17 245
Male	57	114	50	578	10 148
Female	42	118	35.6	298	7 097
Asian	5	7	71.4	35	14 677
Male	2	4	50	16	8 220
Female	3	3	100	19	6 457
Coloured	4	13	30.7	56	38 791
Male	1	3	33.3	31	30 537
Female	3	10	30	25	8 254
White	4	14	28.5	50	25 020
Male	2	10	20	17	8 451
Female	2	4	50	33	16 569
Employees with a disability	-	-	-	-	-
Total	112	266	41.5	1 017	95 733

TABLE 3.6.2: Performance rewards by salary band for personnel below senior management level – 1 April 2010 to 31 March 2011

SALARY BANDS	BENEFICIARY PROFILE			COST		
	Number of beneficiaries	Number of employees	% of total within salary bands	Total cost (R'000)	Average cost per employee	Total cost as % of the total personnel expenditure
Lower skilled (levels 1-2)	-	-	-	-	-	-
Skilled (levels 3-5)	29	94	30.9	122	4 206	33.2
Highly skilled production (levels 6-8)	47	90	52.2	341	7 255	30.4
Highly skilled supervision (levels 9-12)	31	70	44.3	379	12 225	56.2
Total	107	254	42.1	842	7 869	11.1

TABLE 3.6.3: Performance-related rewards (cash bonus), by salary band, for senior management level

SALARY BAND	BENEFICIARY PROFILE			TOTAL COST (R'000)	AVERAGE COST PER EMPLOYEE	TOTAL COST AS % OF THE TOTAL PERSONNEL EXPENDITURE
	Number of beneficiaries	Number of employees	% of total within band			
Band A	4	11	36.3	134	3 350	8 247
Band B	1	4	25	42	4 200	3 361
Band C	-	1	-	-	-	-
Band D	-	-	-	-	-	-
Total	5	16	31.2	176	3 520	11 608

3.7 Foreign workers

The ICD had no foreign workers during the period under review.

3.8 Leave utilisation for the period 1 January 2010 to 31 December 2010

TABLE 3.8.1: Sick leave, 1 January 2010 to 31 December 2010

SALARY BAND	TOTAL DAYS	% DAYS WITH MEDICAL CERTIFICATION	NUMBER OF EMPLOYEES USING SICK LEAVE	% OF TOTAL EMPLOYEES USING SICK LEAVE	AVERAGE DAYS PER EMPLOYEE	ESTIMATED COST (R'000)
Lower skilled (levels 1-2)	-	-	-	-	-	-
Skilled (levels 3-5)	635	85.8	89	39.4	7	200
Highly skilled production (levels 6-8)	573 .5	92.6	75	33.2	7.6	335
Highly skilled supervision (levels 9-12)	372	89.2	48	21.2	8	358
Senior management (levels 13-16)	72	88.9	13	5.8	6	198
Total	1 652 .5	89.1	225	100	7.3	1 091

TABLE 3.8.2: Disability leave (temporary and permanent), 1 January 2010 to 31 December 2010

SALARY BAND	TOTAL DAYS TAKEN	% DAYS WITH MEDICAL CERTIFICATION	NUMBER OF EMPLOYEES USING DISABILITY LEAVE	% OF TOTAL EMPLOYEES USING DISABILITY LEAVE	AVERAGE DAYS PER EMPLOYEE	ESTIMATED COST (R'000)
Lower skilled (levels 1-2)	-	-	-	-	-	-
Skilled (levels 3-5)	-	-	-	-	-	-
Highly skilled production (levels 6-8)	-	-	-	-	-	-
Highly skilled supervision (levels 9-12)	8	100	1	100	8	6 000
Senior management (levels 13-16)						
Total	8	100	1	100	8	6 000

TABLE 3.8.3: Annual leave, 1 January 2010 to 31 December 2010

SALARY BANDS	TOTAL DAYS TAKEN	AVERAGE PER EMPLOYEE
Skilled (levels 3-5)	1 844	17
Highly skilled production (levels 6-8)	1 947.08	20
Highly skilled supervision (levels 9-12)	1 524	21
Senior management (levels 13-16)	312	20
Total	5 627.08	19

TABLE 3.8.4: Capped leave, 1 January 2010 to 31 December 2010

SALARY BANDS	TOTAL DAYS OF CAPPED LEAVE TAKEN	AVERAGE NUMBER OF DAYS TAKEN PER EMPLOYEE	AVERAGE CAPPED LEAVE PER EMPLOYEE AS AT 31 DECEMBER 2010
Highly skilled supervision (levels 9-12)	47	16	56
Senior management (levels 13-16)	-	-	-
Total	47	16	56

The following table summarises payments made to employees as a result of leave that was not taken.

TABLE 3.8.5: Leave payouts for the period 1 April 2010 to 31 March 2011

REASON	TOTAL AMOUNT (R'000)	NUMBER OF EMPLOYEES	AVERAGE PAYMENT PER EMPLOYEE
Leave payout for 2010/11 due to non-utilisation of leave for the previous cycle	140	2	70 000
Capped leave payout on termination of service for 2010/11	341	15	22 733
Current leave payout on termination of service for 2010/11	88	11	8 000
Total	569	28	20 321

3.9 HIV and AIDS and health promotion programmes

TABLE 3.9.1: Steps taken to reduce the risk of occupational exposure

UNITS/CATEGORIES OF EMPLOYEES IDENTIFIED TO BE AT HIGH RISK OF CONTRACTING HIV & RELATED DISEASES (IF ANY)	KEY STEPS TAKEN TO REDUCE THE RISK
Investigators, as they have to attend crime scenes and post mortems	Protective gear has been supplied by the ICD

TABLE 3.9.2: Details of health promotion and HIV and AIDS programmes

QUESTION	YES	NO	DETAILS, IF YES
1. Has the department designated a member of the SMS to implement the provisions contained in part 6 (E) of Chapter 1 of the Public Service Regulations, 2001? If so, provide her/his name and position.	x		Ms Sibongile Phalatsi – Director: Human Resources and Employee Health & Wellness.
2. Does the department have a dedicated unit or has it designated specific staff members to promote the health and wellbeing of employees? If so, indicate the number of employees who are involved in this task and the annual budget that is available for this purpose.	x		The sub-directorate has two permanent employees. In the provinces, the deputy provincial heads are tasked with these programmes. The annual budget for Special Programmes and Employee Wellness during 2010/2011 was R1 027 639, including salaries.
3. Has the department introduced an employee assistance or health promotion programme for employees? If so, indicate the key elements/services of this programme.	x		The Employee Assistance Programme was implemented from 1 February 2005. The programme services are outsourced to Independent Counselling and Advisory Services. The services include a 24-hour multilingual toll-free counselling, life management services, professional face-to-face counselling sessions, managerial and retrenchment counselling, trauma counselling, and incident counselling.
4. Has the department established (a) committee(s) as contemplated in part 6 E.5 (e) of Chapter 1 of the Public Service Regulations? If so, please provide the names of the members of the committee and the stakeholder(s) that they represent.	x		<p>The Special Programmes and Employee Wellness Committee deals with HIV and AIDS, health and wellness and special programmes issues. The members are:</p> <p>Ms S Phalatsi (HO) Mr R Raburaru (Gauteng), Ms P Mlungwana (EC), Ms A Percival (WC), Mr L John (KZN), Mr D Mokoena (Limp), Ms B Motlhale (NW), Mr T Mmusi (FS), Mr O Khanyi (MPU) and Mr G Angus (NC), Ms I Lentswane (HO), Ms K Netshikulwe (HO)</p> <p>The Employee Wellness Advisory Committee members are: Ms Phalatsi Mr T Tshabalala Mr M Dlamini Ms E Engelbrecht Ms M Phakathi Labour representatives</p>

QUESTION	YES	NO	DETAILS, IF YES
5. Has the department reviewed its employment policies and practices to ensure that these do not unfairly discriminate against employees on the basis of their HIV status? If so, list the employment policies/practices so reviewed.	x		The directorate has an approved HIV and AIDS policy that addresses all forms of unfair discrimination relating to HIV and AIDS and the Employee Health and Wellness Policy.
6. Has the department introduced measures to protect HIV-positive employees or those perceived to be HIV-positive from discrimination? If so, list the key elements of these measures.	x		Allegations of misconduct relating to unfair discrimination on the basis of HIV and AIDS are dealt with in terms of the Disciplinary Code and Procedure and the Grievance Procedure for the Public Service.
7. Does the department encourage its employees to undergo voluntary counselling and testing? If so, list the results that you have achieved.	x		All health and wellness screening activities include voluntary counselling and testing to create ample opportunities for employees to know their status. On 4 March 2011, 66 employees attended screenings that included voluntary counselling and testing.
8. Has the department developed measures/indicators to monitor and evaluate the impact of its health promotion programme? If so, list these measures/indicators.	x		The measures developed to evaluate the impact of the health promotion programmes are as follows: The “biggest loser” programme, which forms part of the health and wellness campaigns. The resilience programme, which is a debriefing session for investigators conducted by the Independent Counselling Advisory Services. Financial management workshops are offered to all employees.

3.10 Labour relations

No collective agreements were entered into with trade unions within the department during the period under review from 1 April 2010 to 31 March 2011.

The following table summarises the outcome of disciplinary hearings conducted within the department for 2010/11.

TABLE 3.10.1: Misconduct and disciplinary hearings finalised, 1 April 2010 to 31 March 2011

OUTCOMES OF DISCIPLINARY HEARINGS	NUMBER	% OF TOTAL
Final written warning	1	14.2
Suspended without pay	1	14.2
Dismissal	2	28.7
Not guilty	2	28.7
Case withdrawn	1	14.2
Total	7	100

TABLE 3.10.2: Types of misconduct addressed at disciplinary hearings

TYPE OF MISCONDUCT	NUMBER	% OF TOTAL
Breach of confidentiality	1	14.3
Contravention of policy	1	14.3
Making false statement on a sworn affidavit	2	28.5
Poor work performance	1	14.3
Misrepresentation	1	14.3
Abscondment	1	14.3
Total	7	100

TABLE 3.10.3: Grievances lodged for the period 1 April 2010 to 31 March 2011

	NUMBER	% OF TOTAL
Number of grievances resolved	4	36.4
Number of grievances not resolved	7	63.6
Total number of grievances lodged	11	100

TABLE 3.10.4: Disputes lodged with councils for the period 1 April 2010 to 31 March 2011

	NUMBER	% OF TOTAL
Number of disputes upheld	2	100
Number of disputes dismissed	0	0
Total number of disputes lodged	2	100

TABLE 3.10.5: Strike actions for the period 1 April 2010 to 31 March 2011

TOTAL NUMBER OF PERSON WORKING DAYS LOST	
Total cost (R'000) of working days lost	11 403.56
Amount (R'000) recovered as a result of no work no pay	0

TABLE 3.10.6: Precautionary suspensions for the period 1 April 2010 to 31 March 2011

Number of people suspended	6
Number of people whose suspension exceeded 30 days	5
Average number of days suspended	59.6
Cost (R'000) of suspensions	25 034.81

3.11 Skills development

This section highlights the directorate's skills-development efforts.

TABLE 3.11.1: Training needs identified 1 April 2010 to 31 March 2011

OCCUPATIONAL CATEGORIES	GENDER	NUMBER OF EMPLOYEES AS AT 1 APRIL 2010	TRAINING NEEDS IDENTIFIED AT START OF REPORTING PERIOD			
			Learnerships	Skills programmes & other short courses	Other forms of training	Total
Legislators, senior officials and managers	Female	22	-	50	21	71
	Male	24	-	71	20	91
Professionals	Female	27	-	106	33	139
	Male	61	-	44	30	74
Technicians and associate professionals	Female	3	-	-	2	2
	Male	2	-	-	1	1
Clerks	Female	78	-	104	28	132
	Male	32	-	74	23	97
	Male	-	-	-	-	-
Total		249		449	158	607

TABLE 3.11.2: Training provided 1 April 2010 to 31 March 2011

OCCUPATIONAL CATEGORIES	GENDER	NUMBER OF EMPLOYEES AS AT 1 APRIL 2010	TRAINING PROVIDED WITHIN THE REPORTING PERIOD			
			Learnerships	Skills programmes & other short courses	Other forms of training	Total
Legislators, senior officials and managers	Female	22	-	22	11	33
	Male	24	-	21	17	38
Professionals	Female	27	-	16	27	43
	Male	61	-	6	53	59
Technicians and associate professionals	Female	3	-	-	3	3
	Male	2	-	-	2	2
Clerks	Female	78	-	17	17	34
	Male	32	-	16	18	34
Total		249		98	148	246

3.12 Signing of performance agreements by senior management staff members

TABLE 3.12.1: Signing of performance agreements by senior management staff members as at 30 June 2010

SMS LEVEL	TOTAL NUMBER OF FUNDED SMS POSTS PER LEVEL	TOTAL NUMBER OF SMS MEMBERS PER LEVEL	TOTAL NUMBER OF SIGNED PERFORMANCE AGREEMENTS PER LEVEL	SIGNED PERFORMANCE AGREEMENTS AS % OF TOTAL NUMBER OF SMS MEMBERS PER LEVEL
Director-General/ head of department	-	-	-	-
Salary level 16 but not head of department	-	-	-	-
Salary level 15	1	1	1	100
Salary level 14	5	3	-	-
Salary level 13	14	12	-	-
Total	20	16	1	6.25

TABLE 3.12.2: Reasons for not having concluded performance agreements for all senior management staff members as at 30 June 2010

The ICD was in the process of realigning the performance agreements of Senior Management Service members with the performance agreement of the Executive Director through a service provider.

3.13 Filling of senior management posts

TABLE 3.13.1: Senior management staff post information as at 31 March 2011

SMS LEVEL	TOTAL NUMBER OF FUNDED SMS POSTS PER LEVEL	TOTAL NUMBER OF SMS POSTS FILLED PER LEVEL	% OF SMS POSTS FILLED PER LEVEL	TOTAL NUMBER OF SMS POSTS VACANT PER LEVEL	% OF SMS POSTS VACANT PER LEVEL
Director-General/ head of department	-	-	-	-	-
Salary level 16 but not head of department	-	-	-	-	-
Salary level 15	1	1	100%	-	-
Salary level 14	5	4	80%	1	20%
Salary level 13	14	11	78.5	3	21.4%
Total	20	16	80%	4	20%

TABLE 3.13.2: Senior management service post information as at 30 September 2010

SMS LEVEL	TOTAL NUMBER OF FUNDED SMS POSTS PER LEVEL	TOTAL NUMBER OF SMS POSTS FILLED PER LEVEL	% OF SMS POSTS FILLED PER LEVEL	TOTAL NUMBER OF SMS POSTS VACANT PER LEVEL	% OF SMS POSTS VACANT PER LEVEL
Director-General/ head of department	-	-	-	-	-
Salary level 16 but not head of department	-	-	-	-	-
Salary level 15	1	1	100%	-	-
Salary level 14	5	3	60%	2	40%
Salary level 13	14	11	78.5%	3	21.4%
Total	20	15	75%	5	25%

TABLE 3.13.3: Advertising and filling of senior management posts as at 31 March 2011

SMS LEVEL	ADVERTISING		
	NUMBER OF VACANCIES PER LEVEL ADVERTISED IN 6 MONTHS OF BECOMING VACANT	NUMBER OF VACANCIES PER LEVEL FILLED IN 6 MONTHS OF BECOMING VACANT	NUMBER OF VACANCIES PER LEVEL NOT FILLED IN 6 MONTHS, BUT FILLED IN 12 MONTHS
Director-General/ head of department	-	-	-
Salary level 16 but not head of department	-	-	-
Salary level 15	-	-	-
Salary level 14	1	1	-
Salary level 13	2	2	-
Total	3	3	-

TABLE 3.13.4: Reasons for not having complied with the filling of funded vacant senior management posts advertised within six months and filled within 12 months after becoming vacant

Reasons for vacancies not advertised within six months
N/A
Reasons for vacancies not filled within 12 months
N/A

3.14 Injury on duty

The following table provide basic information on injury on duty.

TABLE 3.14.1: Injury on duty, 1 April 2010 to 31 March 2011

No injuries on duty occurred during the period under review.

3.15 Utilisation of consultants

TABLE 3.15.1: Report on consultant appointments using appropriated funds

PROJECT TITLE	TOTAL NUMBER OF CONSULTANTS THAT WORKED ON THE PROJECT	DURATION: WORK DAYS	CONTRACT VALUE IN RAND
Realignment of performance agreements for all senior management staff	1	-	110 032

TABLE 3.15.2: Analysis of consultant appointments using appropriated funds, in terms of historically disadvantaged individuals (HDI)

PROJECT TITLE	PERCENTAGE OWNERSHIP BY HDI GROUPS	PERCENTAGE MANAGEMENT BY HDI GROUPS	NUMBER OF CONSULTANTS FROM HDI GROUPS THAT WORK ON THE PROJECT
Realignment of performance agreements for all senior management staff	100	100	1

TABLE 3.15.3: Report on consultant appointments using donor funds

No consultants were appointed by using donor funds during the period under review.

TABLE 3.15.4: Analysis of consultant appointments using donor funds, in terms of HDIs

No consultants were appointed by using donor funds during the period under review.

4. Other information

Abbreviations and legislation

Abbreviations

HDI	Historically disadvantaged individual
ICD	Independent Complaints Directorate
IPID	Independent Police Investigative Directorate
SAPS	South African Police Service
SMS	Senior management service
TR	Treasury Regulations
PFMA	Public Finance Management Act
ICT	Information and Communication Technology
SCOPA	Special Committee on Public Accounts
MPS	Municipal police services

Full references to legislation

Constitution of the Republic of South Africa Act 108 of 1996

Criminal Procedure Act 51 of 1977

Domestic Violence Act 116 of 1998

Employment Equity Act 55 of 1998

Public Finance Management Act 1 of 1999 (as amended by the Public Finance Management Act 29 of 1999)

South African Police Service Act 68 of 1995

Contact details

NATIONAL OFFICE

City Forum Building
114 Vermeulen Street
Pretoria

Private Bag X 941
Pretoria 0001

Tel: (012) 399-0000
Fax: (012) 326-0408

www.icd.gov.za
complaints@icd.gov.za

EASTERN CAPE

Provincial office: East London

Mezzanine Floor, Permanent Building
4244 Oxford Street
Corner Oxford & Terminus Streets
East London
5200

Telephone (043) 706-6500
Fax (043) 706-6526
complaints@icd.gov.za

Satellite office: Mthatha

10th floor, Room 1056B, PRD Building
Suiderland Street
Mthatha

Telephone (047) 501-5900
Fax (047) 531-1570
complaints@icd.gov.za

FREE STATE

Provincial office: Bloemfontein

Standard Bank Building
15 Corner St. Andrew and West Burger Streets
Bloemfontein

Private Bag X 20708
Bloemfontein 9300
Tel: (051) 406 6800
Fax: (051) 430 8852
complaints@icd.gov.za

Satellite office: Bethlehem

Maseroey Building
28 Louw Street
Bethlehem
9700

Tel: (058) 307 7620
Fax: (058) 303 4089
complaints@icd.gov.za

GAUTENG**Provincial office: Johannesburg**

20th Floor, Marble Towers Building
208-212 Jeppe Street
Johannesburg

Telephone (011) 220-1500
Fax (011) 333-2705
complaints@icd.gov.za

KWAZULU-NATAL**Provincial office: Durban**

Third Floor, The Marine Building
22 Dorothy Street Nyembe Street (Gardiner Street)
Durban

Telephone (031) 310-1300
Fax (031) 305-8214
complaints@icd.gov.za

Satellite office: Empangeni

First Floor, Room 1ICD, Edwards Pharmacy Building
10 Union Street
Empangeni

Telephone (035) 772-3022
Fax (035) 772-3049
complaints@icd.gov.za

LIMPOPO**Provincial office: Polokwane**

Second Floor, Femnic Building Building
66A Market Street
Polokwane

Telephone (015) 291-9800
Fax (015) 295-3409
complaints@icd.gov.za

Satellite office: Thohoyandou

Ground floor, Room D1
Limdev Building
Limpopo Development Corporation
Thohoyandou

Telephone (015) 962-0405
Fax (015) 962-0345
complaints@icd.gov.za

MPUMALANGA**Provincial office: Nelspruit**

First floor, Nedbank Centre
48 Brown Street
Nelspruit

Telephone (013) 754-1000
Fax (013) 752-2602
complaints@icd.gov.za

NORTH WEST**Provincial office: Mafikeng**

First floor, Molopo Shopping Centre
1 Station Road
Mafikeng
2745

Telephone (018) 397-2500
Fax (018) 381-1495
complaints@icd.gov.za

Satellite office: Rustenburg

165 Klopper Street
Rustenburg

Telephone (014) 591-8560
Fax (014) 592-1349
complaints@icd.gov.za

NORTHERN CAPE**Provincial office: Kimberley**

39 George Street
Kimberley
Telephone (053) 807-5100
Fax (053) 832-5615
complaints@icd.gov.za

Satellite office: Upington

3 Robinson Street
Upington
8800

Telephone (054) 338-5700
Fax (086) 630-0997
complaints@icd.gov.za

WESTERN CAPE

Provincial office: Cape Town

First floor, Fintrust Building
Corner Petrusa & Mazzur Streets
Bellville
7530

Telephone (021)941-4800
Fax (021) 949-3196
complaints@icd.gov.za

5. Annual financial statements

5.1	Report of the Audit Committee.....	69
5.2	Report of the Accounting Officer.....	71
5.3	Report of the Auditor-General.....	80
5.4	Appropriation Statement.....	83
5.5	Notes to the Appropriation Statement.....	90
5.6	Statement of Financial Performance.....	91
5.7	Statement of Financial Position.....	92
5.8	Cashflow Statement.....	93
5.9	Notes to the Annual Financial Statements (including accounting policies).....	94
5.10	Disclosure notes to the Annual Financial Statements.....	107
5.11	Annexures.....	113

Report of the Audit Committee

We are pleased to present our report for the financial year ended 31 March 2011.

Audit committee members and attendance:

The Audit Committee consists of the members listed hereunder and should meet four times per annum as per its approved terms of reference. During the current year four meetings were held. Meetings were held on the following dates 21 May 2010, 22 July 2010, 09 December 2010 and 30 March 2011.

Name of Member	Number of meetings attended
Mr A. Darmalingam (Chairperson)	3
Mr S. Motuba	4
Mr V. Motholo	3
Prof D. Garach (Appointed 14 February 2011)	1
Ms M. Mvulane (Appointed 02 February 2011)	0
Mr F. Beukman (Ex Officio)	4

Audit committee responsibility

The Audit Committee reports that it has complied with its responsibilities arising from Section 38(1) (a) of the PFMA and Treasury Regulation 3.1.

The Audit Committee also reports that it has adopted appropriate formal terms of reference as its audit committee charter.

Effectiveness of internal control

The system of internal control applied by the department over financial risk and risk management is effective, efficient and transparent; however there are matters that require attention.

In line with the PFMA and the King III Report on Corporate Governance requirements, Internal Audit provides the Audit Committee and management with assurance that the internal controls are appropriate and effective. This is achieved by the risk management process, as well as the identification of corrective actions and suggested enhancements to the controls and processes. From the various reports of the Internal Auditors, the Audit Reports on the Annual Financial Statements and the Management Report of the Auditor-General, it was noted that matters were not reported indicating any material deficiencies in the system of internal control for the period under review.

Evaluation of the annual financial statements

The Audit Committee has:

- Reviewed and discussed the audited Annual Financial Statements to be included in the Annual Report with the Auditor-General and the Accounting Officer;
- Reviewed the Auditor-General's management report and management's responses thereto;
- Reviewed the department's compliance with legal and regulatory provisions; and
- Reviewed any significant adjustments resulting from the audit.

The Audit Committee concurs and accepts the Auditor-General's conclusions on the Annual Financial Statements, and is of the opinion that the audited financial statements be accepted and read together with the report of the Auditor-General.

Internal Audit

The Audit Committee is satisfied that the internal audit function is operating effectively and that it has addressed the risks pertinent to the department in its audit.

The Committee approved the risk based internal audit three years rolling plan. The Committee reviewed all the internal audit reports that identified weaknesses within the department and considered the adequacy of management responses to ensure the risk exposure is reduced, and there is continuous improvement within the control environment.

Auditor-General South Africa

The Audit Committee has met with the Auditor-General South Africa to ensure that there are no unresolved issues.



.....

Chairperson of the Audit Committee

25 July 2011

Report by the Accounting Officer (the Executive Director of the Independent Complaints Directorate) to the Executive Authority (the honourable Minister EN Mthethwa, the Minister of Police) and the Parliament of the Republic of South Africa.

1. General review of the state of financial affairs

During the period covered by this report (1 April 2010 to 31 March 2011), the Independent Complaints Directorate (ICD) focused on its constitutional and legislative mandates and prioritised activities that strengthen the directorate's civilian oversight of the South African Police.

- Important policy decisions and strategic issues facing the department
 - Giving top priority to serious offences
 - In 2010/11, the ICD resolved to prioritise serious case offences, also referred to as Class 1 offences. This decision was taken to ensure that each case is thoroughly investigated, and the objective of finalising the investigation of 65 percent of these cases in 2010/11 was met.
 - Strategic Objectives shaped the 2010/11 agenda
 - The strategic objectives for 2010/11 were defined in late 2009. This resulted in 12 strategic priorities being developed in order to shape and guide the ICD's work from 2010 to 2013.
 - Comment on significant events that have taken place during the year
 - A new legislative framework
 - The IPID Act No. 1 of 2011 was accented to by the President on the 16th of May 2011. The directorate is currently awaiting the announcement of the official implementation date.
 - Comment on major projects undertaken or completed during the year
 - Raising awareness of the ICD
 - The ICD set a target of conducting 259 community outreach activities in 2010/11 to raise awareness and explain the directorate's mandate. This target was exceeded, with 307 events held.

We have also stepped up our efforts to communicate regularly with the media. The ICD issued nearly 50 media releases in 2010/11.

- Spending trends
 - The expenditure of the Independent Complaints Directorate reflects spending of 98% of its budget for the year ended 31 March 2011.
 - Reasons for under-spending
 - The funds budgeted but not utilised for the financial year can be attributed to the awaiting of invoices for goods and services which amounted to R2 991 615,57 which is only 2.28% and not material. An application for roll-over to the 2011/12 financial year was made to National Treasury in this regard.
 - The impact on programmes and service delivery
 - There is not an adverse impact on programmes and service delivery due to the under-spending, as it relates to software licences, furniture and equipment.

- Actions taken or planned to avoid recurrence

In addition to the monthly Budget Control Management meetings with Top Management, quarterly meetings will be arranged where it is expected of individual Responsibility Managers to account for the expenditure incurred including spending plans to adjust under or over-spending.

• Virement:

In terms of section 43(2) of the Public Finance Management Act, the saving on a main division within a vote may be utilised towards the defrayment of excess expenditure under another main division within the same vote and this amount may not exceed eight percent of the amount appropriated under that main division. Further to the Adjustment Estimates, there was a need to obtain approval from the Head of the Department for the shifting of the following funds within the ICD's budget:

- Details of the Virement

In Programme 1: Administration, the net result of the application of virement is R159 000, which was moved to Programme 2: Complaints Processing, Monitoring and Investigation. However, an amount of R727 000 had to be moved from the Sub-programme: Management to the Sub-programme: Corporate Services to address the shortfall on Goods & Services and Machinery & Equipment. The net result of the application of virement of R159 000 represented 0.31%.

In Programme 2: Complaints Processing, Monitoring and Investigation there was a shortfall on Compensation of Employees and Goods & Services (R1 324 000), which could be addressed through the application of virement from Programme 1: Administration (R159 000) and Programme 3: Information Management and Research (R1 165 000). The net result of the application of virement of R1 324 000 represented 2.01%.

The under-spending in Programme 3: Information Management and Research (R1 165 000) was created through savings on Compensation of Employees through vacancies, which allowed the application of virement to Programme 2: Complaints Processing, Monitoring and Investigation. The net result of the application of virement of R1 165 000 represented 7.85%.

- Reason for the virement

Programme 1: Administration - Sub-programme: Management

The shortfall under Machinery & Equipment (R218 000) could be attributed to the relocation of the National Office to new premises, which required the purchasing of new furniture. The replacement of the old furniture was put on hold till the relocation realised and funds were shifted from Compensation of Employees to Machinery & Equipment. The further under-spending of R886 000 on Compensation of Employees was utilised to address the shortfall in the Sub-programme: Corporate Services in Goods & Services (R727 000), which occurred due to the related costs of the relocation to new premises and the balance of R159 000 was utilised to address the shortfall under Programme 2: Complaints Processing, Monitoring and Investigation.

Programme 1: Administration - Sub-programme: Corporate Services

The under-spending created was due to the awaiting of invoices for the delivery of equipment, as a result of the relocation to new premises.

Programme 2: Complaints Processing, Monitoring and Investigation:

Sub-programme: Complaints Processing, Monitoring and Investigation

The main short-fall of R1 194 000 was under Compensation of Employees, which could be attributed to the fact that more Investigators made use of the subsidised vehicle scheme. A further short-fall of R86 000 under Goods & Services can be attributed to the increase in travelling by Investigators to attend to high profile cases as well as to address the current ICD backlog. The shortfall on Machinery & Equipment of R44 000 was also created by the replacing of new computer equipment that reached the end of life-span for the Investigators.

Virement was applied from Programme 1: Administration, Sub-programme: Legal Services and Programme 3: Information Management and Research to address the shortfall under the Sub-programme: Complaints Processing, Monitoring and Investigation.

Programme 2: Complaints Processing, Monitoring and Investigation:

Sub-programme: Legal Services

The under-spending can be attributed to the awaiting of the finalisation of job evaluations on new identified posts and the amount of R467 000 was utilised to address the shortfall under the Sub-programme: Complaints Processing, Monitoring and Investigation.

Programme 3: Information Management and Research

Sub-programme: Research

The net under-spending of R170 000 on Compensation of Employees can be attributed to the vacancies experienced throughout the year and R14 000 of the R184 000 was utilised to address the shortfall under Machinery & Equipment for the replacement of equipment that reached the end of life-span. The balance of R170 000 was used for virement to Programme 2: Complaints Processing, Monitoring and Investigation.

Programme 3: Information Management and Research

Sub-programme: Information Management System

The under-spending of R995 000 on Compensation of Employees can be attributed to the vacancies experienced throughout the year and was used for virement to Programme 2: Complaints Processing, Monitoring and Investigation.

- Approval for the virement

As mentioned earlier, the virement was eventually approved by the Accounting Officer in respect of an amount of R159 000 (0.31%) from Programme 1 and R1 165 000 (7.85%) from Programme 3 to be shifted to Programme 2 (2.01%). In terms of the PFMA, the Accounting Officer has given the approval for the virement to be performed.

- Any other material matter (including a description of the reasons for unauthorised, fruitless and wasteful expenditure and the amounts involved as well as steps taken to address and prevent a recurrence.)

- Unauthorised expenditure

No unauthorised expenditure occurred during the 2010/11 financial year. The unauthorised expenditure disclosed in the Statement of Financial Position relates to prior year expenditure undertaken by the Independent Complaints Directorate. The expenditure was incurred in respect of overspending of Programme 3 in 2005/2006 and overspending of Programme 2 in 2008/2009 financial years. The

Independent Complaints Directorate is currently awaiting authorisation by Parliament.

- Fruitless and Wasteful Expenditure

Two cases of fruitless and wasteful expenditure occurred during the 2010/11 financial year. Car hire arrangements were made for an IT staff member to travel to KwaZulu-Natal Province with a view to assisting the provincial staff with upgrading and maintenance on IT equipment. During both trips to the Provincial Office, traffic offences were obtained by the official whilst utilising vehicles rented by the Independent Complaints Directorate. The Transport Policy defines the action(s) taken to prevent reoccurrence and the driver whom is found guilty must refund the Department and may be prohibited to drive for a certain period. The traffic fines and administrative fees were recovered from the official. This has been disclosed in the Disclosure Notes to the Annual Financial Statements.

- Irregular Expenditure

No incidents of irregular expenditure occurred during the 2010/11 financial year. The irregular expenditure disclosed in the Disclosure Notes to the Annual Financial Statements relates to prior year(s) irregular expenditure awaiting condonation by the National Treasury.

- World Cup Expenditure

During June 2010, the Independent Complaints Directorate utilised R30 000 (i.e. 0.02% of the budget) from the budget line item "Gifts and promotional items" to procure vuvuzela's, soccer scarves, SA flag rainbow beanies, makarapa's and flags for the staff members, with a view to building team spirit and support for the national team during the World Cup soccer event.

2. Service rendered by the department

2.1 Services rendered by the ICD

Services rendered by the ICD have been discussed earlier in this Report, under the heading Programme Performance in respect of Programme 2 and Programme 3. The legislative mandate of the ICD is covered by the activities undertaken under these Programmes.

2.2 Tariff policy

The ICD does not charge any tariff for services rendered and this issue is thus not applicable to the ICD in respect of the 2010/11 financial year.

2.3 Free Services

All service rendered by the ICD to the public, fall within the mandate of the ICD and is rendered free of charge.

3. Capacity constraints

The development of staff in Finance remains a priority and the low salary levels paid to these staff members, has the effect that such staff members, after gaining sufficient knowledge and expertise, leaves the ICD through recruitment to other government departments. The staff turn-over for 2010/2011 in the Finance Component, was a staggering 81.8%, when 8 staff members were transferred to other government departments for a level or two higher than they received at the ICD, whilst there was one staff member that resigned.

The impact of these transfers and one resignation required the remaining staff members to put in extra hours to continue with service delivery to their clients.

The National Treasury made funds available for the 2011/2012 financial year to improve financial management and three new posts were created for the Finance Component to start the process of addressing the problem. More posts need to be created in future in order to ensure compliance with the legislative framework (PFMA) and regulations as well as ensuring segregation of duties.

4. Utilisation of donor funds

With the donation that was received from the Safety and Security Sector Education Authority (SASSETA) during the 2010/11 financial year, the ICD developed training programmes to contribute to the training of ICD investigators.

5. Trading entities and public entities

No Trading or public entities report to the ICD.

6. Organisations to whom transfer payments have been made

A transfer payment has been effected to the Safety and Security Sector Education Authority (SASSETA) with regard to administrative fees in terms of the Skills Development Levy. This has been disclosed in the Annexure reflecting Transfers to Departmental Agencies and Accounts (refer to Annexure 1A).

7. Public private partnerships (PPP)

The ICD does not have any public private partnerships.

8. Corporate governance arrangements

The risk management approach adopted for the 2010/11 financial year was based on the process followed the previous financial year. Project planning was done to co-ordinate the risk workshops with component heads to obtain the relevant information, after which the documentary information was reviewed. Workshops were held with component heads using the Risk Register templates that were compiled during the previous assessment to be economical, effective and efficient. Thereafter, the evaluation of the facts and details were confirmed and the draft risk assessment report was compiled and submitted to management, the Audit Committee and the Risk Management Committee for further consideration. The output of the risk assessment (after incorporating additional information obtained) was then presented to management, the Audit Committee and the Risk Management Committee for approval and adoption. The top ten risks were then identified for the department as a whole and progress

reports on these were presented at management committee meetings. In addition, each component and provincial head were required to provide progress reports on a quarterly basis to the Risk Manager.

The fraud prevention policy was drafted and submitted for adoption and implementation. Internal audit and the Audit Committee were effective during the financial year. The Audit Committee was expanded to five members and met regularly.

The ethics helpline worked effectively and all cases reported were either dealt with immediately or referred to Labour Relations for investigation. A code of conduct was effective during the year, in addition to the code of conduct for the public service.

In terms of conflict of interest, it must be noted that not only the SMS members are compiling and submitting their annual completed disclosures, but it is also expected of every employee of the ICD to complete and submit a disclosure every year. In order to further minimise conflict of interest, conflict of interest forms must be completed by panel members for short-listing and interviews of candidates for advertised vacant posts as well as at all the Bid Committee meetings.

The requirements of the KING III report regarding the responsibilities of Accounting Officers read together with the requirements listed in section 38 and 40 of the Public Finance Management Act (PFMA), are followed and the Accounting Officer's employment contract includes performance standards that were aligned to that of the Executive Authority. The Accounting Officer ensures the compilation of financial statements in accordance with Treasury guidelines. In addition, the Accounting Officer provided, on a monthly basis, information to the Executive Authority on the expenditure and revenue for the month. Furthermore, the Accounting Officer provides projections for the remainder of the financial year.

9. Discontinued activities/activities to be discontinued

No activities were discontinued during the year under review.

10. New/proposed activities

No new activities were undertaken by the ICD.

11. Asset management

All items that were classified as assets are reflected on the Asset Register as at 31 March 2011.

The minimum requirements with regard to assets have been complied with. Examples of this include the Asset Register reflecting the following assets descriptions: ICN, the unique asset number/barcode, accountability information (including cost centre manager responsible, the location and the custodian), financial information (including the actual cost). BAS/LOGIS Reconciliations are also being performed on a monthly basis to address discrepancies between the two systems. The Bar-coded Asset Management system will be fully implemented in 2011/12.

The Asset Management Component of the ICD is fully established and compliance with the Asset Management Prescripts is up to standard. The Asset Management Component has worked hard to ensure that it operates effectively and efficiently.

12. Inventories

All inventory opening and closing balances, together with movements for the year are reflected in the Annexure on Inventory (Refer to Annexure 6). Except for the Stores in National Office (Pretoria), the ICD's other Stores are situated in KwaZulu-Natal (Durban) and the Western Cape (Cape Town). The inventories at hand in these stores reflect the total amount of R2 428 917 as follows:

Pretoria	R2 375 225
Durban	R34 704
Cape Town	R18 988

13. Events after the reporting date

No subsequent events occurred after the reporting date and before the date of approval of the Annual Financial Statements.

14. Information on predetermined objectives

This has been discussed earlier in this Report, under the heading Programme Performance in respect of Programme 1, Programme 2 and Programme 3.

15. SCOPA resolutions

Include a table on the SCOPA resolutions. The table should conform to the following format:

Reference to previous audit report and SCOPA resolutions	Subject	Findings on progress
No SCOPA resolutions received	Not applicable	Not applicable

16. Prior modifications to audit reports

The following mechanisms have been put in place by the Accounting Officer to resolve the matters reported by the Auditor-General in the previous financial year.

n

Nature of qualification, disclaimer, adverse opinion and matters of non-compliance	Financial year in which it first arose	Progress made in clearing / resolving the matter
Matters of Non Compliance:		
1. Inadequate Content of Strategic or Annual Performance Plan	2009/10	The 2010-2013 Strategic Plan of the ICD did include measurable objectives, expected outcomes, programme outputs , indicators (measures) and targets for all the entity's programmes, as required by Treasury Regulation 5.2.3(d).
2. No supporting source documents for performance information in Programme 2	2009/10	The Monitoring & Evaluation Committee conducted audits to verify that supporting documents are completed according to ICD Standard Operating Procedures.
3. Non-adherence to requirements of sec 38(1)(g) of the PFMA to immediately report the particulars of irregular expenditure	2009/10	Irregular expenditure has been appropriately disclosed in the 2010/11 financial statements.
4. Non-adherence to the requirements of Treasury Regulation 9.1.1 in terms of implementing effective, efficient and transparent processes of financial and risk management to prevent and detect irregular expenditure	2009/10	Irregular expenditure has been appropriately disclosed in the 2010/11 financial statements.
Internal Controls:		
1. Leadership: The accounting officer did not effectively monitor the compliance with laws, regulations and internally designed procedures to prevent irregular expenditure.	2009/10	Irregular expenditure has been appropriately disclosed in the 2010/11 financial statements.
2. Financial and performance management: Manual controls are not designed to ensure that all transactions for performance information are completely recorded and accurately classified.	2009/10	The Monitoring & Evaluation Committee conducted audits to verify that supporting documents are completed according to ICD Standard Operating Procedures.

17. Exemptions and deviations received from the National Treasury

No exemptions and deviations from the PFMA or TR or in terms of financial reporting requirements have been requested or received from the National Treasury.

18. Other

No other material facts exist, that have not been addressed in this report.

19. Approval

The Annual Financial Statements set out on pages 83 to 119 have been approved by the Accounting Officer.



.....
Francois Beukman

Executive Director

(30 July 2011)

REPORT OF THE AUDITOR-GENERAL TO PARLIAMENT ON VOTE NO. 22: INDEPENDENT COMPLAINTS DIRECTORATE

Report on the financial statements

Introduction

1. I have audited the accompanying financial statements of the Independent Complaints Directorate, which comprise the appropriation statement, the statement of financial position as at 31 March 2011, and the statement of financial performance, statement of changes in net assets and cash flow statement for the year then ended, and a summary of significant accounting policies and other explanatory information, as set out on pages 83 to 119.

Accounting officer's responsibility for the financial statements

2. The accounting officer is responsible for the preparation of these financial statements in accordance with The Departmental Financial Reporting Framework prescribed by the National Treasury and the requirements of the Public Finance Management Act of South Africa, 1999 (Act No. 1 of 1999) (PFMA), and for such internal control as management determines necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor-General's responsibility

3. As required by section 188 of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996) and, section 4 of the Public Audit Act of South Africa, 2004 (Act No. 25 of 2004) (PAA), my responsibility is to express an opinion on these financial statements based on my audit.
4. I conducted my audit in accordance with International Standards on Audit and General Notice 1111 of 2010 issued in Government Gazette 33872 of 15 December 2010. Those standards require that I comply with ethical requirements and plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.
5. An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.
6. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

Opinion

7. In my opinion, the financial statements present fairly, in all material respects, the financial position of the Independent Complaints Directorate as at 31 March 2011, and its financial performance and cash flows for the year then ended in accordance with The Departmental Financial Reporting Framework prescribed by the National Treasury and the requirements of the Public Finance Management Act of South Africa, 1999 (Act No. 1 of 1999) (PFMA).

Additional matters

8. I draw attention to the matter below. My opinion is not modified in respect of this matter:

Financial reporting framework

9. The financial reporting framework prescribed by the National Treasury and applied by the department is a compliance framework. Thus my opinion would have reflected that the financial statements had been properly prepared instead of fairly presented as required by section 20(2)(a) of the PAA, which requires me to express an opinion on the fair presentation of the financial statements of the Independent Complaints Directorate.

REPORT ON OTHER LEGAL AND REGULATORY REQUIREMENTS

10. In accordance with PAA and in terms of General notice 1111 of 2010, issued in Government Gazette 33872 of 15 December 2010, I include below my findings on the annual performance report as set out on pages 12 to 67 and material non-compliance with laws and regulations applicable to the department.

Predetermined objectives

Reliability of information

11. The following criteria were used to assess reliability:

Validity: Actual reported performance has occurred and pertains to the entity.

Accuracy: Amounts, numbers, and other data relating to reported actual performance have been recorded and reported appropriately.

Completeness: All actual results and events that should have been recorded have been included in the annual performance report.

12. The following audit finding relates to the above criteria:

Performance reported was not valid on the basis of the source documents

13. The reported performance for Programme two on class I and class III cases was not valid when compared to the investigation case files. Cases were signed off as complete without the case investigation report.
14. Numerous cases were approved for completion by officials without proper written delegation of authority. Letters of delegations were not in the investigation case files.

Compliance with laws and regulations

Treasury Regulation and Public Service Regulation

15. Payment claims due were not settled within thirty days as required by Treasury Regulation 8.2.3.
16. Contrary to the requirements of Public Service Regulation Chapter 1, part VII D.8, the accounting officer did not verify the qualification and other claims relevant to the employment position and maintain records of the verification on newly appointed employees.

17. The accounting officer submitted financial statements for auditing that were not prepared in all material aspects in accordance with the modified cash basis and supported by full and proper records as required by section 40(1) (a) and (b) of the PFMA. Contingent liability disclosure was materially understated in the financial statements. Management subsequently corrected the material misstatement.

INTERNAL CONTROL

18. In accordance with the PAA and in terms of General notice 1111 of 2010, issued in Government Gazette 33872 of 15 December 2010, I considered internal control relevant to my audit, but not for the purpose of expressing an opinion on the effectiveness on internal control. The matters reported below are limited to the significant deficiencies that resulted in the findings on the annual performance report and the findings on compliance with laws and regulations included in this report.

Leadership

19. The accounting officer did not establish a comprehensive system of reporting performance information, which provides written procedures to ensure accountability, effectiveness, consistency and completeness of performance reporting and performance management.
20. The department has not established compliance structures and processes to identify relevant laws and legislative requirements, including monitoring of risks relating to non-compliance.

Financial and performance management

21. The department has not developed data quality standards in line with the SMART principle contained in the framework for managing programme performance information for performance reporting.

Auditor-General

Pretoria

31 July 2011



INDEPENDENT COMPLAINTS DIRECTORATE
VOTE 22
APPROPRIATION STATEMENT
for the year ended 31 March 2011

APPROPRIATION STATEMENT	Appropriation per programme									
	2010/11					2009/10				
	Adjusted Appropriation	Shifting of Funds	Virement	Final Appropriation	Actual Expenditure	Variance	Expenditure as % of Final Appropriation	Final Appropriation	Actual Expenditure	
R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000		
1. Administration										
Current payment	49,956	(218)	(159)	49,579	49,535	44	99.9%	42,950	38,105	
Transfers and subsidies	74	-	-	74	74	-	100.0%	65	65	
Payment for capital assets	807	218	-	1,025	778	247	75.9%	1,358	1,358	
2. Complaints Processing, Monitoring and Investigation										
Current payment	62,935	(44)	1,324	64,215	63,592	623	99.0%	54,083	54,074	
Payment for capital assets	1,666	44	-	1,710	1,367	343	79.9%	2,088	2,088	
Payment for financial assets	-	-	-	-	38	(38)	-	-	9	
3. Information Management and Research										
Current payment	15,193	(14)	(1,165)	14,014	12,549	1,465	89.5%	15,195	9,795	
Payment for capital assets	804	14	-	818	511	307	62.5%	728	569	
Payment for financial assets	-	-	-	-	-	-	-	-	183	
Subtotal	131,435	-	-	131,435	128,444	2,991	97.7%	116,467	106,246	
TOTAL	131,435	-	-	131,435	128,444	2,991	97.7%	116,467	106,246	

INDEPENDENT COMPLAINTS DIRECTORATE
VOTE 22
APPROPRIATION STATEMENT
for the year ended 31 March 2011

	2010/11		2009/10	
	Final Appropriation	Actual Expenditure	Final Appropriation	Actual Expenditure
TOTAL (brought forward)	131,435	128,444	116,467	106,246
Reconciliation with statement of financial performance				
ADD				
Departmental receipts	168		154	
Actual amounts per statement of financial performance (total revenue)	131,603		116,621	
Actual amounts per statement of financial performance (total expenditure)		128,444		106,246

	Appropriation per economic classification								
	2010/11			2009/10					
	Adjusted Appropriation	Shifting of Funds	Virement	Final Appropriation	Actual Expenditure	Variance	Expenditure as % of Final Appropriation	Final Appropriation	Actual expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
Current payments									
Compensation of employees	76,179	(3,804)	-	72,375	71,752	623	99.1%	66,398	65,061
Goods and services	51,905	3,528	-	55,433	53,924	1,509	97.3%	45,830	36,904
Transfers and subsidies									
Departmental agencies and accounts	74	-	-	74	74	-	100.0%	65	65
Payments for capital assets									
Machinery and equipment	3,277	276	-	3,553	2,656	897	74.8%	4,174	4,015
Payments for financial assets									
	-	-	-	-	38	(38)	-	-	201
Total	131,435	-	-	131,435	128,444	2,991	97.7%	116,647	106,246

INDEPENDENT COMPLAINTS DIRECTORATE
VOTE 22

APPROPRIATION STATEMENT
for the year ended 31 March 2011

Detail per sub-programme	Detail per programme 1 – ADMINISTRATION											
	2010/11					2009/10						
	Adjusted Appropriation	Shifting of Funds	Virement	Final Appropriation	Actual Expenditure	Variance	Expenditure as % of Final Appropriation	Final Appropriation	Actual expenditure	R'000	R'000	
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000	R'000	R'000	R'000
1.1 Management												
Current payment	9,896	(945)	(159)	8,792	8,748	44	99.5%	7,351	7,351	7,351	7,351	7,351
Payment for capital assets	192	218	-	410	339	71	82.7%	225	225	225	225	225
1.2 Corporate Services												
Current payment	31,935	727	-	32,662	32,662	-	100.0%	28,227	28,227	28,227	28,227	26,614
Transfers and subsidies	74	-	-	74	74	-	100.0%	65	65	65	65	65
Payment for capital assets	615	-	-	615	439	176	71.4%	1,133	1,133	1,133	1,133	1,133
1.3 Office Accommodation												
Current payment	8,125	-	-	8,125	8,125	-	100.0%	7,372	7,372	7,372	7,372	4,140
Total	50,837	-	(159)	50,678	50,387	291	99.4%	44,373	44,373	44,373	44,373	39,528

INDEPENDENT COMPLAINTS DIRECTORATE
VOTE 22
APPROPRIATION STATEMENT
for the year ended 31 March 2011

Economic classification - ADMINISTRATION											
Economic classification	2010/11						2009/10				
	Adjusted Appropriation	Shifting of Funds	Virement	Final Appropriation	Actual Expenditure	Variance	Expenditure as % of Final Appropriation	Final Appropriation	Actual expenditure		
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000	R'000	
Current payments											
Compensation of employees	25,588	(2,996)	(159)	22,433	22,433	-	100.0%	21,023	19,846		
Goods and services	24,368	2,778	-	27,146	27,102	44	99.8%	21,927	18,250		
Transfers and subsidies to:											
Departmental agencies and accounts	74	-	-	74	74	-	100.0%	65	65		
Payment for capital assets											
Machinery and equipment	807	218	-	1,025	778	247	75.9%	1,358	1,358		
Payments for financial assets											
	-	-	-	-	-	-	-	-	-	9	
Total	50,837	-	(159)	50,678	50,387	291	99.4%	44,373	39,528		

Detail per sub-programme	2010/11							2009/10	
	Adjusted Appropriation	Shifting of Funds	Virement	Final Appropriation	Actual Expenditure	Variance	Expenditure as % of Final Appropriation	Final Appropriation	Actual expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
2.1 Complaints Processing, Monitoring and Investigation									
Current payment	60,299	423	1,324	62,046	62,008	38	99.9%	52,652	52,643
Payment for capital assets	1,501	44	-	1,545	1,354	191	87.6%	2,028	2,028
Payment for financial assets	-	-	-	-	38	(38)	-	-	9
2.2 Legal Services									
Current payment	2,636	(467)	-	2,169	1,584	585	73.0%	1,431	1,431
Payment for capital assets	165	-	-	165	13	152	7.9%	60	60
Total	64,601	-	1,324	65,925	64,997	928	98.6%	56,171	56,171

INDEPENDENT COMPLAINTS DIRECTORATE

VOTE 22

APPROPRIATION STATEMENT

for the year ended 31 March 2011

Economic classification – COMPLAINTS PROCESSING, MONITORING AND INVESTIGATION											
Economic classification	2010/11						2009/10				
	Adjusted Appropriation	Shifting of Funds	Virement	Final Appropriation	Actual Expenditure	Variance	Expenditure as % of Final Appropriation	Final Appropriation	Final Expenditure	Actual expenditure	
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000	R'000	
Current payments											
Compensation of employees	42,364	(130)	1,324	43,558	42,935	623	98.6%	39,757	39,757	39,757	
Goods and services	20,571	86	-	20,657	20,657	-	100.0%	14,326	14,326	14,317	
Payment for capital assets											
Machinery and equipment	1,666	44	-	1,710	1,367	343	79.9%	2,088	2,088	2,088	
Payments for financial assets											
	-	-	-	-	38	(38)	-	-	-	9	
Total	64,601	-	1,324	65,925	64,997	928	98.6%	56,171	56,171	56,171	

Detail per programme 3 – INFORMATION MANAGEMENT AND RESEARCH											
Detail per sub-programme	2010/11						2009/10				
	Adjusted Appropriation	Shifting of Funds	Virement	Final Appropriation	Actual Expenditure	Variance	Expenditure as % of Final Appropriation	Final Appropriation	Actual Expenditure	Actual expenditure	R'000
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000	R'000	R'000
3.1 Research											
Current payment	1,640	(14)	(170)	1,456	1,456	-	100.0%	1,551	1,551	1,551	
Payment for capital assets	5	14	-	19	19	-	100.0%	49	49	49	
3.2 Information Management											
Current payment	13,553	-	(995)	12,558	11,093	1,465	88.3%	13,644	13,644	8,244	
Payment for capital assets	799	-	-	799	492	307	61.6%	679	679	520	
Payment for financial assets	-	-	-	-	-	-	-	-	-	183	
Total	15,997	-	(1,165)	14,832	13,060	1,772	88.1%	15,923	15,923	10,547	
Economic classification – INFORMATION MANAGEMENT AND RESEARCH											
Economic classification	2010/11						2009/10				
	Adjusted Appropriation	Shifting of Funds	Virement	Final Appropriation	Actual Expenditure	Variance	Expenditure as % of Final Appropriation	Final Appropriation	Actual Expenditure	Actual expenditure	R'000
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000	R'000	R'000
Current payments											
Compensation of employees	8,227	(678)	(1,165)	6,384	6,384	-	100.0%	5,618	5,618	5,458	
Goods and services	6,966	664	-	7,630	6,165	1,465	80.8%	9,577	9,577	4,337	
Payment for capital assets											
Machinery and equipment	804	14	-	818	511	307	62.5%	728	728	569	
Payments for financial assets											
Total	15,997	-	(1,165)	14,832	13,060	1,772	88.1%	15,923	15,923	10,547	

1. Detail of transfers and subsidies as per Appropriation Act (after Virement):

Detail of these transactions can be viewed in the note on Transfers and subsidies, disclosure notes and Annexure 1 A to the Annual Financial Statements.

2. Detail of specifically and exclusively appropriated amounts voted (after Virement):

Detail of these transactions can be viewed in note 1 (Annual Appropriation) to the Annual Financial Statements.

3. Detail on payments for financial assets

Detail of these transactions per programme can be viewed in the note on Payments for financial assets to the Annual Financial Statements.

4. Explanations of material variances from Amounts Voted (after Virement):

4.1 Per Programme	Final Appropriation	Actual Expenditure	Variance R'000	Variance as a % of Final Appropriation
Administration	50,678	50,387	291	0.57%
Complaints Processing, Monitoring and Investigation	65,925	64,997	928	1.41%
Information Management and Research	14,832	13,060	1,772	11.95%

4.2 Per Economic classification	Final Appropriation	Actual Expenditure	Variance	Variance as a % of Final Appropriation
	R'000	R'000	R'000	R'000
Current payments				
Compensation of employees	72,375	71,752	623	0.86%
Goods and services	55,433	53,924	1,509	2.72%
Transfers and subsidies				
Departmental agencies and accounts	74	74	-	-
Payments for capital assets				
Machinery and equipment	3,553	2,656	897	25.25%
Payments for financial assets	-	38	(38)	-

Explanation of variances:

This can be attributed to the under-spending as a result of the awaiting of invoices for goods and services, for which an application for roll-over to the next financial year was made to National Treasury.

INDEPENDENT COMPLAINTS DIRECTORATE
VOTE 22
STATEMENT OF FINANCIAL PERFORMANCE
for the year ended 31 March 2011

PERFORMANCE	Note	2010/11 R'000	2009/10 R'000
REVENUE			
Annual appropriation	1	131,435	116,467
Departmental revenue	2	168	154
TOTAL REVENUE		131,603	116,621
EXPENDITURE			
Current expenditure			
Compensation of employees	3	71,752	65,061
Goods and services	4	53,924	36,903
Total current expenditure		125,676	101,964
Transfers and subsidies			
Transfers and subsidies	6	74	65
Total transfers and subsidies		74	65
Expenditure for capital assets			
Tangible capital assets	7	2,656	4,016
Total expenditure for capital assets		2,656	4,016
Payments for financial assets	5	38	201
TOTAL EXPENDITURE		128,444	106,246
SURPLUS/(DEFICIT) FOR THE YEAR		3,159	10,375
Reconciliation of Net Surplus/(Deficit) for the year			
Voted funds		2,991	10,221
Annual appropriation		2,991	10,221
Departmental revenue and NRF Receipts	13	168	154
SURPLUS/(DEFICIT) FOR THE YEAR		3,159	10,375

INDEPENDENT COMPLAINTS DIRECTORATE
VOTE 22
STATEMENT OF FINANCIAL POSITION
for the year ended 31 March 2011

POSITION	Note	2010/11 R'000	2009/10 R'000
ASSETS			
Current assets		3,023	10,295
Unauthorised expenditure	8	891	891
Cash and cash equivalents	9	1,519	8,634
Prepayments and advances	10	19	17
Receivables	11	594	753
TOTAL ASSETS		3,023	10,295
LIABILITIES			
Current liabilities		3,023	10,295
Voted funds to be surrendered to the Revenue Fund	12	2,991	10,221
Departmental revenue and NRF Receipts to be surrendered to the Revenue Fund	13	4	23
Payables	14	28	51
TOTAL LIABILITIES		3,023	10,295
NET ASSETS		-	-

INDEPENDENT COMPLAINTS DIRECTORATE
VOTE 22
CASH FLOW STATEMENT
for the year ended 31 March 2011

CASH FLOW	Note	2010/11 R'000	2009/10 R'000
CASH FLOWS FROM OPERATING ACTIVITIES			
Receipts		131,603	116,621
Annual appropriated funds received	1.1	131,435	116,467
Departmental revenue received	2	168	154
Net (increase)/decrease in working capital		134	198
Surrendered to Revenue Fund		(10,408)	(134)
Current payments		(125,676)	(101,964)
Payments for financial assets		(38)	(201)
Transfers and subsidies paid		(74)	(65)
Net cash flow available from operating activities	15	(4,459)	14,455
CASH FLOWS FROM INVESTING ACTIVITIES			
Payments for capital assets	7	(2,656)	(4,016)
Net cash flows from investing activities		(2,656)	(4,016)
Net increase/(decrease) in cash and cash equivalents		(7,115)	10,439
Cash and cash equivalents at beginning of period		8,634	(1,805)
Cash and cash equivalents at end of period	16	1,519	8,634

The Financial Statements have been prepared in accordance with the following policies, which have been applied consistently in all material aspects, unless otherwise indicated. However, where appropriate and meaningful, additional information has been disclosed to enhance the usefulness of the Financial Statements and to comply with the statutory requirements of the Public Finance Management Act, Act 1 of 1999 (as amended by Act 29 of 1999), and the Treasury Regulations issued in terms of the Act and the Division of Revenue Act, Act 1 of 2010.

1. Presentation of the Financial Statements

1.1 Basis of preparation

The Financial Statements have been prepared on a modified cash basis of accounting, except where stated otherwise. The modified cash basis constitutes the cash basis of accounting supplemented with additional disclosure items. Under the cash basis of accounting transactions and other events are recognised when cash is received or paid.

1.2 Presentation currency

All amounts have been presented in the currency of the South African Rand (R) which is also the functional currency of the department.

1.3 Rounding

Unless otherwise stated all financial figures have been rounded to the nearest one thousand Rand (R'000).

1.4 Comparative figures

Prior period comparative information has been presented in the current year's financial statements. Where necessary figures included in the prior period financial statements have been reclassified to ensure that the format in which the information is presented is consistent with the format of the current year's financial statements.

1.5 Comparative figures - Appropriation Statement

A comparison between actual amounts and final appropriation per major classification of expenditure is included in the Appropriation Statement.

2. Revenue

2.1 Appropriated funds

Appropriated funds comprises of departmental allocations as well as direct charges against revenue fund (i.e. statutory appropriation).

Appropriated funds are recognised in the financial records on the date the appropriation becomes effective. Adjustments made in terms of the adjustments budget process are recognised in the financial records on the date the adjustments become effective.

Unexpended appropriated funds are surrendered to the National Revenue Fund. Any amounts owing to the National Revenue Fund at the end of the financial year are recognised as payable in the statement of financial position.

Any amount due from the National Revenue Fund at the end of the financial year is recognised as a receivable

in the statement of financial position.

2.2 Departmental revenue

All departmental revenue is recognised in the statement of financial performance when received and is subsequently paid into the National Revenue Fund, unless stated otherwise.

Any amount owing to the National Revenue Fund is recognised as a payable in the statement of financial position.

No accrual is made for amounts receivable from the last receipt date to the end of the reporting period. These amounts are however disclosed in the disclosure note to the annual financial statements.

3. Expenditure

3.1 Compensation of employees

3.1.1 Salaries and wages

Salaries and wages are expensed in the statement of financial performance when the final authorisation for payment is effected on the system (by no later than 31 March of each year).

Other employee benefits that give rise to a present legal or constructive obligation are disclosed in the disclosure notes to the financial statements at its face value and are not recognised in the statement of financial performance or position.

Employee costs are capitalised to the cost of a capital project when an employee spends more than 50% of his/her time on the project. These payments form part of expenditure for capital assets in the statement of financial performance.

3.1.2 Social contributions

Employer contributions to post employment benefit plans in respect of current employees are expensed in the statement of financial performance when the final authorisation for payment is effected on the system (by no later than 31 March of each year).

No provision is made for retirement benefits in the financial statements of the department. Any potential liabilities are disclosed in the financial statements of the National Revenue Fund and not in the financial statements of the employer department.

Employer contributions made by the department for certain of its ex-employees (such as medical benefits) are classified as transfers to households in the statement of financial performance.

3.2 Goods and services

Payments made during the year for goods and/or services are recognised as an expense in the statement of financial performance when the final authorisation for payment is effected on the system (by no later than 31 March of each year).

The expense is classified as capital if the goods and/or services were acquired for a capital project or if the total purchase price equals to or exceeds the capitalisation threshold (currently R5, 000). All other expenditures are classified as current.

Rental paid for the use of buildings or other fixed structures is classified as *goods and services* and not as *rent on land*.

3.3 Payments for financial assets

Debts are written off when identified as irrecoverable. Debts written-off are limited to the amount of savings and/or under-spending of appropriated funds. The write off occurs at year-end or when funds are available. No provision is made for irrecoverable amounts but an estimate is included in the disclosure notes to the financial statements amounts.

All other losses are recognised when authorisation has been granted for the recognition thereof.

3.4 Transfers and subsidies

Transfers and subsidies are recognised as an expense when the final authorisation for payment is effected on the system (by no later than 31 March of each year).

3.5 Unauthorised expenditure

When confirmed unauthorised expenditure is recognised as an asset in the statement of financial position until such time as the expenditure is either approved by the relevant authority, recovered from the responsible person or written off as irrecoverable in the statement of financial performance.

Unauthorised expenditure approved with funding is derecognised from the statement of financial position when the unauthorised expenditure is approved and the related funds are received.

Where the amount is approved without funding it is recognised as expenditure in the statement of financial performance on the date of approval.

3.6 Fruitless and wasteful expenditure

Fruitless and wasteful expenditure is recognised as expenditure in the statement of financial performance according to the nature of the payment and not as a separate line item on the face of the statement. If the expenditure is recoverable it is treated as an asset until it is recovered from the responsible person or written off as irrecoverable in the statement of financial performance.

3.7 Irregular expenditure

Irregular expenditure is recognised as expenditure in the statement of financial performance. If the expenditure is not condoned by the relevant authority it is treated as an asset until it is recovered or written off as irrecoverable.

4. Assets

4.1 Cash and cash equivalents

Cash and cash equivalents are carried in the statement of financial position at cost.

Bank overdrafts are shown separately on the face of the statement of financial position.

For the purposes of the cash flow statement, cash and cash equivalents comprise cash on hand, deposits held, other short-term highly liquid investments and bank overdrafts.

4.2 Prepayments and advances

Amounts prepaid or advanced are recognised in the statement of financial position when the payments are made and are derecognised as and when the goods/services are received or the funds are utilised.

Prepayments and advances outstanding at the end of the year are carried in the statement of financial position at cost.

4.3 Receivables

Receivables included in the statement of financial position arise from cash payments made that are recoverable from another party (including departmental employees) and are derecognised upon recovery or write-off.

Receivables outstanding at year-end are carried in the statement of financial position at cost plus any accrued interest. Amounts that are potentials irrecoverable are included in the disclosure notes.

4.4 Inventory

Inventories that qualify for recognition must be initially reflected at cost. Where inventories are acquired at no cost, or for nominal consideration, their cost shall be their fair value at the date of acquisition.

All inventory items at year-end are reflected using the weighted average cost formula.

4.5 Capital assets

4.5.1 Movable assets

Initial recognition

A capital asset is recorded in the asset register on receipt of the item at cost. Cost of an asset is defined as the total cost of acquisition. Where the cost cannot be determined accurately, the movable capital asset is stated at fair value. Where fair value cannot be determined, the capital asset is included in the asset register at R1.

All assets acquired prior to 1 April 2002 are included in the register at R1.

Subsequent recognition

Subsequent expenditure of a capital nature is recorded in the statement of financial performance as “expenditure for capital assets” and is capitalised in the asset register of the department on completion of the project.

Repairs and maintenance is expensed as current “goods and services” in the statement of financial performance.

5. Liabilities

5.1 Payables

Recognised payables mainly comprise of amounts owing to other governmental entities. These payables are carried at cost in the statement of financial position.

5.2 Contingent liabilities

Contingent liabilities are included in the disclosure notes to the financial statements when it is possible that economic benefits will flow from the department, or when an outflow of economic benefits or service potential is probable but cannot be measured reliably.

5.3 Commitments

Commitments are not recognised in the statement of financial position as a liability or as expenditure in the statement of financial performance but are included in the disclosure notes.

5.4 Accruals

Accruals are not recognised in the statement of financial position as a liability or as expenditure in the statement of financial performance but are included in the disclosure notes.

5.5 Employee benefits

Short-term employee benefits that give rise to a present legal or constructive obligation are disclosed in the disclosure notes to the financial statements. These amounts are not recognised in the statement of financial performance or the statement of financial position.

5.6 Lease commitments

Finance lease

Finance leases are not recognised as assets and liabilities in the statement of financial position. Finance lease payments are recognised as an expense in the statement of financial performance and are apportioned between the capital and interest portions. The finance lease liability is disclosed in the disclosure notes to the financial statements.

Operating lease

Operating lease payments are recognised as an expense in the statement of financial performance. The operating lease commitments are disclosed in the disclosure notes to the financial statement.

5.7 Impairment and other provisions

The department tests for impairment where there is an indication that a receivable, loan or investment may be impaired. An assessment of whether there is an indication of possible impairment is done at each reporting date. An estimate is made for doubtful loans and receivables based on a review of all outstanding amounts at year-end. Impairments on investments are calculated as being the difference between the carrying amount and the present value of the expected future cash flows / service potential flowing from the instrument.

Provisions are disclosed when there is a present legal or constructive obligation to forfeit economic benefits as a result of events in the past and it is probable that an outflow of resources embodying economic benefits will be required to settle the obligation and a reliable estimate of the obligation can be made.

6. Receivables for departmental revenue

Receivables for departmental revenue are disclosed in the disclosure notes to the annual financial statements.

7. Key management personnel

Compensation paid to key management personnel including their family members where relevant, is included in the disclosure notes.

1. Annual Appropriation

1.1 Annual Appropriation

Included are funds appropriated in terms of the Appropriation Act (and the Adjustments Appropriation Act) for National Departments (Voted funds):

	Final Appropriation	2010/11 Actual Funds Received	Funds not requested/ not received	2009/10 Appropriation received
	R'000	R'000	R'000	R'000
Administration	50,678	50,678	-	44,373
Complaints Processing, Monitoring and Investigation	65,925	65,925	-	56,171
Information Management and Research	14,832	14,832	-	15,923
Total	131,435	131,435	-	116,467

*Provide an explanation for funds not requested/not received
Not applicable*

2. Departmental revenue

	Note	2010/11 R'000	2009/10 R'000
Sales of goods and services other than capital assets	2.1	89	69
Interest, dividends and rent on land	2.2	5	24
Transactions in financial assets and liabilities	2.3	74	61
Departmental revenue collected		168	154

2.1 Sales of goods and services other than capital assets

	Note	2010/11 R'000	2009/10 R'000
Sales of goods and services produced by the department	2	89	69
Sales by market establishment		42	25
Administrative fees		47	44
Total		89	69

2.2 Interest, dividends and rent on land

	Note	2010/11 R'000	2009/10 R'000
Interest	2	5	24
Total		5	24

2.3 Transactions in financial assets and liabilities

	<i>Note</i>	2010/11	2009/10
	2	R'000	R'000
Receivables		46	38
Other Receipts including Recoverable Revenue		28	23
Total		74	61

3. Compensation of employees

3.1 Salaries and Wages

	<i>Note</i>	2010/11	2009/10
		R'000	R'000
Basic salary		46,651	42,831
Performance award		1,087	988
Service Based		3,752	3,381
Compensative/circumstantial		2,202	1,603
Other non-pensionable allowances		8,682	7,888
Total		62,374	56,691

3.2 Social contributions

	<i>Note</i>	2010/11	2009/10
		R'000	R'000
Employer contributions			
Pension		5,990	5,456
Medical		3,374	2,908
Bargaining council		14	6
Total		9,378	8,370

Total compensation of employees		71,752	65,061
--	--	---------------	---------------

Average number of employees		292	287
-----------------------------	--	-----	-----

4. Goods and services

	<i>Note</i>	2010/11	2009/10
		R'000	R'000
Administrative fees		471	416
Advertising		465	603
Assets less than R5,000	4.1	814	476
Bursaries (employees)		230	169
Catering		269	255
Communication		2,948	2,653
Computer services	4.2	5,136	2,760
Consultants, contractors and agency/outsourced services	4.3	2,076	1,024
Audit cost – external	4.4	2,995	2,114
Fleet services		4,480	4,665
Inventory	4.5	2,048	1,797
Operating leases		15,568	4,237
Property payments	4.6	3,999	3,222
Transport provided as part of the departmental activities		2	-
Travel and subsistence	4.7	10,617	10,874
Venues and facilities		306	640
Training and staff development		1,113	660
Other operating expenditure	4.8	387	338
Total		53,924	36,903

4.1 Assets less than R5,000

	<i>Note</i>	2010/11	2009/10
		R'000	R'000
Tangible assets			
Machinery and equipment	4	814	476
Total		814	476

4.2 Computer services

	<i>Note</i>	2010/11	2009/10
		R'000	R'000
SITA computer services	4	2,105	436
External computer service providers		3,031	2,324
Total		5,136	2,760

4.3 Consultants, contractors and agency/outsourced services

	<i>Note</i>	2010/11	2009/10
		R'000	R'000
Business and advisory services	4	450	358
Legal costs		553	-
Contractors		1,061	648
Agency and support/outsourced services		12	18
Total		2,076	1,024

4.4	Audit cost – External			
		<i>Note</i>	2010/11	2009/10
		4	R'000	R'000
	Regularity audits		2,706	2,052
	Other audits		289	62
	Total		<u>2,995</u>	<u>2,114</u>
4.5	Inventory			
		<i>Note</i>	2010/11	2009/10
		4	R'000	R'000
	Learning and teaching support material		8	26
	Other consumable materials		410	219
	Maintenance material		18	-
	Stationery and printing		1,612	1,552
	Total		<u>2,048</u>	<u>1,797</u>
4.6	Property payments			
		<i>Note</i>	2010/11	2009/10
		4	R'000	R'000
	Municipal services		1,352	882
	Property management fees		-	44
	Other		2,647	2,296
	Total		<u>3,999</u>	<u>3,222</u>
4.7	Travel and subsistence			
		<i>Note</i>	2010/11	2009/10
		4	R'000	R'000
	Local		10,610	10,855
	Foreign		7	19
	Total		<u>10,617</u>	<u>10,874</u>
4.8	Other operating expenditure			
		<i>Note</i>	2010/11	2009/10
		4	R'000	R'000
	Professional bodies, membership and subscription fees		11	6
	Resettlement costs		77	141
	Other		299	191
	Total		<u>387</u>	<u>338</u>
5.	Payments for financial assets			
		<i>Note</i>	2010/11	2009/10
			R'000	R'000
	Debts written off	5.1	38	201
	Total		<u>38</u>	<u>201</u>

5.1 Debts written off

	Note	2010/11 R'000	2009/10 R'000
	5		
Nature of debts written off			
(Group major categories, but list material items)			
Salary overpayment and claims written-off		28	189
Tax debt		4	12
Bursary		6	-
Total		38	201

6. Transfers and subsidies

	Note	2010/11 R'000	2009/10 R'000
Departmental agencies and accounts	Annex 1A	74	65
Total		74	65

7. Expenditure for capital assets

	Note	2010/11 R'000	2009/10 R'000
Tangible assets			
Machinery and equipment	26	2,656	4,016
Total		2,656	4,016

7.1 Analysis of funds utilised to acquire capital assets – 2010/11

	Voted funds R'000	Aid assistance R'000	Total R'000
Tangible assets			
Machinery and equipment	2,656	-	2,656
Total	2,656	-	2,656

7.2 Analysis of funds utilised to acquire capital assets – 2009/10

	Voted funds R'000	Aid assistance R'000	Total R'000
Tangible assets			
Machinery and equipment	4,016	-	4,016
Total	4,016	-	4,016

8. Unauthorised expenditure

8.1 Reconciliation of unauthorised expenditure

	<i>Note</i>	2010/11 R'000	2009/10 R'000
Opening balance		891	891
Unauthorised expenditure awaiting authorisation / written off		891	891

8.2 Analysis of unauthorised expenditure awaiting authorisation per economic classification

		2010/11 R'000	2009/10 R'000
Current		891	891
Total		891	891

8.3 Analysis of unauthorised expenditure awaiting authorisation per type

		2010/11 R'000	2009/10 R'000
Unauthorised expenditure relating to overspending of the vote or a main division within a vote		891	891
Total		891	891

9. Cash and cash equivalents

	<i>Note</i>	2010/11 R'000	2009/10 R'000
Consolidated Paymaster General Account		3,542	11,871
Disbursements		(2,050)	(3,266)
Cash on hand		27	29
Total		1,519	8,634

10. Prepayments and advances

	<i>Note</i>	2010/11 R'000	2009/10 R'000
Travel and subsistence		19	17
Total		19	17

11. Receivables

	Note	2010/11			2009/10	
		R'000 Less than one year	R'000 One to three years	R'000 Older than three years	R'000 Total	R'000 Total
Claims recoverable	11.1 Annex 4	7	407	-	414	535
Recoverable expenditure	11.2	33	-	-	33	(1)
Staff debt	11.3	18	129	-	147	219
Total		58	536	-	594	753

11.1 Claims recoverable

	Note	2010/11	2009/10
	11	R'000	R'000
National departments		414	466
Provincial departments		-	69
Total		414	535

11.2 Recoverable expenditure (disallowance accounts)

	Note	2010/11	2009/10
	11	R'000	R'000
(Group major categories, but list material items)			
Independent Institutions		33	(1)
Total		33	(1)

11.3 Staff debt

	Note	2010/11	2009/10
	11	R'000	R'000
(Group major categories, but list material items)			
Salary overpayment		5	182
Tax debt		14	22
Other		128	15
Total		147	219

12. Voted funds to be surrendered to the Revenue Fund

	Note	2010/11	2009/10
		R'000	R'000
Opening balance		10,221	-
Transfer from statement of financial performance		2,991	10,221
Paid during the year		(10,221)	-
Closing balance		2,991	10,221

13. Departmental revenue and NRF Receipts to be surrendered to the Revenue Fund

	<i>Note</i>	2010/11 R'000	2009/10 R'000
Opening balance		23	3
Transfer from Statement of Financial Performance		168	154
Paid during the year		(187)	(134)
Closing balance		4	23

Actual paid during the year amounted to R192 000, which included an amount of R5 000 relating to the previous financial year.

14. Payables – current

	<i>Note</i>	2010/11 Total	2009/10 Total
Amounts owing to other entities	<i>Annex 5</i>	28	51
Total		28	51

15. Net cash flow available from operating activities

	<i>Note</i>	2010/11 R'000	2009/10 R'000
Net surplus/(deficit) as per Statement of Financial Performance		3,159	10,375
Add back non cash/cash movements not deemed operating activities		(7,618)	4,080
(Increase)/decrease in receivables – current		159	118
(Increase)/decrease in prepayments and advances		(2)	29
Increase/(decrease) in payables – current		(23)	51
Expenditure on capital assets		2,656	4,016
Surrenders to Revenue Fund		(10,408)	(134)
Net cash flow generated by operating activities		(4,459)	14,455

16. Reconciliation of cash and cash equivalents for cash flow purposes

	<i>Note</i>	2010/11 R'000	2009/10 R'000
Consolidated Paymaster General Account		3,542	11,871
Disbursements		(2,050)	(3,266)
Cash on hand		27	29
Total		1,519	8,634

These amounts are not recognised in the Annual Financial Statements and are disclosed to enhance the usefulness of the Annual Financial Statements.

17. Contingent liabilities and contingent assets

17.1 Contingent liabilities

		<i>Note</i>	2010/11	2009/10
			R'000	R'000
Liable to	Nature			
Motor vehicle guarantees	Employees	<i>Annex 3A</i>	89	179
Housing loan guarantees	Employees	<i>Annex 3A</i>	185	269
Claims against the department		<i>Annex 3B</i>	9,142	2,640
Other departments (interdepartmental unconfirmed balances)		<i>Annex 5</i>	28	51
Total			9,444	3,139

The amount included in the Claims against the department reflects the worst case scenario. Management decided to take a prudent approach in the disclosure.

18. Commitments

		<i>Note</i>	2010/11	2009/10
			R'000	R'000
Current expenditure				
Approved and contracted			1,629	632
			1,629	632
Capital expenditure				
Approved and contracted			188	1,012
			188	1,012
Total Commitments			1,817	1,644

No commitment is for longer than a year

19. Accruals

		2010/11			2009/10
		R'000			R'000
Listed by economic classification					
	30 Days	30+ Days	Total	Total	
Goods and services	1,895	100	1,995	-	
Capital assets	225	-	225	-	
Total	2,120	100	2,220	-	

		<i>Note</i>	2010/11	2009/10
			R'000	R'000
Listed by programme level				
Administration			1,283	-
Complaints Processing, Monitoring and Investigation			609	-
Information Management and Research			328	-
Total			2,220	-

20. Employee benefits

	Note	2010/11 R'000	2009/10 R'000
Leave entitlement		1,073	1,875
Service bonus (Thirteenth cheque)		1,948	1,527
Performance awards		45	-
Capped leave commitments		2,918	3,234
Other		1,115	96
Total		7,099	6,732

The negative amounts in terms of the leave entitlement included in the disclosure note, amounts to R88 385.99 which is attributed to staff taking leave at the start of the period that exceeds the number of days calculated for the first quarter of the calendar year.

21. Lease commitments

21.1 Finance leases expenditure

	Specialised military equipment	Land	Buildings and other fixed structures	Machinery and equipment	Total
2010/11					
Not later than 1 year	-	-	-	1,609	1,609
Later than 1 year and not later than 5 years	-	-	-	363	363
Total lease commitments	-	-	-	1,972	1,972
2009/10					
Not later than 1 year	-	-	-	1,402	1,402
Later than 1 year and not later than 5 years	-	-	-	1,824	1,824
Total lease commitments	-	-	-	3,226	3,226

Disclosed Finance Leases refer to operating leases in respect of labour saving devices (photocopiers) as well as GG vehicles.

Permitted as per Practice Note 5 of 2006/2007 (dated 05/12/2006) from National Treasury.

Prior year (2009/10) amount has been restated by adding R2 966 000 to R260 000 to reflect GG vehicles.

Current year (2010/11) amount has been changed to reflect the audit adjustment of R26 000 (labour saving devices) and the management adjustment of R1 781 000 (GG vehicles).

22. Irregular expenditure

22.1 Reconciliation of irregular expenditure

	<i>Note</i>	2010/11	2009/10
		R'000	R'000
Opening balance		184	-
Add: Irregular expenditure – relating to current year		-	198
Less: Amounts condoned		-	(14)
Irregular expenditure awaiting condonation		184	184

Analysis of awaiting condonation per age classification

Current year	-	184
Prior years	184	-
Total	184	184

23. Fruitless and wasteful expenditure

23.1 Reconciliation of fruitless and wasteful expenditure

	<i>Note</i>	2010/11	2009/10
		R'000	R'000
Opening balance		-	-
Fruitless and wasteful expenditure – relating to current year		3	-
Less: Amounts transferred to receivables for recovery		(3)	-
Fruitless and wasteful expenditure awaiting condonement		-	-

23.2 Analysis of Current year's fruitless and wasteful expenditure

Incident	Disciplinary steps taken / criminal proceedings	2010/11
		R'000
Traffic offences by official whilst using rented vehicle	Traffic fines and administration fees recovered from official	1
VAT claimed in error by supplier	VAT paid back to ICD by the supplier	2
Total		3

24. Key management personnel

	No. of Individuals	2010/11	2009/10
		R'000	R'000
Officials:			
Level 15 to 16	1	1,087	609
Level 14 (incl. CFO if at a lower level)	4	3,274	3,399
Total		4,361	4,008

25. Impairment and other provisions

	Note	2010/11 R'000	2009/10 R'000
Impairment			
Debtors		54	119
Total		54	119

26. Movable Tangible Capital Assets

MOVEMENT IN MOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2011

	Opening Balance	Curr Year Adjust- ments to prior year balances	Additions	Disposals	Closing Balance
	R'000	R'000	R'000	R'000	R'000
MACHINERY AND EQUIPMENT	12,449	-	3,515	497	15,467
Transport assets	1,617	-	-	-	1,617
Computer equipment	7,257	-	2,372	482	9,147
Furniture and office equipment	2,240	-	973	15	3,198
Other machinery and equipment	1,335	-	170	-	1,505
TOTAL MOVABLE TANGIBLE CAPITAL ASSETS	12,449	-	3,515	497	15,467

26.1 Additions

ADDITIONS TO MOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2011

	Cash	Non-cash	(Capital Work in Progress current costs and finance lease payments)	Received current, not paid (Paid current year, received prior year)	Total
	R'000	R'000	R'000	R'000	R'000
MACHINERY AND EQUIPMENT	2,656	-	-	229	3,515
Computer equipment	1,577	630	-	165	2,372
Furniture and office equipment	941	-	-	32	973
Other machinery and equipment	138	-	-	32	170
TOTAL ADDITIONS TO MOVABLE TANGIBLE CAPITAL ASSETS	2,656	630	-	229	3,515

26.2 Disposals

DISPOSALS OF MOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2011

	Sold for cash	Transfer out or destroyed or scrapped	Total disposals	Cash Received Actual
	R'000	R'000	R'000	R'000
MACHINERY AND EQUIPMENT	-	497	497	-
Computer equipment	-	482	482	-
Furniture and office equipment	-	15	15	-
TOTAL DISPOSAL OF MOVABLE TANGIBLE CAPITAL ASSETS	-	497	497	-

26.3 Movement for 2009/10

MOVEMENT IN MOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2010

	Opening balance	Additions	Disposals	Closing balance
	R'000	R'000	R'000	R'000
MACHINERY AND EQUIPMENT	10,662	4,016	2,229	12,449
Transport assets	3,685	-	2,068	1,617
Computer equipment	3,779	3,626	148	7,257
Furniture and office equipment	1,948	305	13	2,240
Other machinery and equipment	1,250	85	-	1,335
TOTAL MOVABLE TANGIBLE ASSETS	10,662	4,016	2,229	12,449

26.4 Minor assets

MOVEMENT IN MINOR ASSETS OF THE DEPARTMENT AS AT 31 MARCH 2011

	Specialised military assets	Intangible assets	Heritage assets	Machinery and equipment	Biological assets	Total
	R'000	R'000	R'000	R'000	R'000	R'000
Minor assets:						
Opening balance	-	-	12	7,694	-	7,706
Curr year Adjustments to Prior Yr Balances	-	-	-	954	-	954
Additions	-	-	-	542	-	542
Disposals	-	-	-	353	-	353
TOTAL	-	-	12	8,837	-	8,849

	Specialised military assets	Intangible assets	Heritage assets	Machinery and equipment	Biological assets	Total
Number of minor assets at cost	-	-	9	5,632	-	5,641
TOTAL NUMBER OF MINOR ASSETS	-	-	9	5,632	-	5,641

MINOR ASSETS OF THE DEPARTMENT AS AT 31 MARCH 2010

	Specialised military assets	Intangible assets	Heritage assets	Machinery and equipment	Biological assets	Total
	R'000	R'000	R'000	R'000	R'000	R'000
Minor assets	-	-	12	7,694	-	7,706
TOTAL	-	-	12	7,694	-	7,706

27. World Cup Expenditure

Purchase of world cup apparel

Specify the nature of the purchase (e.g. t-shirts, caps, etc.)

Rainbow Nation Vuvuzela's

Soccer Scarves

SA Flag Rainbow Beanies

Makarapa's

Flags (32 Countries)

Total

Total world cup expenditure

	2010/11 Quantity	2010/11 R'000	2009/10 R'000
	303	7	-
	152	9	-
	151	6	-
	10	2	-
	32	6	-
Total	648	30	-
Total world cup expenditure		30	-

ANNEXURE 1A

STATEMENT OF TRANSFERS TO DEPARTMENTAL AGENCIES AND ACCOUNTS

DEPARTMENT/ AGENCY/ ACCOUNT	TRANSFER ALLOCATION				TRANSFER		2009/10
	Adjusted Appropriation	Roll Overs	Adjustments	Total Available	Actual Transfer	% of Available funds Transferred	Appropriation Act
	R'000	R'000	R'000	R'000	R'000	%	R'000
SASSETA	74	-	-	74	74	100%	65
	74	-	-	74	74	100%	65

The payment to SASSETA related to the administrative contribution that was transferred by the Department.

ANNEXURE 1B

STATEMENT OF GIFTS, DONATIONS AND SPONSORSHIPS RECEIVED

NAME ORGANISATION	OF	NATURE OF GIFT, DONATION OR SPONSORSHIP	2010/11	2009/10
			R'000	R'000
Received in cash				
Staff members		Food bought for distribution to Mercy House as part of the 16 Days of No Violence Against Women and Children	1	-
Staff members		Food bought for distribution to PAHAS as part of the 16 Days of No Violence Against Women and Children	1	-
Subtotal			2	-
Received in kind				
SASSETA		Training to Investigators	1	1,100
Mr D de Bruin		Donated soft toys for distribution as part of the 16 Days of No Violence Against Women and Children to Mercy House and PAHAS	1	-
Subtotal			2	1,100
TOTAL			4	1,100

INDEPENDENT COMPLAINTS DIRECTORATE
VOTE 22
ANNEXURES TO THE ANNUAL FINANCIAL STATEMENTS
for the year ended 31 March 2011

ANNEXURE 3A

STATEMENT OF FINANCIAL GUARANTEES ISSUED AS AT 31 MARCH 2011 – LOCAL

Guarantor institution	Guarantee in respect of	Original guaranteed capital amount	Opening balance 1 April 2010	Guarantees draw downs during the year	Guarantees repaid/cancelled/reduced/released during the year	Revaluations	Closing balance 31 March 2011	Guaranteed interest for year ended 31 March 2011	Realised losses not recoverable i.e. claims paid out
		R'000	R'000	R'000	R'000	R'000	R'000	R'000	R'000
Stannic	Motor vehicles	331	179	-	90	-	89	-	-
	Subtotal	331	179	-	90	-	89	-	-
ABSA	Housing	496	88	-	-	-	88	-	-
Nedbank	Housing	130	26	-	-	-	26	-	-
Standard	Housing	357	142	-	71	-	71	-	-
Free State Dev Corp	Housing	156	13	-	13	-	-	-	-
	Subtotal	1,139	269	-	84	-	185	-	-
	TOTAL	1,470	448	-	174	-	274	-	-

INDEPENDENT COMPLAINTS DIRECTORATE
VOTE 22
ANNEXURES TO THE ANNUAL FINANCIAL STATEMENTS
for the year ended 31 March 2011

ANNEXURE 3B
STATEMENT OF CONTINGENT LIABILITIES AS AT 31 MARCH 2011

Nature of Liability	Opening balance 1 April 2010	Liabilities incurred during the year	Liabilities paid/ cancelled/reduced during the year	Liabilities recoverable (Provide details hereunder)	Closing Balance 31 March 2011
	R'000	R'000	R'000	R'000	R'000
Claims against the department					
Court Settlement	-	18	-	-	18
Possible Claims	2,640	6,681	197	-	9,124
Subtotal	2,640	6,699	197	-	9,142
TOTAL	2,640	6,699	197	-	9,142

INDEPENDENT COMPLAINTS DIRECTORATE
VOTE 22
ANNEXURES TO THE ANNUAL FINANCIAL STATEMENTS
for the year ended 31 March 2011

**ANNEXURE 4
CLAIMS RECOVERABLE**

Government Entity	Confirmed balance outstanding		Unconfirmed balance outstanding		Total	
	31/03/2011	31/03/2010	31/03/2011	31/03/2010	31/03/2011	31/03/2010
	R'000	R'000	R'000	R'000	R'000	R'000
Department						
Provincial Government – North West	-	-	-	1	-	1
National Treasury	-	-	407	403	407	403
Provincial Government – Gauteng (Education)	-	-	-	68	-	68
Department of Agriculture, Forestry and Fisheries	-	-	-	8	-	8
Provincial Government – Gauteng (Economic Development)	-	-	-	3	-	3
Department of Health	-	-	3	7	3	7
SAPS	-	-	1	36	1	36
SASSA	-	-	-	5	-	5
Statistics SA	-	-	3	4	3	4
Subtotal	-	-	414	535	414	535
Total	-	-	414	535	414	535

INDEPENDENT COMPLAINTS DIRECTORATE
VOTE 22
ANNEXURES TO THE ANNUAL FINANCIAL STATEMENTS
for the year ended 31 March 2011

ANNEXURE 5

INTER-GOVERNMENT PAYABLES

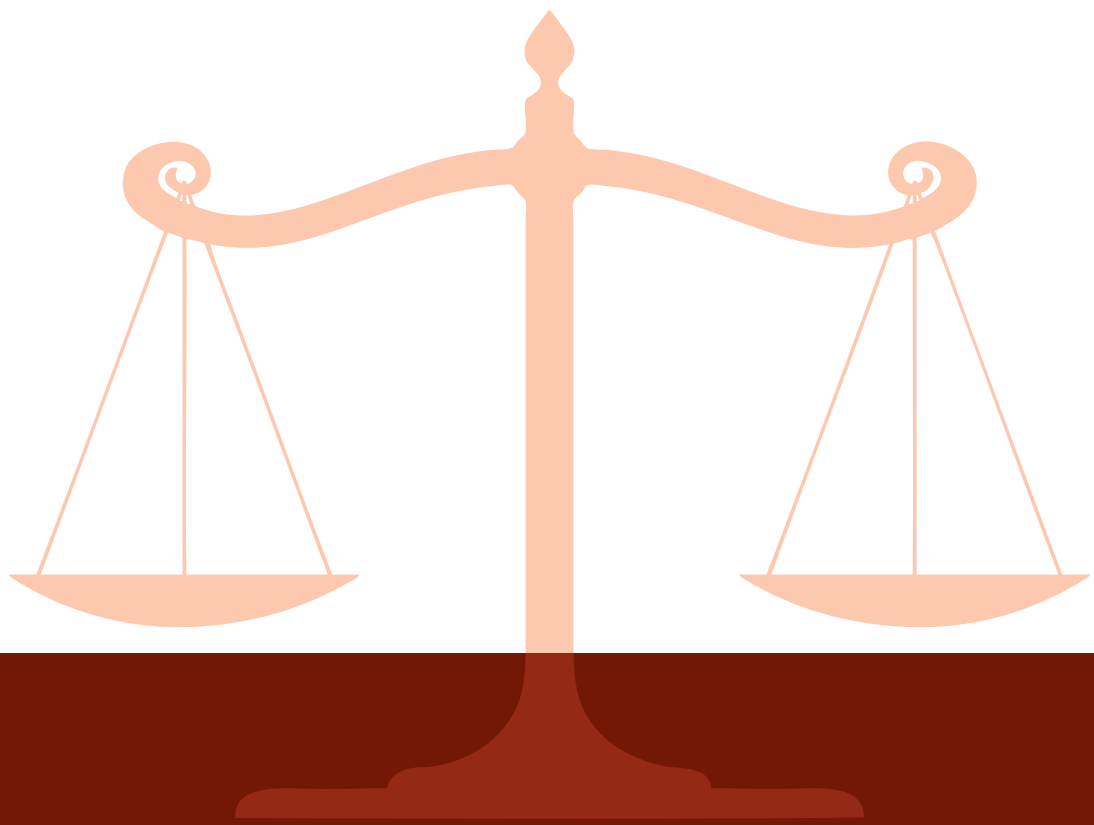
GOVERNMENT ENTITY	Confirmed balance outstanding		Unconfirmed balance outstanding		TOTAL	
	31/03/2011 R'000	31/03/2010 R'000	31/03/2011 R'000	31/03/2010 R'000	31/03/2011 R'000	31/03/2010 R'000
OTHER GOVERNMENT ENTITY						
Current						
SARS	-	-	31	48	31	48
Independent Institutions	-	-	(3)	3	(3)	3
Subtotal	-	-	28	51	28	51
Total	-	-	28	51	28	51

SUPPLEMENTARY INFORMATION - UNAUDITED

**ANNEXURE 6
INVENTORY**

Inventory	Note	Quantity	2010/11	Quantity	2009/10
			R'000		R'000
Opening balance		20,360	589	20,360	589
Add/(Less): Adjustments to prior year balance		-	-	361	44
Add: Additions/Purchases - Cash		24,130	2,374	22,800	2,230
Add: Additions - Non-cash		3,366	41	259	35
(Less): Disposals		(11,060)	(293)	-	-
(Less): Issues		(28,048)	(250)	(22,872)	(2,032)
Add/(Less): Adjustments		(2,969)	(32)	-	-
Closing balance		5,779	2,429	20,908	866









ICD

Independent Complaints Directorate

Annual Report

2 0 1 0 - 2 0 1 1

Physical Address:

City Forum Building
114 Vermeulen Street
Pretoria
0002

Postal Address:

Private Bag X941
Pretoria
0001

Contact Details:

Tel : 012 399 0000
Fax : 012 326 0408
E-mail : complaints@icd.gov.za
Website : www.icd.gov.za

RP246/2011

ISBN: 978-0-621-40399-2

Title of Publications: Independent Complaints Directorate (ICD)
Annual Report 2010/2011