



Trend Analysis on Complaints Lodged with the Public Service Commission during the 2006/2007 Financial Year

Public Service Commission

October 2007

A decorative grid pattern consisting of small squares in shades of red and orange, transitioning from a darker red on the left to a lighter orange on the right.

Vision

The Public Service Commission is an independent and impartial body created by the Constitution, 1996, to enhance excellence in governance within the Public Service by promoting a professional and ethical environment and adding value to a public administration that is accountable, equitable, efficient, effective, corruption-free and responsive to the needs of the people of South Africa.

Mission

The Public Service Commission aims to promote the constitutionally enshrined democratic principles and values of the Public Service by investigating, monitoring, evaluating, communicating and reporting on public administration. Through research processes, it will ensure the promotion of excellence in governance and the delivery of affordable and sustainable quality services.

Trend Analysis on Complaints Lodged with the Public Service Commission during the 2006/2007 Financial Year



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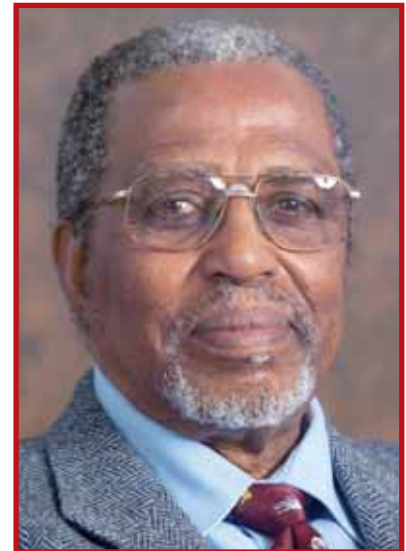
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FOREWORD

It gives me great pleasure to present this report on the analysis of trends on complaints lodged with the Public Service Commission (PSC) during the 2006/2007 financial year.

Chapter 10 of the *Constitution of the Republic of South Africa, 1996*, provides for an effective and efficient Public Service, governed by democratic values and principles. In fact, section 195 of the Constitution specifically requires a Public Service that subscribes to a high standard of professional ethics, uses its resources efficiently, economically and effectively, is responsive to people's needs and is accountable. However, such a Public Service will only be achieved if maladministration, acts of corruption and poor service delivery are dealt with in a decisive and swift manner.



The PSC is empowered through section 196 of the Constitution to investigate the actions, decisions and/or omissions of both national and provincial government departments. In pursuance of this mandate, the PSC has established, amongst others, the *Rules of the Public Service Commission for Lodging of Complaints regarding the Public Service*, as well as the National Anti-Corruption Hotline (NACH) for the Public Service. Such access mechanisms provide a platform for public servants and members of the public to lodge complaints about poor service and report suspected acts of corruption and related activities experienced in the Public Service.

The PSC's commitment to a high quality of service delivery to its clients through its investigations and the handling of complaints was reflected in a previous report on the analysis of trends on complaints lodged with the PSC during the 2004/2005 and 2005/2006 financial years. Baseline information established with the previous report served as the basis for comparisons made and trends determined on the number and type of complaints received and dealt with by the PSC, as reflected in this report.

I trust that Parliament, Provincial Legislatures, Executing Authorities and Heads of Department will find this report useful in their endeavours to prevent or take action against those public servants implicated in corrupt activities, as well as those that do not meet the requisite service delivery standards during the provision of services to members of the public.

A handwritten signature in black ink, which appears to read 'Sangweni'.

PROF SS SANGWENI
CHAIRPERSON: PUBLIC SERVICE COMMISSION

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List of abbreviations

CCMA	Commission for Conciliation, Mediations and Arbitration
CMS	Case Management System
EA	Executing Authority
GEPF	Government Employees Pension Fund
HoD	Head of Department
ICD	Independent Complaints Directorate
JIOP	Judicial Inspectorate of Prisons
MoU	Memorandum of Understanding
NACH	National Anti-Corruption Hotline
NPA	National Prosecuting Authority
OPSC	Office of the Public Service Commission
PSC	Public Service Commission
PSR	Public Service Regulation
SANDF	South African National Defence Force
SAMDI	South African Management Development Institute
SAPS	South African Police Service
SARS	South African Revenue Service
SCOPA	Standing Committee on Public Accounts
SITA	State Information Technology Agency



Executive summary

1. INTRODUCTION

1.1 BACKGROUND

The rapidly increasing demands of citizens on their governments exert pressure on governments to deliver services efficiently and effectively. Within the South African context this is particularly the case given the unequal treatment and distribution of resources and services during the Apartheid era. South Africans expect a completely different approach to public service delivery as experienced under Apartheid, and as a result their expectations on improved service delivery are higher. Section 195 of the *Constitution of the Republic of South Africa, 1996*, specifically requires a Public Service that subscribes to a high standard of professional ethics, uses its resources efficiently, economically and effectively, is responsive to people's needs and is accountable.

The Public Service Commission (PSC) is constitutionally mandated to, amongst others, promote and maintain a high standard of professional ethics within the Public Service. In addressing problems faced by members of the public and public servants alike, in respect of poor service delivery, maladministration and the misuse and abuse of State resources, the PSC identified the need to establish access mechanisms to raise concerns or allegations in this regard. Two such mechanisms are the *Rules of the Public Service Commission for Lodging of Complaints regarding the Public Service* (hereafter referred to as the **Complaints Rules**) and the National Anti-corruption Hotline (**NACH**).

This report will focus on the Complaints Rules and the NACH as the two access mechanisms for lodging complaints with the PSC, and how these are managed by the PSC. It will also provide a statistical overview of the complaints received during the 2006/2007 financial year and the emerging trends. Such trends should assist in risk assessment and improvements in the practice around service delivery.

1.2 THE PSC'S LEGISLATIVE MANDATE

The PSC is mandated to conduct investigations into complaints in terms of section 196(2) and (4) of the *Constitution of the Republic of South Africa, 1996*, as well as section 9 and 10 of the *Public Service Act, 1997*.

1.3 PSC ACCESS MECHANISMS

In order to assist members of the public and public servants with the lodging of complaints, mechanisms such as the Complaints Rules as well as the NACH were established.

1.4 OBJECTIVE OF THE REPORT

The objectives of this Report are to provide –

- statistical information on the number of complaints lodged with the PSC during the 2006/2007 financial year, the sources from which complaints are received, the departments implicated and the type of such complaints;
- an analysis of complaints lodged with the PSC during the 2006/2007 financial year, including the stages of investigation; and

- a qualitative analysis of trends emanating from complaints lodged with, and investigated by the PSC during the 2006/2007 financial year.

1.5 METHODOLOGY FOLLOWED

Data on all complaints lodged with the PSC during the 2006/2007 financial year was processed in accordance with the categories reflected in Chapter 3 of the report. Subsequent to the processing of data in terms of the identified categories, comparisons were made between statistics for the 2004/2005 and 2005/2006 financial years (reported on previously in the Trend Analysis Report¹), and the statistics for the 2006/2007 financial year. Emanating from such comparisons, findings were made and trends determined.

1.6 LIMITATIONS

Limitations experienced relate to poor document/record management by departments, the anonymity of some of the complaints resulting in the fact that such complaints cannot be followed up for additional information, delays in responses by departments or Executive Authorities (EAs), the number of non-corruption related complaints lodged through the NACH and the lack of feedback to the PSC regarding the implementation of recommendations made.

2. HANDLING OF COMPLAINTS BY THE PSC

Persons dissatisfied regarding an act or omission within the Public Service, which adversely affects or may adversely affect a person, or may be detrimental to public administration, may lodge a complaint on the prescribed form with the PSC in terms of the Complaints Rules. The Complaints Rules are available on the website of the PSC².

Another mechanism through which complaints about any form of corruption can be lodged with the PSC is the NACH. The NACH is a toll-free service, and operates 24 hours a day, seven days a week.

The procedure followed in dealing with complaints and investigations is elaborated upon in Chapter 2 of the report.

3. STATISTICAL OVERVIEW AND ANALYSIS OF COMPLAINTS LODGED WITH THE PSC

A statistical overview and analysis is provided in Chapter 3 of the report of complaints lodged with the PSC during the 2006/2007 financial year. The number of complaints lodged with the PSC, the origin of complaints, the type of complaints, status of complaints, categories of investigations conducted by the PSC and the outcome of such investigations are reflected upon.

3.1 TOTAL NUMBER OF COMPLAINTS LODGED WITH THE PSC

Statistics regarding the total number of complaints lodged during the period 2004/2005 to 2006/2007 are as follows:

¹ Republic of South Africa. Public Service Commission. *Trend analysis on complaints lodged with the Public Service Commission during the 2004/2005 and 2005/2006 financial years*. Pretoria. October 2006.

² Republic of South Africa. Public Service Commission. Website: www.psc.gov.za.

Table: Total number of complaints lodged with the PSC

Institution implicated	NACH		Complaints Rules		
	2005/2006	2006/2007	2004/2005	2005/2006	2006/2007
National departments	353 (47%)	123 (46%)	31 (69%)	67 (58%)	118 (54%)
Provincial departments	293 (39%)	110 (41%)	11 (24%)	38 (33%)	72 (33%)
Local Government	96 (13%)	30(11%)	-	4 (3%)	2 (1%)
Private companies	15 (2%)	5 (2%)	-	5 (4%)	18 (8%)
Unknown ³	-	-	3 (7%)	2 (2%)	8 (4%)
TOTAL	757	268	45	116	218

From the combined total number of complaints lodged with the PSC through the NACH and the Complaints Rules, as reflected in the above table, a 44.3% decline is observed from 873 complaints lodged during the 2005/2006 financial year to 486 complaints lodged during the 2006/2007 financial year.

3.2 ORIGIN OF COMPLAINTS LODGED

While there are jurisdictional limits to the complaints that the PSC will investigate, complaints can be received from any person. The PSC has received complaints from a number of sources, including public servants, anonymous complainants/whistleblowers and members of the public. In addition, requests for investigation from Legislatures/EAs are also regarded as a source and included in the statistics reflected in Chapter 3.

There is an increase in the number of requests for investigations by Legislatures/EAs from 3 requests during the 2005/2006 financial year to 19 in the 2006/2007 financial year. This clearly shows an increase in the confidence that political role players, including the Standing Committee on Public Accounts, have in the PSC.

In terms of the service delivery and related complaints lodged through the NACH, during the 2005/2006 financial year, 292 (39%) of the complainants chose to remain anonymous whilst the remaining 465 (61%) revealed their identity. The congruent statistics for the 2006/2007 financial year revealed that 149 (56%) of the complainants chose to remain anonymous whilst the remaining 119 (44%) revealed their identity.

An increase in the number of anonymous complaints lodged in terms of the Complaints Rules of 80% from the 2004/2005 financial year to the 2005/2006 financial year, and an 85% increase from the 2005/2006 financial year to the 2006/2007 financial year, was also experienced.

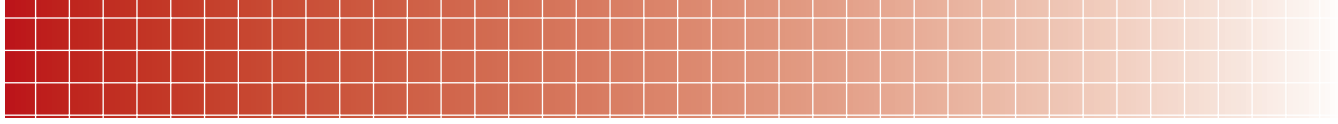
3.3 TYPE OF COMPLAINTS LODGED

Complaints lodged with the PSC during the 2006/2007 financial year dealt with a variety of issues, ranging from human resource related issues such as recruitment, selection and the filling of posts, to irregularities such as the transgression of prescripts relating to supply chain management/procurement.

In respect of the NACH, the majority of complaints lodged during the 2006/2007 financial year related to unethical behaviour, poor service delivery and human resource related issues respectively.

In respect of complaints lodged through the Complaints Rules during the 2006/2007 financial year, the majority

³ Instances where inadequate information was provided by complainants.



related to human resource matters (e.g. irregular filling of posts), irregularities (e.g. irregular awarding of tenders) and unethical behaviour (e.g. unbecoming conduct of a public servants) respectively.

Statistics revealed that whilst the NACH is used as a mechanism to mainly report unethical behaviour and poor service delivery, the Complaints Rules are mainly used to report human resource related matters and irregularities such as sexual harassment.

3.4 STATUS OF COMPLAINTS LODGED

A large number of complaints (147) during the 2006/2007 financial year were lodged through the NACH, and referred to departments to investigate, without any response forthcoming. This state of affairs is of major concern to the PSC. Even if investigative capacity is limited in departments, it would have been expected that, at a minimum, receipt of the complaints should have been acknowledged. There appears to be no priority attached to such complaints by departments.

As a result of the unresponsiveness of departments, the number of cases that were submitted through the NACH that were finalised and closed decreased from 247 (32.6%) in 2005/2006 to only 30 (13.8%) in 2006/2007.

The number of complaints lodged through the Complaints Rules that were finalised after investigation by the PSC increased from 56 in 2005/2006 to 60 in 2006/2007. This represents an increase of 6.7%. However, the number of complaints that were still in the process of investigation by the PSC increased significantly from 30 in 2005/2006 to 130 in 2006/2007. This can be attributed to the overall increase in the number of complaints lodged with the PSC, from 116 in 2006/2006 to 218 in 2006/2007.

3.5 OUTCOME OF INVESTIGATIONS CONDUCTED BY THE PSC

During the 2006/2007 financial year, allegations relating to the majority of complaints investigated and finalized (i.e. 63%) were found to be substantiated. This was also the case during the previous financial years.

4. TRENDS IDENTIFIED

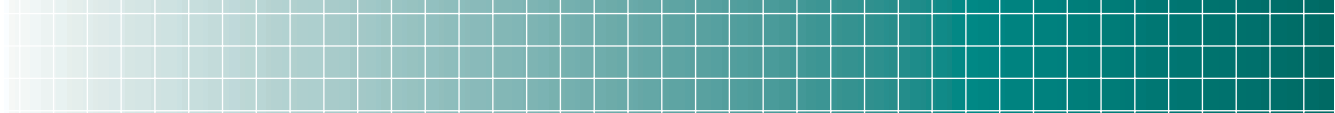
4.1 COMPLAINTS LODGED INCREASED THROUGH THE COMPLAINTS RULES AND DECREASED THROUGH THE NACH

There has been a progressive increase in the number of complaints lodged through the Complaints Rules from 116 complaints lodged in 2005/2006 to 218 complaints lodged in 2006/2007. This amounts to an increase of 88%. The increase in the number of complaints lodged through the Complaints Rules can be attributed to an increase in the stature of the PSC and the confidence that all role-players, be it EA's, Legislatures, public servants or the public, have in the PSC's abilities.

A decline in terms of complaints lodged through the NACH from 757 complaints lodged in 2005/2006 to only 268 lodged in 2006/2007 occurred across the board in respect of all departments and agencies. This amounts to a decline of 65%.

4.2 TRENDS ON THE ORIGIN OF COMPLAINTS

Persons who declared their identities (please note that such persons are not required to indicate whether they are public servants or members of the public) lodged the most complaints with the PSC through the NACH in 2005/2006 (i.e. 61%). However, the situation changed in 2006/2007 in that the most complaints lodged with the PSC was lodged by anonymous complainants (i.e. 56%).



In terms of complaints lodged with the PSC through the Complaints Rules in 2005/2006, the majority of complaints (i.e. 40%) originated from members of the public, whilst the majority of complaints in 2006/2007 were lodged by public servants (i.e. 44%). In addition, a significant increase from 16 complaints lodged by public servants through the Complaints Rules in 2004/2005, to 44 in 2005/2006 and to 97 in 2006/2007 was observed. An increase in the number of requests made by Legislatures and EAs from 3 in 2005/2006 to 19 in 2006/2007 occurred.

There has been a significant increase in the percentage of anonymous complaints received by the PSC from 36% in 2005/2006 to 45% in 2006/2007. Individuals' fear of possible victimization and intimidation when lodging complaints in relation to, *inter alia*, alleged poor service delivery, unethical conduct, maladministration, corruption, unlawful activities may be reflected in this trend.

4.3 TYPES OF COMPLAINTS LODGED WITH THE PSC

Unethical behaviour, human resource related matters and instances of alleged poor service delivery to the public are the top three causes of complaints among public servants and members of the public. These issues were also frequently reasons for requests from legislatures and EAs for investigations by the PSC. The three lowest ranking causes of complaints relate to the outcome of court cases, grievances and corruption/maladministration, in ascending order.

4.4 REDUCTION IN THE PERCENTAGE OF COMPLAINTS FINALISED

Resulting from the fact that twice as many complaints were lodged with the PSC in terms of the Complaints Rules during the 2006/2007 financial year than the previous year, 130 were still in progress at the end of the reporting period, i.e. 31 March 2007.

A recurring trend is being observed in respect of the reasons why complaints are not timely dealt with. These are the following:

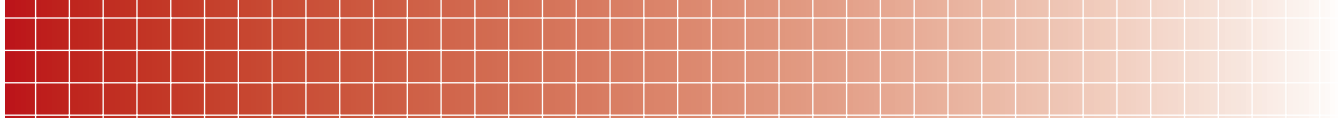
- Poor document and record management by departments, resulting in unavailability of information.
- Delays in responses provided to the PSC by departments and executing authorities.
- The NACH is still used as a vehicle for non-corruption related complaints and as such the PSC is overburdened with complaints that should be lodged with departmental complaints mechanisms.

4.5 INCREASE IN NUMBER OF DESK TOP AUDITS CONDUCTED

A gradual increase occurred in the number of investigations completed into complaints lodged in terms of the Complaints Rules through desk top audits. A total of 11 (13%) complaints were finalised through desk top audits in 2005/2006 whilst 40 (45%) complaints were finalised through this approach in 2006/2007. Consequently a decline occurred in the number of investigations finalized subsequent to the performance of a combination of desk-top and *in-loco* inspections from 45 (52%) in 2005/2006 to 20 (23%) in 2006/2007. The decision on a specific approach to an investigation is dictated by various factors including the comprehensiveness of feedback received from departments.

4.6 LACK OF FEEDBACK ON NACH CASES BY DEPARTMENTS

There are a large number of instances where complaints lodged through the NACH are referred to departments to investigate but where no response is forthcoming from the relevant departments (i.e. 80% and 75% in the 2005/2006 and 2006/2007 financial years respectively). This is of major concern to the PSC as it indicates that departments do not prioritise the investigation of complaints. The PSC would at an absolute minimum expect



that departments acknowledge receipt yet this does not even happen in many instances. A correlation exists between the relatively low response rate by departments in terms of both non-corruption and corruption related complaints lodged through the NACH and referred to departments for investigation and feedback to the PSC where the response rate by departments is only 36%.

4.7 MAJORITY OF COMPLAINTS ARE SUBSTANTIATED

During the 2006/2007 financial year the majority of complaints investigated and finalised were found to be substantiated. This was also the case during the 2004/2005 and 2005/2006 financial years.

5. RECOMMENDATIONS

The following areas were identified by the PSC that require improvement by departments:

5.1 IMPROVING DOCUMENT AND RECORD MANAGEMENT

One of the obstacles encountered during investigations conducted in the Public Service was poor document and record management by departments. Departments are encouraged to adhere to the *Best practice model to keep and manage paper based employee records*⁴ in order to improve their document and record management. Note should also be taken of the fact that in terms of this best practice model, sound human resource records management implies that records are managed in terms of a departmental record management programme governed by a departmental record management policy.

5.2 IMPROVING RESPONSE RATE TO THE PSC BY DEPARTMENTS AND EXECUTING AUTHORITIES

Time frames for feedback are hardly ever adhered to and supporting documentation does not in all instances accompany responses, resulting in the PSC having to send reminders to departments/EAs. This also applies to feedback by EAs on the implementation of the recommendations made by the PSC contained in every report within a period of three months from receipt thereof. Departments, HoDs and EAs should treat requests in this regard with the urgency that it deserves and thereby comply with Section 196 of the Constitution, 1996 which determines that “*other organs of state, through legislative and other measures, must assist and protect the Commission to ensure the independence, impartiality, dignity and effectiveness of the Commission*”.

5.3 STRENGTHENING DEPARTMENTAL COMPLAINTS RESOLUTION MECHANISMS

In terms of Chapter 1/III/C of the Public Service Regulations, EAs must establish and sustain a service delivery improvement programme for their departments stipulating, amongst others, a system or mechanisms for the lodging of complaints. However, based on the number of complaints still filtering in through the NACH it appears that departmental complaints resolution mechanisms may not be fully operational or may even not exist. Departments must therefore ensure that they comply with the provisions of the Public Service Regulations and implement a complaints system and ensure that such a system is accessible to the public.

5.4 ADDRESSING THE CAUSES OF COMPLAINTS LODGED

The majority of complaints lodged with the PSC during the 2006/2007 financial year related to unethical behaviour, human resource matters and service delivery respectively. Departments need to establish what gives rise to such complaints and institute appropriate corrective measures.

⁴ Republic of South Africa. Department of Public Service and Administration. *Best practice model to keep and manage paper based employee records*. Pretoria. January 2002.



5.5 IMPROVING RESOURCES TO DEAL WITH COMPLAINTS

Departments should invest dedicated human and financial resources in dealing with complaints as the non-responsiveness or delays in responses to complainants casts doubt in the mind of the Public as to the extent to which the Public Service is responsive to their concerns. In addition, departments should also attach a timeframe in line with their service standards to the finalization of investigations.

The increase in the number of complaints submitted to the PSC through its Complaints Rules has also placed an additional burden on the PSC's limited resources. The PSC will not be in a position to effectively investigate all such complaints without a concomitant increase in its own financial and, more specifically, human resources. It is therefore recommended that Parliament and National Treasury notes the emerging trends as highlighted in this report and the need to bolster the resources of the PSC in order to ensure that complaints lodged are adequately addressed.

6. CONCLUSION

It is clear from the trends identified that there is a continuous increase in the extent to which the public and public servants access the PSC's Complaint Rules. This is placing increasing pressure on the PSC as well as departments to finalise investigations and provide feedback to complainants. Despite this lack of resources the role players must put every possible effort into providing complainants with timely and comprehensive feedback. If this is not done the complaints access mechanisms in the Public Service will lose credibility and the public will lose confidence in government's responsiveness to their concerns. The PSC would therefore urge departments to seriously consider the recommendations contained in this Report so as to ensure the effective handling of complaints at all levels.

The PSC is confident that the trends that emerged from this report will cultivate an understanding and appreciation amongst departments of the processes that it undertakes during the investigation of complaints. More importantly, it will hopefully instil a sense of urgency and co-operative responsibility on the part of the role players regarding the manner in which they deal with complaints referred to them.

Chapter One

INTRODUCTION

1.1 BACKGROUND

The rapidly increasing demands of citizens on their governments exert pressure on governments to deliver services efficiently and effectively. Within the South African context this is particularly the case given the unequal treatment and distribution of resources and services during the Apartheid era. South Africans expect a completely different approach to public service delivery as experienced under Apartheid, and as a result their expectations on improved service delivery are higher. Section 195 of the *Constitution of the Republic of South Africa, 1996*, specifically requires a Public Service that subscribes to a high standard of professional ethics, uses its resources efficiently, economically and effectively, is responsive to people's needs and is accountable.

Heightened expectations for service delivery occur within a limited available budget. Competing service delivery interests make it even more important to ensure greater accountability, and guard against the impact of corruption and maladministration on service delivery. Where poor service delivery is a result of misuse of State resources and/or actions of those entrusted to deliver such services, there must be avenues open for lodging of such complaints and assurances that these complaints will be addressed.

The Public Service Commission (PSC) is constitutionally mandated to, amongst others, promote and maintain a high standard of professional ethics within the Public Service. In addressing problems faced by members of the public and public servants alike, in respect of poor service delivery, maladministration and the misuse and abuse of State resources, the PSC identified the need to establish access mechanisms to raise concerns or allegations in this regard. Two such mechanisms are the *Rules of the Public Service Commission for Lodging of Complaints regarding the Public Service* (hereafter referred to as the **Complaints Rules**) and the National Anti-corruption Hotline (**NACH**). Both these mechanisms encourage active public participation and add a partnership dimension in ensuring that public resources are diverted towards improving the lives of citizens.

However, the PSC recognises that implementation of such mechanisms should go beyond monitoring their effective usage but must also be to evaluate whether their objectives are being met and the extent to which information emanating from such mechanisms is used for improved decision making and policy development.

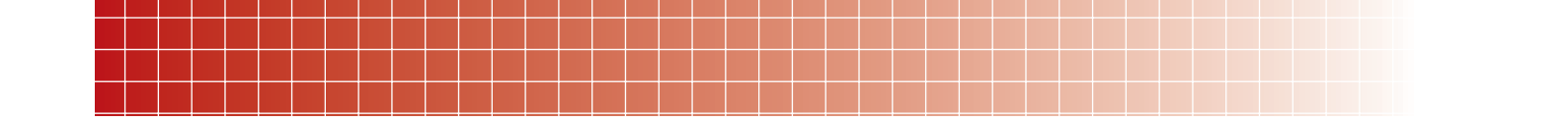
This report will focus on the Complaints Rules and the NACH as the two access mechanisms for lodging complaints with the PSC, and how these are managed by the PSC. It will also provide a statistical overview of the complaints received during the 2006/2007 financial year and the emerging trends. Such trends should assist in risk assessment and improvements in the practice around service delivery.

1.2 THE PSC'S LEGISLATIVE MANDATE

Section 196 of the *Constitution of the Republic of South Africa, 1996*, empowers the PSC to promote the values and principles provided for in section 195 which, amongst others, provide that –

- a high standard of professional ethics must be promoted and maintained;
- resources must be used efficiently, economically and effectively;
- people's needs must be responded to and the public must be encouraged to participate in policy-making; and
- public administration must be accountable.

In addition to promoting the above values and principles, the PSC has the mandate to conduct investigations in terms of section 196 (4)(f)(i) of the *Constitution of the Republic of South Africa, 1996*, as well as section 9 and 10 of the *Public Service Act, 1997*.



This report meets the constitutional responsibilities of the PSC in that it promotes the above-mentioned values and principles.

1.3 PSC ACCESS MECHANISMS

In order to assist members of the public and public servants with the lodging of complaints, mechanisms such as the Complaints Rules as well as the NACH were established.

The Complaints Rules, published on 19 July 2002 in Government Gazette No. 23635, were compiled in terms of section 11 of the *Public Service Commission Act, 1997*. The purpose of the Complaints Rules is to provide for a procedure by which complaints regarding any institution in the Public Service may be lodged with the PSC.

The NACH was established on 1 September 2004. Although the NACH is strictly for corruption and corruption related acts, there are a number of instances where complaints relating to behaviour, competency and attitude of staff, as well as standard of service were reported to the NACH.

The intention with the establishment of mechanisms such as the NACH and the Complaints Rules in the Public Service is to improve the accountability of public servants in the execution of their duties. Therefore, these mechanisms are to be seen as a means to align the work rendered by public servants with, amongst others, the following Batho Pele principles⁵:

- Setting a high quality of service standards.
- Increasing openness and transparency.
- Remedying mistakes and failures in a speedy and effective manner.
- Getting the best possible value for money in that public services are rendered in an economic and efficient manner.

Apart from the obvious fact that complaints received should be monitored in order to ensure that they are appropriately dealt with, it is also important to determine the general trends arising through such complaints. Such information provides useful data for improving service delivery and influencing policy direction. During a previous study⁶, baseline information on the complaints lodged with the PSC during 2004/2005 and 2005/2006 financial year was established. This study, which includes complaints lodged with the PSC during the 2006/2007 financial year, adds to the previous one and also enables the PSC to draw a comparison with the baseline information on complaints lodged and investigated during the 2004/2005 and 2005/2006 financial years, as well as the trends that have arisen.

1.4 OBJECTIVE OF THE REPORT

The objectives of this Report are to provide –

- statistical information on the number of complaints lodged with the PSC during the 2006/2007 financial year, the sources from which complaints are received, the departments implicated and the type of such complaints;

⁵ Republic of South Africa. *The White Paper on Transforming Public Service Delivery (Batho Pele White Paper)*. Pretoria, October 1997.

⁶ Republic of South Africa. *Public Service Commission. Trend analysis on complaints lodged with the Public Service Commission during the 2004/2005 and 2005/2006 financial years*. Pretoria. October 2006.

- an analysis of complaints lodged during the 2006/2007 financial year, including the stages of investigation; and
- a qualitative analysis of trends emanating from complaints lodged with, and investigated by the PSC during the 2006/2007 financial year.

In meeting the above objectives for this report, comparisons will be drawn between complaints lodged with the PSC during 2004/2005, 2005/2006 and 2006/2007 financial years.

1.5 METHODOLOGY FOLLOWED

1.5.1 Scope of the project

This report covers all non-corruption and corruption related complaints lodged with the PSC through the Complaints Rules, as well as non-corruption related complaints lodged through the NACH during the 2006/2007 financial year.

1.5.2 Data analysis

The PSC maintains comprehensive databases of all complaints lodged with it through the Complaints Rules as well as the NACH mechanisms.

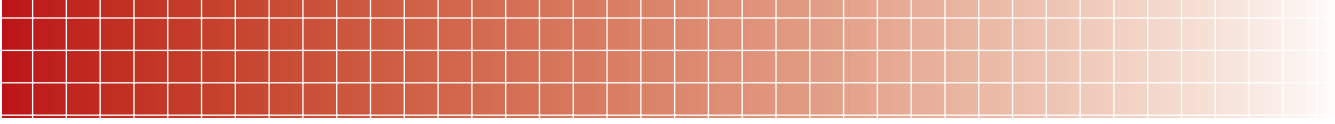
For purposes of this study, data obtained from the database on complaints lodged during the 2006/2007 financial year was processed in accordance with the following categories:

- Number of complaints lodged with the PSC through the Complaints Rules or NACH mechanisms.
- Breakdown of the number of complaints lodged per department, both at national and provincial level.
- Various sources from which complaints are received, e.g. public servants, members of the public, Legislatures, Executing Authorities (EAs) or anonymous complaints.
- Type of complaints lodged with the PSC, e.g. unfair labour practice, unethical behaviour, service delivery, human resource related, etc.
- Handling of complaints lodged, i.e. the stage of investigation such as whether it was referred to the relevant Department(s) for comment, finalized, closed or still in progress.
- Outcome of investigations conducted by the PSC and regarded as finalized.

The above-mentioned data was gathered from two separate internal databases housed within the PSC. Although the in-house databases are established for recording information in relation to complaints in particular, requests for investigations are categorised as complaints and are included as complaints in the database. In addition to these, the PSC's own accord investigations are also categorised as complaints.

Subsequent to the processing of data in terms of the identified categories, comparisons were made between statistics for the 2004/2005 and 2005/2006 financial years (reported on the previous Trend Analysis Report⁷), and the statistics for the 2006/2007 financial year. Emanating from such comparisons findings were made and trends determined as reflected upon in this report.

⁷ Republic of South Africa. Public Service Commission. *Trend analysis on complaints lodged with the Public Service Commission during the 2004/2005 and 2005/2006 financial years*. Pretoria. October 2006.



However, note should be taken of the fact that initially the non-corruption related complaints reported to the NACH were referred to the relevant departments for investigation in the same manner as corruption related cases. In considering the handling of such complaints, the PSC decided to separate corruption and non-corruption related cases with effect from September 2005. Note should be taken of the fact that no statistical information exists for non-corruption related complaints lodged via the NACH for the 2004/2005 financial year.

1.6 LIMITATIONS

Limitations experienced with regard to the management of complaints lodged with the PSC relate to the following:

- Poor document and record management by departments.
- A large number of complainants chose to remain anonymous when lodging complaints. Hence, the PSC found it difficult to obtain further information or clarity on aspects of the interpretation of, and type of the complaint.
- Delays by departments or Executing Authorities (EAs) in responding to the PSC on the outcome of investigations conducted.
- Although the NACH was established for the lodging of corruption related complaints, non-corruption related complaints are lodged through the NACH.
- The lack of feedback and/or the length of time that it takes departments or Executing Authorities to provide feedback to the PSC regarding the implementation of its recommendations.
- Shortcomings/challenges with the type of information that is contained in the databases maintained by the PSC.

Chapter Two

HANDLING OF COMPLAINTS LODGED WITH THE PSC

2.1 INTRODUCTION

A responsive Public Service needs to ensure that the public have access to complaints reporting mechanisms and assurance of appropriate redress in respect of complaints lodged. However, it is not sufficient that such mechanisms only exist, but more importantly that they are managed in a way that complaints lodged are taken seriously and that feedback is provided to the complainant within a reasonable period as stipulated in the service standards of each department. In the absence of this the public will lose confidence in complaints mechanisms, and this will undermine their credibility.

In terms of the regulatory requirements Executing Authorities (EAs) must establish and sustain a service delivery improvement programme for their Departments stipulating, amongst others, a system or mechanisms for the lodging of complaints⁸. *The White Paper on Transforming Public Service Delivery (Batho Pele White Paper)*⁹, stipulates that:

“Departments should, in stipulating service delivery standards, also cover how complaints should be dealt with, and include it in their Departmental Codes of Conduct.”

As a result there are a number of complaints mechanisms operating within the Public Service. The Complaints Rules and the NACH are specifically designed to assist public servants and members of the public during the reporting of suspected acts of corruption and related incidences and the lodging of complaints about poor service within the Public Service. Both mechanisms fall under the management of the PSC. This chapter provides a brief outline of these mechanisms and outlines the approach of the PSC in the handling of such complaints.

2.2 LODGING OF COMPLAINTS WITH THE PSC

The PSC has a defined procedure through which the public and public servants can lodge complaints. This is what is referred to as the *Rules of the Public Service Commission for Lodging of Complaints regarding the Public Service*. At the same time the PSC manages the NACH. The NACH has been specifically established for the reporting and management of corruption related complaints. However, in practice a large proportion of service delivery and non-corruption related complaints are received through the NACH call centre. Whilst this is actively discouraged, such complaints cannot be ignored, nor can the monitoring of trends emanating from such complaints be ignored.

Complaints Rules

The Complaints Rules provide a mechanism for persons that are dissatisfied regarding an act or omission within the Public Service. If such a matter adversely affects or may adversely affect a person, or may be detrimental to public administration, a person may lodge a complaint on the prescribed form with the PSC in terms of the Complaints Rules. Note should be taken of the fact that grievances are excluded from the latter (grievances do not fall within the scope of this investigation and trends in this regard are reported on separately by the PSC¹⁰).

The underlying principles of the Complaints Rules include the following:

- ensure that all complaints lodged with the PSC are dealt with confidentially;
- assess each complaint in terms of its own merits;

⁸ Republic of South Africa. *Public Service Regulations*. 2001.

⁹ Republic of South Africa. *White Paper on Transforming Public Service Delivery (Batho Pele White Paper)*. Pretoria. October 1997.

¹⁰ Republic of South Africa. *Public Service Commission. Report on grievance trends in the Public Service*. Pretoria. 2007.

- treat all complaints in the same manner; and
- subject all complaints to the same standards.

The Complaints Rules are available on the website¹¹ of the PSC. Accessibility is an important criterion for the promotion of lodging complaints. In order to ensure easy accessibility complaints can also be forwarded to/ lodged with any of the nine Regional Offices of the PSC. An address list of the nine Regional Offices of the PSC is attached as Annexure A to this report.

NACH

The NACH is a toll-free service¹², and operates 24 hours a day, seven days a week. However, as indicated above, although the NACH was established for the reporting of suspected acts of corruption, past experience has shown that complaints relating to the behaviour, competency and attitude, as well as standards of service, are also reported to the NACH.

According to the NACH Toolkit¹³, the principles guiding the PSC in managing the NACH include the fact that the PSC –

- is responsible for the management of the NACH in an independent, impartial manner without fear or favour, in the interest of the maintenance of effective and efficient public administration;
- promotes the highest standard of professional ethics in managing the NACH;
- is responsive to Government in providing frank, honest, comprehensive, accurate and timely advice;
- will ensure that the rules of administrative justice are adhered to during the referral and investigation of complaints; and
- will provide information that will enable stakeholders to make informed decisions.

The NACH is accessible, amongst other means, through telephone to those persons who wish to report or “blow the whistle” regarding any corruption and corruption-related acts within the Public Service. To ensure the protection of whistle blowers from possible acts of victimisation and intimidation, callers (whistle blowers) to the NACH are guaranteed anonymity.

2.3 PROCEDURE FOLLOWED IN DEALING WITH COMPLAINTS AND INVESTIGATIONS

The importance of the procedure followed by the PSC in dealing with complaints is enshrined in its impartiality and transparency. Below is a summarised outline of a few steps that are undertaken during the handling and investigation of complaints by the PSC, as enshrined in the *Protocol Document for conducting Public Administration Investigations by the Public Service Commission*¹⁴ (hereafter referred to as the Protocol Document):

2.3.1 Assessment of a complaint

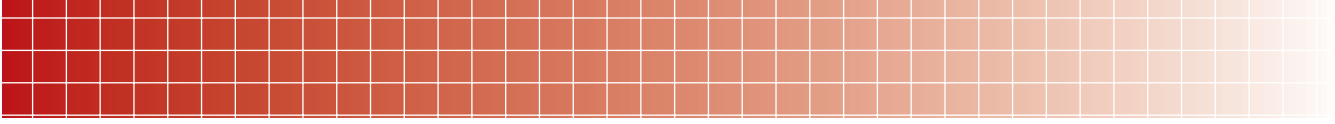
Once a complaint is lodged with and is received by the PSC, it is referred to an investigator who assesses the

¹¹ Republic of South Africa. Public Service Commission. Website: www.psc.gov.za.

¹² Toll-free NACH number: 0800701701

¹³ Republic of South Africa. Public Service Commission. *National Anti-Corruption Hotline Toolkit*. Pretoria. 2006.

¹⁴ Republic of South Africa. Public Service Commission. *Protocol Document for conducting Public Administration Investigations by the Public Service Commission*. Pretoria. November 2005.



complaint. First and foremost, the investigator needs to determine whether or not the PSC has jurisdiction in the matter, that is, whether the complaint relates to a matter that falls within the ambit of the mandate of the PSC.

Furthermore, the investigator needs to understand what the complaint actually relates to, who the perpetrator(s) is, as well as what steps the complainant has taken prior to referring the matter to the PSC. For instance if the complaint has previously been referred to and/or investigated by other institutions of democracy. If the complaint relates to a matter over which the PSC has no jurisdiction, the Office advises the PSC through a submission to dispose of and finalise the matter. In this case, the Director-General is delegated to by the PSC dispose of matters that will not be investigated by the PSC. If the PSC has jurisdiction over the complaint, then a submission is drafted and forwarded to the PSC for approval.

2.3.2 Referral of complaint

Once all of the above steps have been complied with and the PSC has approved the submission, the complaint is referred to the relevant institution by the Chairperson in the case of an EA and the Director-General of the Office of the Public Service Commission (OPSC) in the case of a Head of Department to investigate the complaint.

2.3.3 Response from departments

On receipt of a referred complaint, departments are expected to investigate the matter and provide feedback and supporting documentation to the PSC. In the case of an NACH complaint, departments are given 40 days within which to provide feedback and 14 days in the case of a complaint lodged through the Complaints Rules. On receipt of the feedback it is analysed and the supporting documentation is scrutinised. A submission is then drafted, advising the PSC about the feedback from the relevant institution in order to assist the PSC to decide on the appropriate action to take. Such action could be with regard to whether to investigate the complaint or not. In instances where feedback received was found to be inadequate or lacking substantiation, the PSC may decide to investigate.

2.3.4 Investigation by the PSC

If the PSC decides to investigate, such an investigation is done by means of either a desk-top audit or an in-loco inspection or a combination of both. Once an investigation is complete, a draft with findings and recommendations is referred to the PSC for approval. Once approved, a report containing only the findings is referred to the EA for comment.

The EA has 30 days to comment on the findings and once the EAs comments are received, the PSC sends a report with findings and recommendations for consideration and implementation. The EA has 90 days within which to implement the recommendations and provide feedback to the PSC on whether the recommendations have been implemented or not. In the event that the recommendations have not been implemented, reasons have to be provided to the PSC in writing.

Details of the PSC's procedure followed in dealing with complaints and investigations are outlined in the following process flow chart:

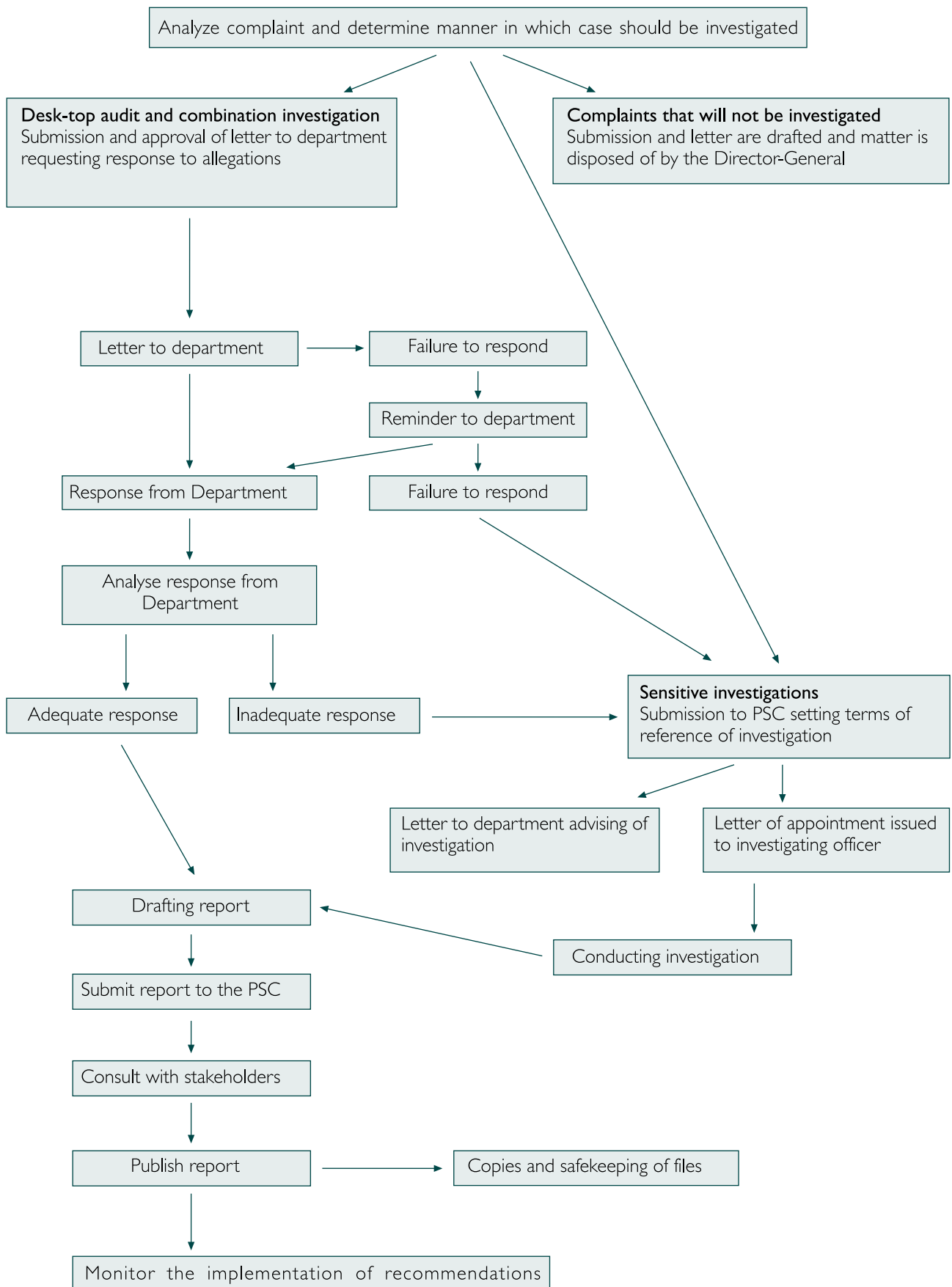


Figure 1: Procedure followed by the PSC in dealing with complaints and investigations

2.4 COMPLAINTS NOT INVESTIGATED BY THE PSC

The PSC's jurisdictional mandate to investigate complaints is derived from section 196 of the *Constitution of the Republic of South Africa, 1996*, as well as sections 9 and 10 of the *Public Service Commission Act, 1997*. Such mandate implies that there are certain investigations that do not fall within the jurisdictional purview of the PSC. At the same time, there are matters that fall within the jurisdiction of the PSC but which the PSC will not investigate to avoid duplication of services and possible jurisdiction shopping on the part of the complainant. The distinctions are clearly set out in the PSC's Protocol Document.

The PSC welcomes all complaints lodged in terms of its complaints mechanisms. Nonetheless, not all cases lodged with the PSC are investigated. In a number of instances, complainant(s) may decide not to reveal their identity when lodging a complaint, thereby remaining anonymous. The most prevalent reason for complainants to remain anonymous is often to ensure their protection from possible reprisals from person(s) against whom a complaint has been lodged. However, of most concern in this respect is the fact that most complaints that are lodged anonymously end up not being investigated due to either insufficient information or a lack of substance in the allegations. The anonymity of complainants is discussed in detail in Chapter 5.

The PSC does not have jurisdiction to investigate complaints which relate to the decisions of the courts, the local sphere of Government, and private businesses and individuals. In the event that complaints relating to the latter matters are lodged with the PSC, the complaints are referred to other institutions of democracy that are better placed to handle such matters.

In addition, and in an effort to avoid the duplication of services, complaints that will not be investigated by the PSC include those –

- that fall outside the jurisdiction of the PSC;
- that should more properly be dealt with by another institution, such as matters referred to the Public Protector, matters to be dealt with by the Independent Complaints Directorate, the Auditor-General, Human Rights Commission, etc.;
- that should more appropriately be dealt with in terms of another process, such as the grievance procedure;
- where a critical factual gap exist, rendering the likelihood of a successful conclusion unlikely (such as no or inadequate description of person(s) implicated); and
- that are of a frivolous/vexatious/tactical nature or those which seek to abuse the Complaints Rules.

According to the Complaints Rules, the PSC may decide not to investigate a complaint if it is more than 12 months old. This is informed by, amongst others, the seriousness and nature of the allegations involved, the lack of substantive evidence to proceed with the matter, the lack of witnesses, for instance as a result of relocation to another province or abroad, and alleged perpetrators no longer within the employ of the State, etc. It is important to note, however, that the latter list is not exhaustive and that once more, the PSC deals with each case on its own merits without fear, favour or prejudice.

Chapter Three

STATISTICAL OVERVIEW AND ANALYSIS OF COMPLAINTS LODGED WITH THE PSC

3.1 INTRODUCTION

In 2006 the PSC produced a groundbreaking baseline report¹⁵ on complaints lodged with the PSC. Such a report was significant, primarily because it provided a comprehensive statistical overview of complaints lodged, and the nature and types of such complaints. This current research adds to that body of work and goes beyond in terms of its analysis.

This chapter provides a statistical overview and analysis of complaints lodged with the PSC during the 2006/2007 financial year as drawn from its data-base. It reflects from a statistical perspective on the number of complaints lodged with the PSC, the origin of complaints, the type of complaints, status of complaints, categories of investigations conducted by the PSC and the outcome of such investigations.

Given the work undertaken in the previous report, important comparisons can be drawn with the statistical information. However, in making such comparisons it should be borne in mind that the complaints data-base does not store information on non-corruption related complaints lodged through the NACH for the 2004/2005 financial year.

Trends emerging from the statistical overview and analysis are elaborated upon in the next chapter.

3.2 TOTAL NUMBER OF COMPLAINTS LODGED WITH THE PSC

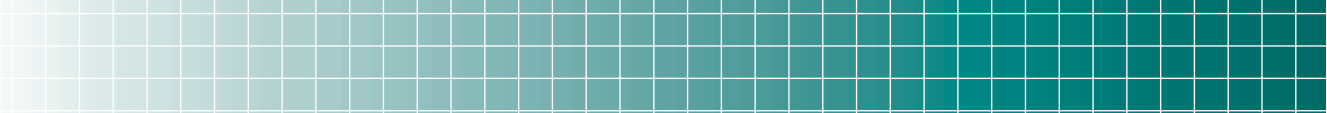
There has been a decline in the overall number of complaints lodged with the PSC. Statistics regarding the total number of complaints lodged through the NACH during the period 2005/2006 and 2006/2007 as well as complaints lodged through the Complaints Rules during the period 2004/2005 to 2006/2007 are reflected at **Table 1**. For purposes of comparison the 2005/2006 and 2006/2007 financial years are looked at.

Table 1: Total number of complaints lodged with the PSC

Institution implicated	NACH		Complaints Rules		
	2005/2006	2006/2007	2004/2005	2005/2006	2006/2007
National departments	353 (47%)	123 (46%)	31 (69%)	67 (58%)	118 (54%)
Provincial departments	293 (39%)	110 (41%)	11 (24%)	38 (33%)	72 (33%)
Local Government	96 (13%)	30(11%)	-	4 (3%)	2 (1%)
Private companies	15 (2%)	5 (2%)	-	5 (4%)	18 (8%)
Unknown ¹⁶	-	-	3 (7%)	2 (2%)	8 (4%)
TOTAL	757	268	45	116	218

¹⁵ Republic of South Africa. Public Service Commission. *Trend analysis on complaints lodged with the Public Service Commission during the 2004/2005 and 2005/2006 financial years*. Pretoria. October 2006.

¹⁶ Instances where inadequate information was provided by complainants.



From the combined total number of complaints lodged with the PSC through the NACH and the Complaints Rules, as reflected in the above table, a 44.3% decline is observed from 873 complaints lodged during the 2005/2006 financial year to 486 complaints lodged during the 2006/2007 financial year.

A comparison between the total number of complaints lodged with the PSC through the NACH in the 2005/2006 financial year and the 2006/2007 financial year reveals a 65% decline from 757 complaints lodged during the 2005/2006 financial year to only 268 complaints lodged in the 2006/2007 financial year. The general decline in the number of complaints lodged through the NACH, can be attributed to the active measures taken (e.g. the conducting of workshops and distribution of information pamphlets) to discourage the use of the NACH to report non-corruption and service delivery complaints.

Table 1 shows a steady increase in complaints lodged in terms of the Complaints Rules for the same period. On the other hand, an 88% increase in complaints lodged with the PSC through the Complaints Rules, i.e. from 116 complaints lodged during the 2005/2006 financial year to 218 complaints lodged in the 2006/2007 financial year, was experienced. There was an increase of 88% in the number of complaints lodged through the Complaints Rules between the 2005/2006 financial year and the 2006/2007 financial year. Furthermore, it is evident that slightly more complaints lodged through the NACH implicated national (46%) than provincial departments (41%).

Despite not having jurisdiction to deal with complaints relating to Local Government as well as those relating to private companies, a number of such complaints are received. A 69% decline from 96 complaints lodged through the NACH during the 2005/2006 financial year relating to Local Government, to only 30 complaints lodged in the 2006/2007 financial year, also occurred. Complaints lodged in terms of the NACH relating to Local Government, i.e. 13% in the 2005/2006 financial year and 11% in the 2006/07 financial year, are referred to provincial departments of Local Government.

Complaints lodged in terms of the Complaints Rules, relating to Local Government, i.e. 3% in the 2005/2006 financial year and 1% in the 2006/07 financial year, are referred to the Public Protector in terms of an existing memorandum of understanding between the PSC and the Public Protector.

Given the fact that the analysis of statistics relating to complaints revealed different patterns and trends at the national and provincial levels in respect of complaints lodged through the NACH vis-à-vis complaints lodged through the Complaints Rules, the PSC deemed it appropriate to also reflect on these separately. Therefore, a further breakdown is provided below of the number of complaints lodged through the NACH and the Complaints Rules respectively, per national and provincial departments.

3.2.1 Complaints lodged in respect of national departments

3.2.1.1 Number of complaints lodged through the NACH

Figure 2 below presents a breakdown of the complaints lodged through the NACH that related to national departments during the 2005/2006 and 2006/2007 financial years:

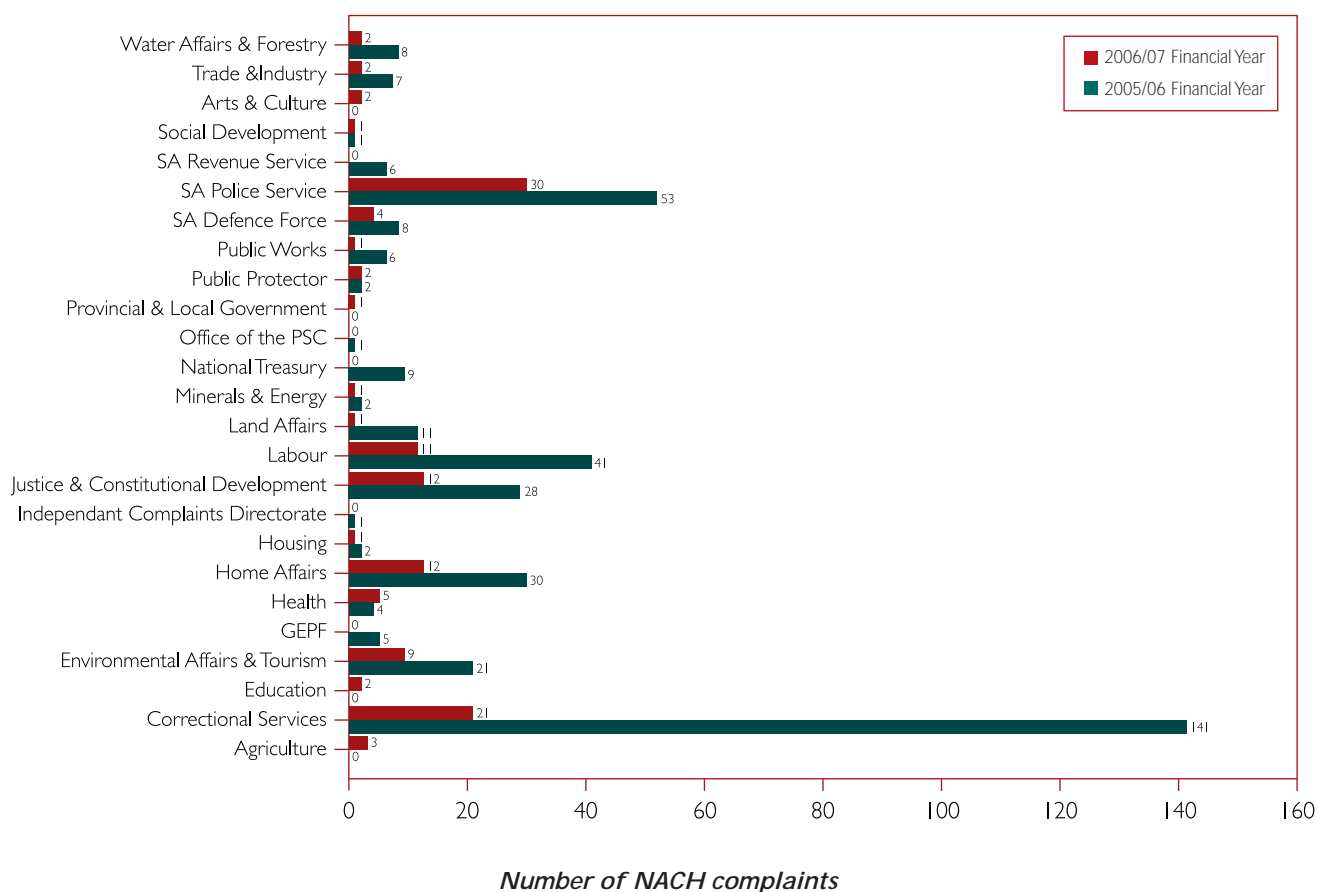


Figure 2: Complaints lodged through the NACH, per national department and financial year

An overall decline from 353 complaints lodged through the NACH during the 2005/2006 financial year to 123 complaints lodged during the 2006/2007 financial year, was observed. This amounts to a decline of 65.15%. The decline in cases received is especially evident in 20 of the 25 departments reflected above which include departments such as Water Affairs and Forestry, Trade and Industry, South African Revenue Service, South African Police Service (SAPS), South African Defence Force, Public Works, Office of the PSC and Home Affairs. The attention is especially drawn to the decline from 30 complaints lodged during the 2005/2006 financial year in respect of the Department of Home Affairs to only 12 in the 2006/2007 financial year. This may be indicative of the positive spin-offs of the support provided by the PSC and DPSA to the Department during an intervention in 2006/2007.

Overall, the decline in the number of complaints lodged through the NACH from 749 in the 2005/2006 to 267 in the 2006/2007 financial year can also be attributed to the measures taken by the PSC to discourage the use of the NACH to report non-corruption and service delivery related complaints. This includes the distribution of pamphlets indicating the purpose of the NACH, as well as training workshops held with staff at the call centre of the NACH during which issues such as the purpose of the NACH and the jurisdiction of the PSC was emphasized.

Departments who in the previous reporting period had no complaints received against them, appeared in the complaints database for the 2006/2007 financial year. These are the departments of Agriculture, Arts and Culture, Education, Health and Provincial and Local Government. While the number of complaints received against these departments may be viewed as insignificant, such trends should not be ignored. Such departments should analyze such complaints to determine whether it relates to a practice or conduct that is causing dissatisfaction and to address it immediately before it deepens. Disconcertingly, the appearance of complaints in these departments could suggest that they are adopting a lethargic approach to customer service.

Furthermore, as was the case during the previous reporting period, a high number of complaints lodged through the NACH during the 2006/2007 financial year implicated the SAPS (30 complaints) and the Department of Correctional Services (21 complaints). These statistics are consistent with the negative public perception on crime in the country and fears around safety.

3.2.1.2 Number of complaints lodged through the Complaints Rules

Figure 3 below reflects the number of complaints lodged with the PSC in terms of the Complaints Rules, involving national departments. Please note that institutions marked by an asterisk are not classified as a department in terms of Schedule 1 of the Public Service Act, 1994. Since the PSC does not have jurisdiction over these institutions, complaints relating to them are referred to the Public Protector, and feedback is required by the PSC.

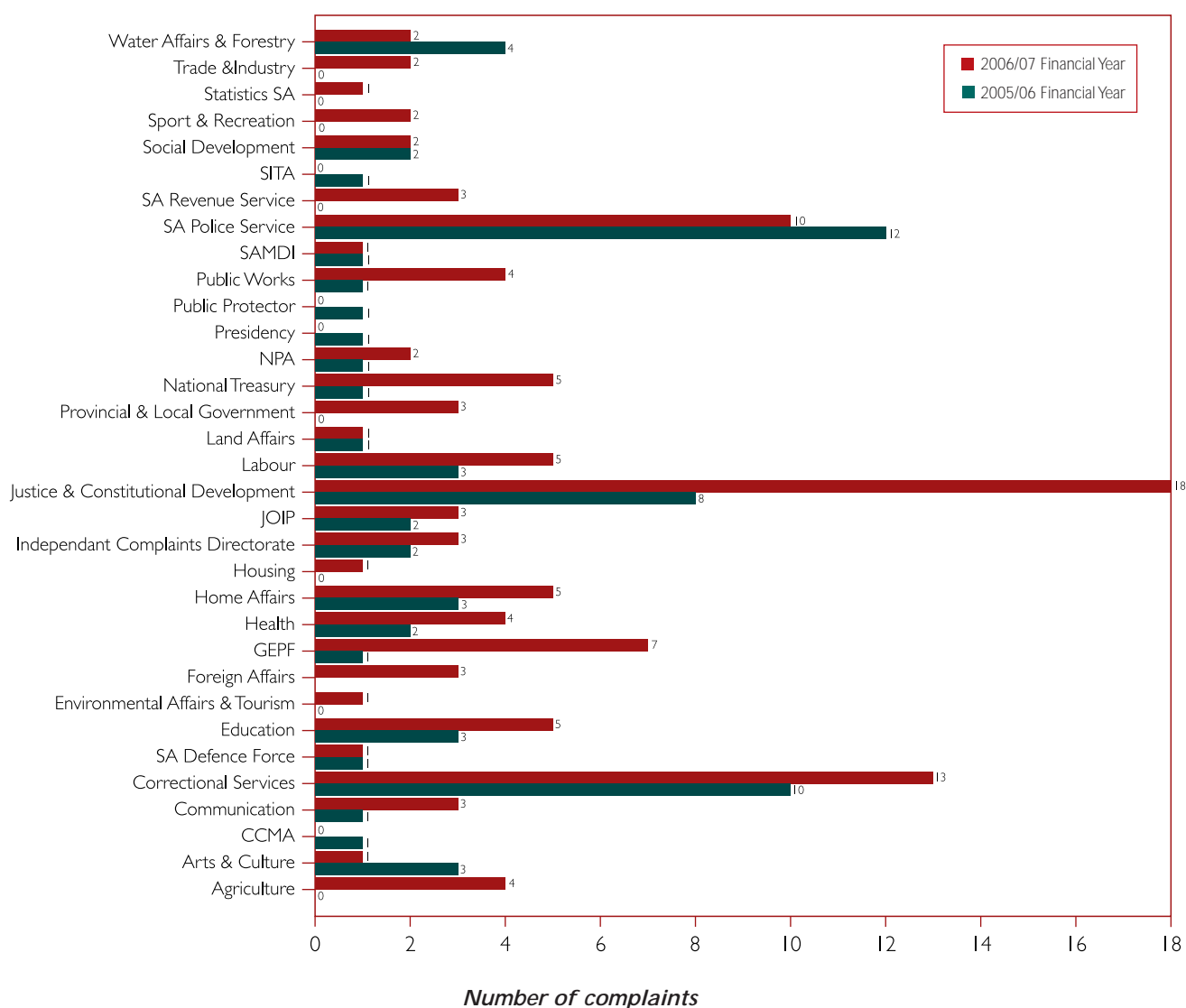


Figure 3: Complaints lodged through the Complaints Rules, per national department and financial year

During 2006/2007 financial year there were 118 complaints lodged through the Complaints Rules as compared to 67 in the 2005/2006 financial year. Contrary to the decline in the number of complaints lodged through the NACH, this reflects an overall increase of 76.12% in the number of complaints lodged with the PSC through the Complaints Rules.

Institutions that showed the highest increases in the number of complaints lodged included the GEPF (1 to 7 complaints) and the departments of National Treasury (1 to 5 complaints), Public Works (1 to 4 complaints) and Justice and Constitutional Development (8 to 18 complaints).

In addition, the statistics in Figure 3 above reveal a number of departments that had no complaints in the 2005/2006 financial year, which now have complaints in the 2006/2007 financial year. These include the departments of Trade and Industry, Statistics SA, SARS, Provincial and Local Government, Housing and Agriculture.

As was the case with complaints lodged with the NACH, departments that received most complaints lodged in terms of the Complaints Rules during both financial years are, amongst others, the Department of Justice and Constitutional Development which received 8 (7% of all complaints received) during 2005/2006 and 18 (8% of all complaints received) during 2006/2007 and the Department of Correctional Services who received 10 (9% of all complaints received) complaints during 2005/2006 and 13 (6% of all complaints received) during 2006/2007.

The two mentioned Departments are part of the Justice and Security Cluster and are therefore central to the fight against crime, in particular the prosecution and subsequent incarceration of criminals. The increase in the number of complaints lodged in respect of these departments could be indicative of the dissatisfaction with services rendered.

3.2.2 Complaints lodged in respect of provincial departments

3.2.2.1 Number of complaints lodged through the NACH

The complaints lodged through the NACH during the 2005/2006 and 2006/2007 financial years that in respect of the nine provinces are graphically illustrated in Figure 4 below:

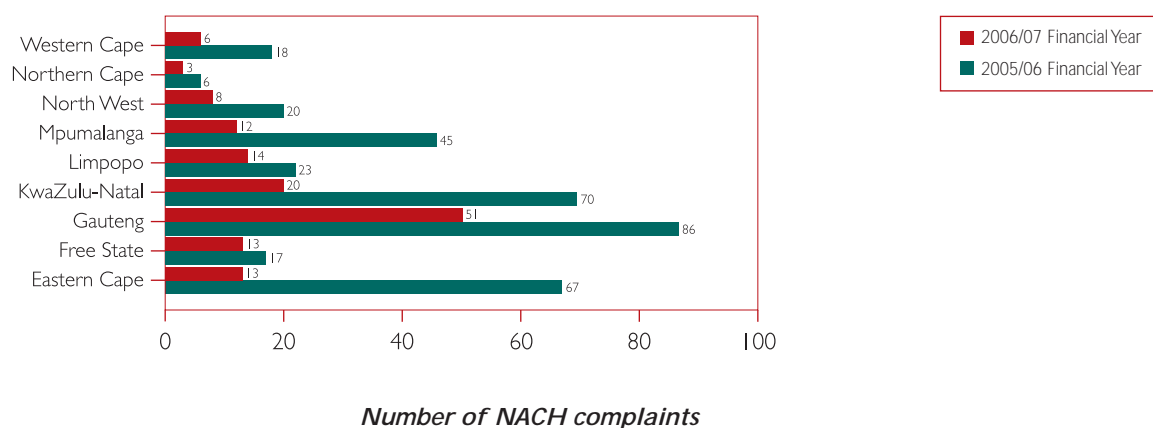


Figure 4: Complaints lodged through the NACH, per province and financial year

As was the case with national departments, at provincial level the number of complaints lodged through the NACH decreased from 293 during 2005/2006 to 110 complaints lodged during 2006/2007, an overall decline of 62%. A consistent decline in the number of complaints lodged through the NACH in the 2005/2006 and 2006/2007 financial years is noted in respect of each Province.

Although a decline in the number of complaints was experienced, the largest percentages of complaints lodged during the 2006/2007 financial years involved Gauteng (36%) and KwaZulu-Natal (14.3%). This may have some correlation with the population size of these provinces but is more likely linked to awareness regarding the existence of the NACH.

3.2.2.2 Number of complaints lodged through the Complaints Rules

The complaints lodged with the PSC in terms of the Complaints Rules, implicating provincial departments, are reflected in **Figure 5** below in respect of the 2005/2006 and 2006/2007 financial years:

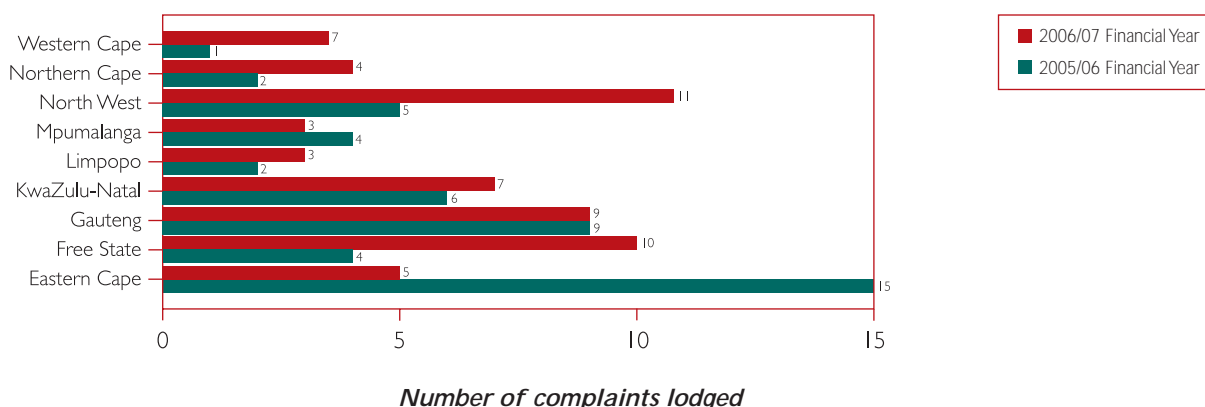


Figure 5: Complaints lodged through the Complaints Rules, per province and financial year

Similar to national departments, at provincial level an overall increase from 38 complaints lodged during the 2005/2006 financial year in terms of the Complaints Rules to 72 lodged during the 2006/2007 financial year was experienced. The latter constitutes a total increase of 89.2%.

Whereas during the 2005/2006 financial year the highest number of complaints (i.e. 24%) implicated Gauteng, we saw a change in this regard during the 2006/2007 financial year as the Eastern Cape replaced Gauteng as the province with the highest number of complaints (i.e. 22%) received. Furthermore, a sharp increase in complaints lodged during the 2006/2007 financial year was experienced in the Western Cape (600%), Eastern Cape (200%), Free State (150%), North West (120%) and Northern Cape (100%).

The increase in complaints lodged through the Complaints Rules could highlight the public's confidence in utilising complaints mechanisms external to departments to ensure fairness and objectivity in the handling of the complaints.

3.3 ORIGIN OF COMPLAINTS LODGED

While there are jurisdictional limits to the complaints that the PSC will investigate, complaints can be received from any person. The PSC has received complaints from a number of sources, including public servants, anonymous complainants/whistleblowers and members of the public. In addition, requests for investigation from Legislatures/EAs are also regarded as a source and included in the statistics reflected in **Table 2** below.

Table 2: Number of complaints lodged with the PSC, per source and financial year

Sources	NACH		Complaints Rules		
	2005/2006	2006/2007	2004/2005	2005/2006	2006/2007
Legislatures/EAs	-	-	2	3	19
Public servants	-	-	16	44	97
Anonymous complainants	292	149	12	22	41
Complainants to the NACH that identified themselves	465	119			
Members of the public	-	-	15	47	53
Own accord ¹⁷	-	-	-	-	8
TOTAL	757	268	45	116	218

3.3.1 Origin of complaints lodged through the NACH

Statistics reflected in **Table 2** above regarding the sources of complaints revealed an interesting phenomenon in terms of the service delivery and related complaints lodged through the NACH. In terms of the service delivery and related complaints lodged through the NACH, during the 2005/2006 financial year, 292 (39%) of the complainants chose to remain anonymous whilst the remaining 465 (61%) revealed their identity. The congruent statistics for the 2006/2007 financial year revealed that 149 (56%) of the complainants chose to remain anonymous whilst the remaining 119 (44%) revealed their identity. The fact that more than half of the complainants chose not to reveal their particulars may be indicative of their concerns with regard to possible victimization and intimidation. This trend is further elaborated upon in the next chapter.

3.3.2 Origin of complaints lodged through the Complaints Rules

From **Table 2** above a dramatic increase in the number of requests for investigations by Legislatures/EAs from 3 requests during the 2005/2006 financial year to 19 in the 2006/2007 financial year is observed. For instance, during 2006/2007 the Standing Committee on Public Accounts (SCOPA) made a request to the PSC to conduct an Audit¹⁸ into the granting of performance rewards in the Departments of Correctional Services, Home Affairs, and Labour. This clearly shows an increase in the confidence that stakeholders, including SCOPA, have in the PSC.

The above statistics also reveal an increase in the number of anonymous complaints lodged in terms of the Complaints Rules of 80% from the 2004/2005 financial year to the 2005/2006 financial year, and an 85% increase from the 2005/2006 financial year to the 2006/2007 financial year.

In addition, the highest increase in the number of complaints lodged in the 2006/2007 financial year was those lodged by public servants, i.e. an increase of 120%. The extent of this increase is graphically best illustrated as follows:

¹⁷ Complaints/allegations investigated by the PSC on own accord as a result of media reports, etc.

¹⁸ Republic of South Africa. Public Service Commission. Audit into the granting of performance rewards in the Departments of Correctional Services, Home Affairs, and Labour. Pretoria. August 2006.

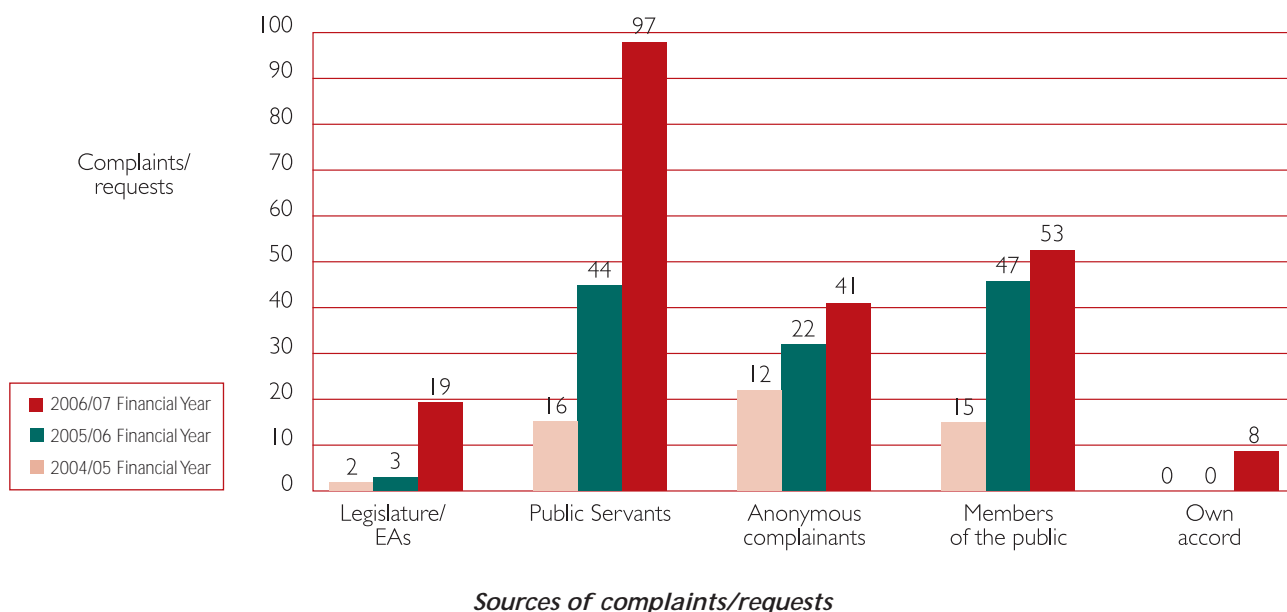


Figure 6: Increase in the number of complaints/requests lodged in terms of the Complaints Rules, per financial year and source

3.3.3 Complaints lodged by anonymous complainants

Table 3: Number of anonymous complaints lodged with the PSC

Sources	Complaints received	
	2005/2006	2006/2007
Anonymous complainants	317 (36%)	217 (45%)
Complainants who provided their particulars	560 (64%)	269 (55%)
TOTAL	877	486

Of the total of 877 complaints received by the PSC from the NACH and through its Complaints Rules combined during 2005/2006 a total of 317 (36%) was lodged anonymously. This figure increased in 2006/2007 to 45%. As indicated in the analysis of the figures for the NACH and the Complaints Rules, there appears to be significant fears of victimisation and intimidation amongst the public and public servants.

3.4 TYPES OF COMPLAINTS LODGED

Complaints lodged with the PSC during the 2006/2007 financial year dealt with a variety of issues, ranging from human resource related issues such as recruitment, selection and the filling of posts, to irregularities such as the transgression of prescripts relating to supply chain management/procurement. Statistics relating to the number and type of the complaints/allegations made are reflected in the Table 4 below:

Table 4: Type of complaints lodged with the PSC, per financial year

Type	NACH		Complaints Rules		
	2005/2006	2006/2007	2004/2005	2005/2006	2006/2007
Grievance	28	2	-	-	-
Human resource related	92	49	10	25	74
Outcome of court case	9	5	-	-	7
Pension enquiry	32	3	5	9	9
Prison conditions	125	4	-	-	-
Irregularities, including racial discrimination & harassment	4	5	10	10	29
Service delivery	142	53	1	12	16
Unethical behaviour	271	135	1	23	23
Corruption/ maladministration	-	-	5	19	22
Unfair labour practice	46	11	7	16	20
TOTAL	749	267	39	114	200

Note: *Some of the totals exclude cases where the nature of complaints could not be determined as a result of a lack of information. In such instances steps are taken by the PSC to obtain outstanding information from complainants, where possible.*

In respect of the NACH, the above table indicates that the majority of complaints lodged during the 2006/2007 financial year related to unethical behaviour, poor service delivery and human resource related issues respectively. This phenomenon also occurred during the 2005/2006 financial year, with the only exception being the 125 complaints lodged relating to the treatment of prisoners and conditions in prisons. The 125 complaints were referred to the Judicial Inspectorate of Prisons (JIOP). The decline to only 4 complaints lodged during the 2006/2007 financial year could possibly be ascribed to the fact that prisoners are provided by call centre operators of the NACH with the telephone numbers of appropriate institutions such as the JIOP. Improvements in the treatment of prisoners and prison conditions could also be a contributing factor.

In respect of complaints lodged through the Complaints Rules during the 2006/2007 financial year, the majority related to human resource matters (e.g. irregular filling of posts), irregularities (e.g. irregular awarding of tenders) and unethical behaviour (e.g. unbecoming conduct of a public servant) respectively. This pattern also prevailed during the previous financial years in that during the 2004/2005 and 2005/2006 financial years the largest number of complaints also related to human resources. This was followed by complaints relating to unethical behaviour and corruption/maladministration.

Furthermore, the above statistics also reveal that whilst the NACH is used as a mechanism to mainly report unethical behaviour and poor service delivery, the Complaints Rules are mainly used to report human resource related matters and irregularities such as harassment.

The analysis of statistics relating to the nature of complaints revealed different patterns and trends at provincial and national level in respect of complaints lodged through the NACH compared to complaints lodged through the Complaints Rules. A further breakdown is provided below of the type of complaints lodged through the NACH and Complaints Rules respectively, at provincial and national level.

3.4.1 Types of complaints lodged through the NACH

A breakdown is provided in **Table 5** below of the type of the complaints/allegations lodged through the NACH during the 2006/2007 financial year, per provincial and national level:

Table 5: Type of complaints lodged through the NACH during the 2006/2007 financial year

	National level	Eastern Cape	Free State	Gauteng	KwaZulu-Natal	Limpopo	Mpumalanga	North West	Northern Cape	Western Cape	Private Comp.	TOTAL
Grievance	-	-	1	1	-	-	-	-	-	-	-	2
HR related	19	5	4	5	3	4	4	3	-	1	1	49
Outcome of court case	4	-	1	-	-	-	-	-	-	-	-	5
Pension enquiry	1	1	-	1	-	-	-	-	-	-	-	3
Prison conditions	2	-	-	1	-	-	-	-	-	1	-	4
Irregularities, including racial discrimination	3	-	-	2	-	-	-	-	-	-	-	5
Service delivery	27	2	2	10	6	1	2	1	-	-	2	53
Unethical behaviour	60	5	5	29	11	8	6	3	3	3	2	135
Unfair labour practice	7	-	-	1	-	1	-	1	-	1	-	11
TOTAL	123	13	13	50	20	14	12	8	3	6	5	267
TOTAL (PROVINCES) = 144												

Note: *The total of 267 excludes one complaint involving Gauteng where the type of the complaint could not be determined as a result of lack of information.*

According to the above table, both at national and provincial levels the majority of complaints lodged through the NACH during the 2006/2007 financial year relate to unethical behaviour, followed by poor service delivery and human resource related matters. This was also the case during the 2005/2006 financial year and appears to be an emerging pattern among provincial and national departments.

In Gauteng the highest number of complaints lodged (58%) relate to unethical behaviour, followed by service delivery (20%). The province with the least number of complaints lodged through the NACH is the Northern Cape (3) and all three of these complaints also relate to unethical behaviour.

Figure 7 below illustrates the frequencies of types of complaints lodged through the NACH, in respect of the 2005/2006 and 2006/2007 financial years respectively:

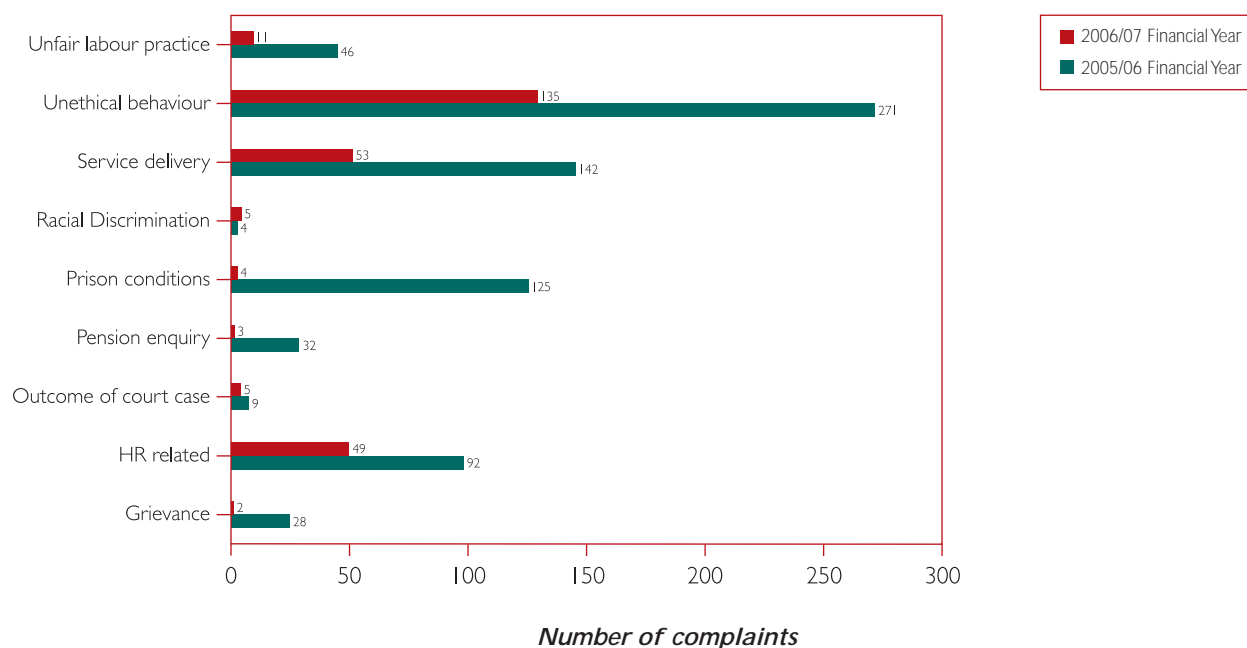


Figure 7: Frequency of complaints lodged through the NACH, per type and financial year

From Figure 7 above it is clear that from the 2005/2006 to the 2006/2007 financial years decreases were experienced relating to all types of complaints lodged. The only exception was in the case of racial discrimination where a 25% increase from 4 complaints in 2005/2006 to 5 complaints in 2006/2007 occurred. The highest percentage decreases experienced from the number of complaints lodged during 2005/2006 to 2006/2007 are in respect of grievance (92.8%), service delivery (62.7%) and unethical behaviour (50.2%).

The decline relating to prison conditions was extensively elaborated upon in paragraph 3.4 above.

3.4.2 Type of complaints lodged through the Complaints Rules

A breakdown is provided in Table 6 below of the type of complaints/allegations lodged through the Complaints Rules during the 2006/2007 financial year with the PSC, at provincial and national level. The top three types of complaints lodged with the PSC, according to the table are related to human resource matters (74 complaints), irregularities (29 complaints) and unethical behaviour (23 complaints).

Table 6: Type of complaints lodged through the Complaints Rules during the 2006/2007 financial year

	National level	Eastern Cape	Free State	Gauteng	KwaZulu-Natal	Limpopo	Mpumalanga	North West	Northern Cape	Western Cape	Private Comp.	TOTAL
HR related	40	9	3	5	2	1	1	3	2	3	5	74
Outcome of court case	5	-	-	1	-	-	-	1	-	-	-	7
Pension enquiry	5	-	2	-	-	1	-	-	-	1	-	9
Service delivery	10	1	-	-	-	-	-	1	-	1	3	16
Unethical behaviour	16	1	-	1	1	-	-	3	-	-	1	23
Unfair labour practice	18	-	1	1	-	-	-	-	-	-	-	20
Corruption/Maladmin.	8	3	3	1	-	1	1	1	1	1	2	22
Irregularities, including racial discrimination	16	1	2	1	4	-	-	1	1	-	2	29
TOTAL	118	15	11	10	7	3	2	10	4	6	13	200
TOTAL (PROVINCES) = 68												

Note: The total of 200 complaints excludes complaints where complainants neither indicated the type of their complaints, nor the institutions implicated. In such instances steps are taken by the PSC to obtain outstanding information from complainants, where possible.

The majority of complaints lodged during the 2006/2007 financial year, both at National and Provincial levels related to human resource matters. This is in contrast to what emerged in respect of complaints lodged through the NACH both at national and provincial levels during the same period in that the majority of complaints lodged through the NACH related to unethical behaviour (see tables 5 and 6 above). However, the second highest number of complaints at the National level related to unfair labour practice and the third highest to unethical behaviour and irregularities respectively. The second and third highest number of complaints at the Provincial level related to corruption/maladministration and irregularities.

Furthermore, the statistics reflected in the **Table 6** above in respect of the 2006/2007 financial year correlate with that of the previous financial years under review. These are graphically reflected per type of the complaint and financial year as follows:

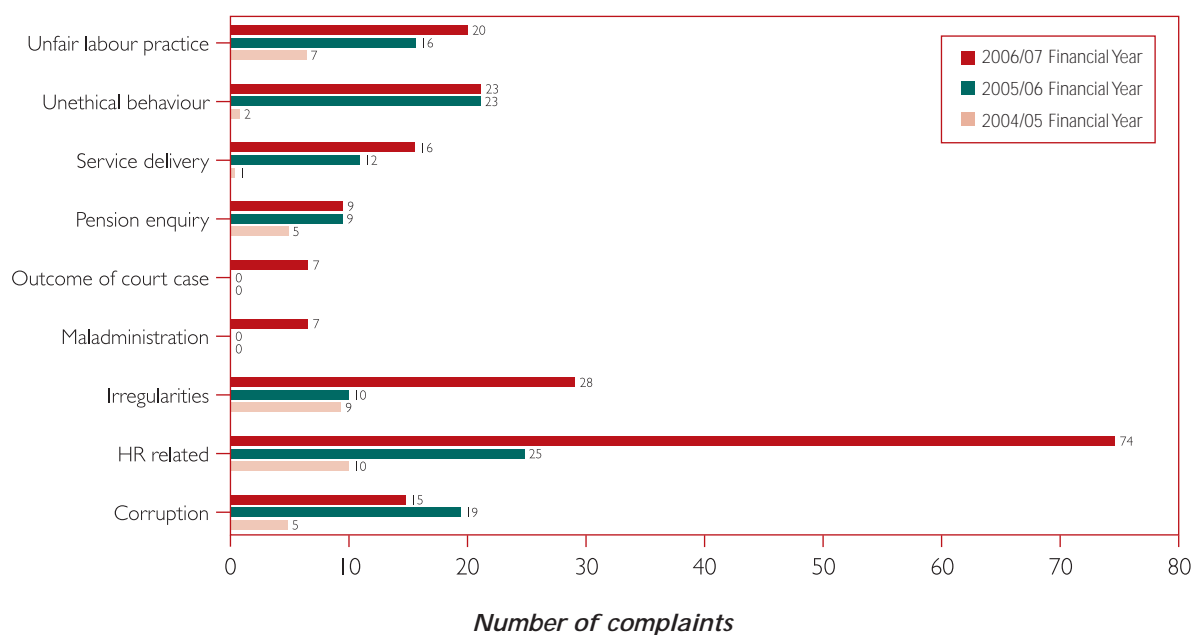


Figure 8: Frequency of complaints lodged through the Complaints Rules, per type and financial year

Figure 8 above reflects an increase in all types of complaints during the indicated financial years. The only exceptions were complaints relating to unethical behaviour and pension enquiries where the number of complaints was the same during both the 2005/2006 and 2006/2007 financial years. In addition, a 21% decline in the number of complaints about corruption related matters was experienced in the 2006/2007 financial year.

3.5 STATUS OF COMPLAINTS LODGED

As indicated in Chapter 2 above, complaints lodged with the PSC are, among others, -

- referred to the relevant stakeholders to investigate and provide feedback to the PSC;
- analysed for further action by the PSC; and/or
- regarded as finalized.

The above is generally referred to as the status of complaints/investigations, and statistics in this regard are reflected as follows:

Table 7: Status of complaints lodged with the PSC, per financial year

Status of complaint	NACH		Complaints Rules		
	2005/2006	2006/2007	2004/2005	2005/2006	2006/2007
Complaints submitted in terms of the Complaints Rules, Investigated by the PSC and finalized	-	-	34	56	60
Referred to departments for investigation	386	194	-	30	28
Receipt acknowledged by Dept	78	11	n/a	n/a	n/a
No feedback received	308	147	-	-	3
Response provided by Dept	11	36	-	-	-
Still in progress	124	44	11	30	130
Matter submitted through the NACH, finalized and closed	247	30	n/a	n/a	n/a

The PSC during 2006/2007 referred 194 complaints lodged through the NACH to departments. However, it is of concern to the PSC that in a large number of instances (147) no feedback was received from departments on these complaints. Even if investigative capacity is limited in departments, it would have been expected that, at a minimum, receipt of the complaints should have been acknowledged. There appears to be no priority attached to such complaints by departments.

As a result of the unresponsiveness of departments, the number of cases that were submitted through the NACH that were finalised and closed decreased from 247 (32.6%) in 2005/2006 to only 30 (13.8%) in 2006/2007. This should be viewed against the fact, however, that there has also been a significant reduction in the total number of complaints received through the NACH that were referred to departments from 386 to 194.

The number of complaints lodged through the Complaints Rules that were finalised after investigation by the PSC increased from 56 in 2005/2006 to 60 in 2006/2007. This represents an increase of 6.7%. However, the number of complaints that were still in the process of investigation by the PSC increased significantly from 30 in 2005/2006 to 130 in 2006/2007. This can be explained by the overall increase in the number of complaints lodged with the PSC, from 116 in 2006/2006 to 218 in 2006/2007.

Responses, feedback and/or comments received from departments following the referral of complaints to them for investigation are analyzed by the PSC. Based on the evidence and documentation emanating from such desk-top audits/analyses, it is sometimes possible to come to a conclusion and make recommendations.

However, more often than not situations arise where stakeholders fail to acknowledge receipt of complaints referred to them, provide inadequate information, fail to respond to requests for information or do not submit any documentation in support of their responses. In such instances, and subsequent to performing a desk-top audit, (an) investigating officer(s) is/are appointed to conduct a thorough investigation into the merits of the complaint

during which information is gathered by means of, amongst others, interviews and the inspection of paper-based records. During the 2006/2007 financial year the PSC conducted investigations using both methodologies, i.e. desk-top audits and a combination of desk-top audits and *in-loco* inspections.

Detailed statistics regarding the number of complaints lodged with the PSC that were finalised are reflected as follows, per financial year:

Table 8: Number of complaints lodged with the PSC, finalized and closed

Reason for finalizing/ closing complaint	NACH		Complaints Rules		
	2005/2006	2006/2007	2004/2005	2005/2006	2006/2007
Complaint falling outside the jurisdiction of the PSC*	156	12	-	30	28
Complaint information provided lacking in detail	6	2	-	-	-
Complaint withdrawn at the request of the complainant	1	-	-	-	-
Complaint finalized subsequent to desk-top audit	6	9	5	11	40
Add-on to an existing complaint	78	7	-	-	-
Complaint finalized subsequent to combination of a desk-top audit & investigation	-	-	29	45	20
TOTAL	247	30	34	86	88

* **Note:** *Complaints falling outside the jurisdiction of the PSC are in all instances referred to the appropriate departments/ institution for further attention.*

From the above table complaints lodged through the NACH falling outside the jurisdiction of the PSC have decreased from 156 in 2005/2006 to 12 in 2006/2007. This represents a decline of 93%. Similarly, complaints lodged with the PSC through the Complaints Rules, falling outside the jurisdiction of the PSC, decreased from 30 in 2005/2006 to 28 in 2006/2007, i.e. a decline of 6.7%. These decreases can be ascribed to the success of efforts by the PSC to sensitize stakeholders of its constitutional mandate, e.g. through reports published by the PSC.

During the 2006/2007 financial year, 45% (40) of complaints received through the Complaints Rules were finalized after desk-top audits were conducted. This in contrast to the 2004/2005 and 2005/2006 financial years where the majority of investigations into complaints lodged with the PSC in terms of the Complaints Rules were finalized subsequent to the performance of a combination of desk-top and *in-loco* investigations. Given the influx of complaints and the PSC's limited capacity it has had to adjust its approach to investigations and has therefore finalised more investigations through desk-top audits alone.

3.6 OUTCOME OF INVESTIGATIONS CONDUCTED BY THE PSC

During the investigation of complaints through the conducting of desk-top audits and/or in-loco inspections, documentary or any other evidence is gathered in order to assist the Investigating Team/Officer in assessing the merits of the allegation(s) made. However, the focus is not only on the allegations made about the conduct of individuals, but other issues relating to the administrative processes and procedures followed by departments are also identified and investigated. In other words, the public administration practices involved are carefully scrutinised by the PSC.

During the 2006/2007 financial year, allegations relating to the majority of complaints investigated and finalized (i.e. 63%) were found to be substantiated. This was also the case during the previous financial years, as reflected in Table 9 below.

Table 9: Outcome of investigations conducted by the PSC, per financial year

Percentage of complaints, upon investigation, found to be -	Financial year		
	2004/2005	2005/2006	2006/2007
substantiated	58%	62%	63%
not substantiated	42%	38%	37%

The increase in the number of substantiated complaints investigated and finalized by the PSC during the 2004/2005 to 2006/2007 financial years is graphically illustrated as follows:

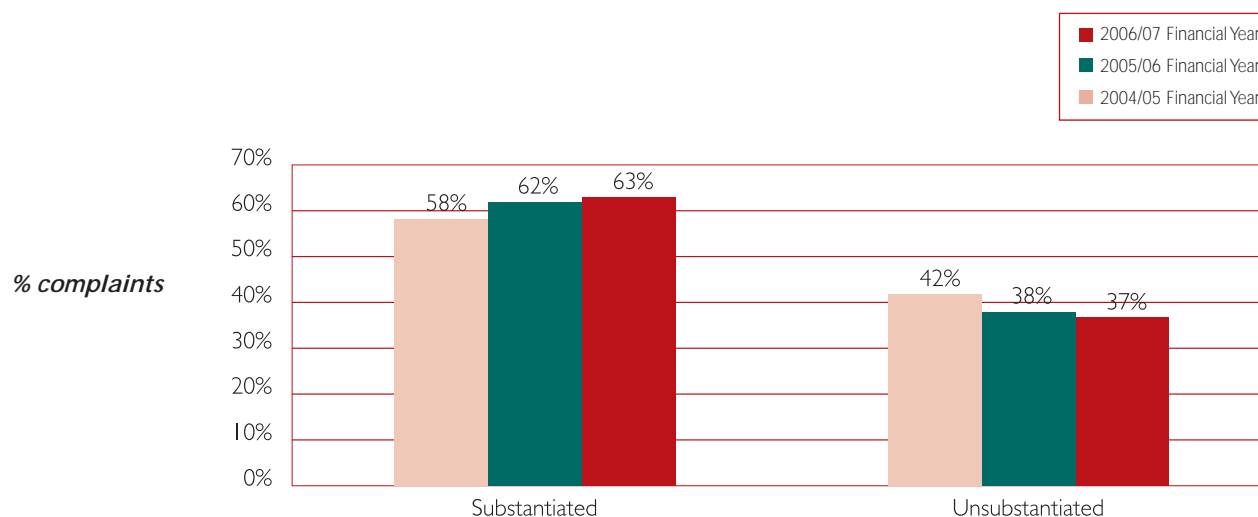


Figure 9: Outcome of investigations conducted by the PSC, per financial year

The above reflected increase in the number of complaints found to be substantiated could be indicative of the adequacy of information provided by the majority of complainants, as well as an improved ability of investigators to follow up on complaints. In addition, this could also be ascribed to the increased ability and experience of PSC investigators.

However, it should be noted that the number of unsubstantiated complaints (37%) is still relatively high and requires close scrutiny and monitoring by the PSC.



3.7 SUMMARY

In this Chapter a statistical overview and analysis was provided of the number of complaints lodged with the PSC during the 2004/2005, 2005/2006 and 2006/2007 financial years, and the origin and nature of such complaints. This was followed by a reflection of progress made with the finalization of complaints, as well as the outcome of investigations finalized, i.e. whether complaints lodged were substantiated or not.

Whether a complaint lodged with the PSC was found to be substantiated or not, upon finalisation of an investigation, the PSC closes the case on the Case Management System (CMS) of the NACH or issues a report in the case of complaints lodged through the Complaints Rules. Such reports do not only contain findings made by the PSC, i.e. whether allegations were found to be substantiated or not. Recommendations are also provided to departments regarding corrective action/steps to be taken, as well as best practice examples towards the improvement of public administration practices.

Subsequent to the statistical overview and analysis provided in this chapter regarding complaints lodged with the PSC, trends identified are dealt with in the next chapter.

Chapter Four

ANALYSIS OF COMPLAINTS TRENDS IDENTIFIED

4.1 INTRODUCTION

Complaints reflect a degree of discontentment with government services, either in the manner in which the services are rendered, the availability of service or the conduct of public servants. While it is important to investigate complaints, it is equally important to understand the underlying reasons for the complaints that are lodged. Such an understanding will ensure that if a particular practice is giving rise to complaints and is addressed, this should result in a decline in the number of complaints received.

While Chapter 3 provided a statistical analysis of complaints lodged, this Chapter seeks to analyse the trends emanating from complaints lodged through the Complaints Rules and the NACH.

4.2 COMPLAINTS LODGED INCREASED THROUGH THE COMPLAINTS RULES AND DECREASED THROUGH THE NACH

4.2.1 Increase in the number of complaints lodged through the Complaints Rules

As reflected in Chapter 3 and as depicted in **Figure 10** below, there has been a progressive increase in the number of complaints lodged through the Complaints Rules from 116 complaints lodged in 2005/2006 to 218 complaints lodged in 2006/2007. This amounts to an increase of 88%.

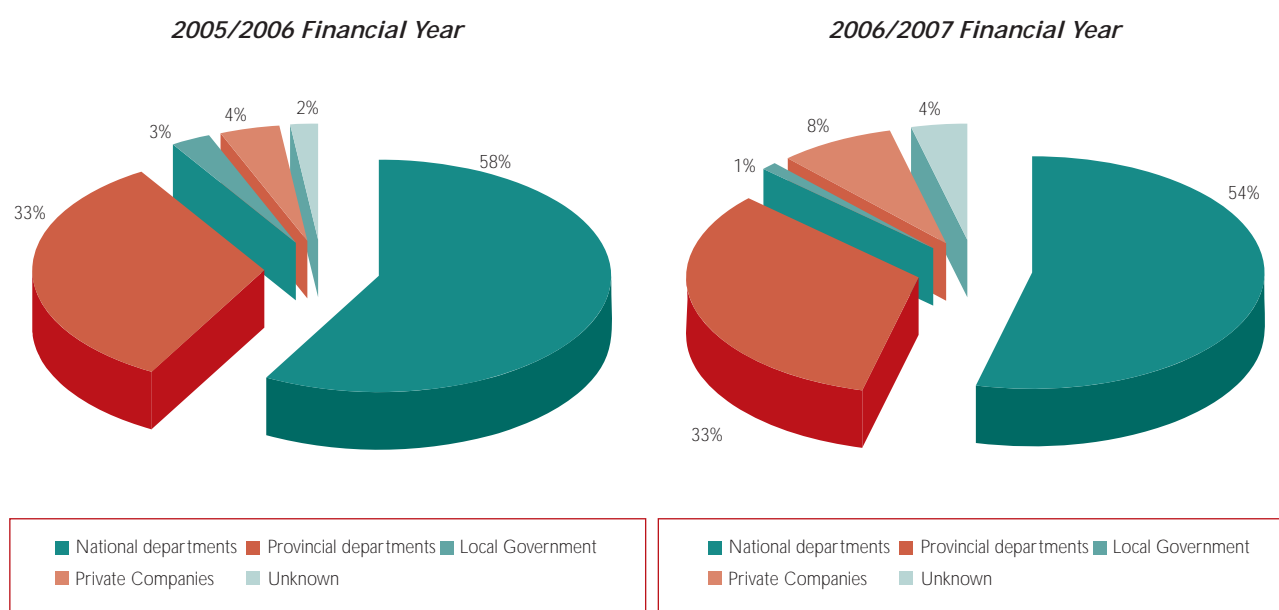


Figure 10: Complaints lodged with the PSC through the Complaints Rules, per financial year

The increase in the number of complaints lodged through the Complaints Rules can be attributed to an increase in the stature of the PSC and the confidence that all role-players, be it EA's Legislatures, public servants or the public, have in the PSC's abilities. This is further supported by the positive comments of the Parliamentary review of *State Institutions Supporting Constitutional Democracy*¹⁹ and the PSC which commended the PSC for the work it has done. It may also be attributed to increased awareness of the PSC's Complaints Rules by public servants and the public as more persons may be accessing the PSC's website or may have obtained access to the PSC's complaint forms. This emerging trend in terms of which the number complaints lodged in terms of the PSC's

¹⁹ *Institutions reflected in Chapter 9 of the Constitution of the Republic of South Africa, 1996.*

Complaints Rules is consistently increasing should be carefully observed and monitored by Parliament given its financial implications and the fact that under-resourcing in this area could undermine the confidence of the public. Especially since a positive spin of such increase reflects the active participation of the public to utilize mechanisms, and in this way may contribute to a better functioning Public Service.

In order to ensure the effective handling of complaints, increases in the number of complaints should be matched with greater investigative capacity. In terms of the PSC's report²⁰ on measuring the effectiveness of the NACH, the PSC has already raised concerns around investigative capacity. For the PSC such concerns are in respect of departments but also internal to the PSC. In the event that this trend continues, it may have an even more severe impact on the already limited capacity of the PSC and its Office.

4.2.2 Decline in the number of complaints lodged through the NACH

The decline in terms of complaints lodged through the NACH from 757 complaints lodged in 2005/2006 to only 268 lodged in 2006/2007 as depicted in **Figure 11** below occurred across the board in respect of all departments and agencies. This amounts to a decline of 65%.

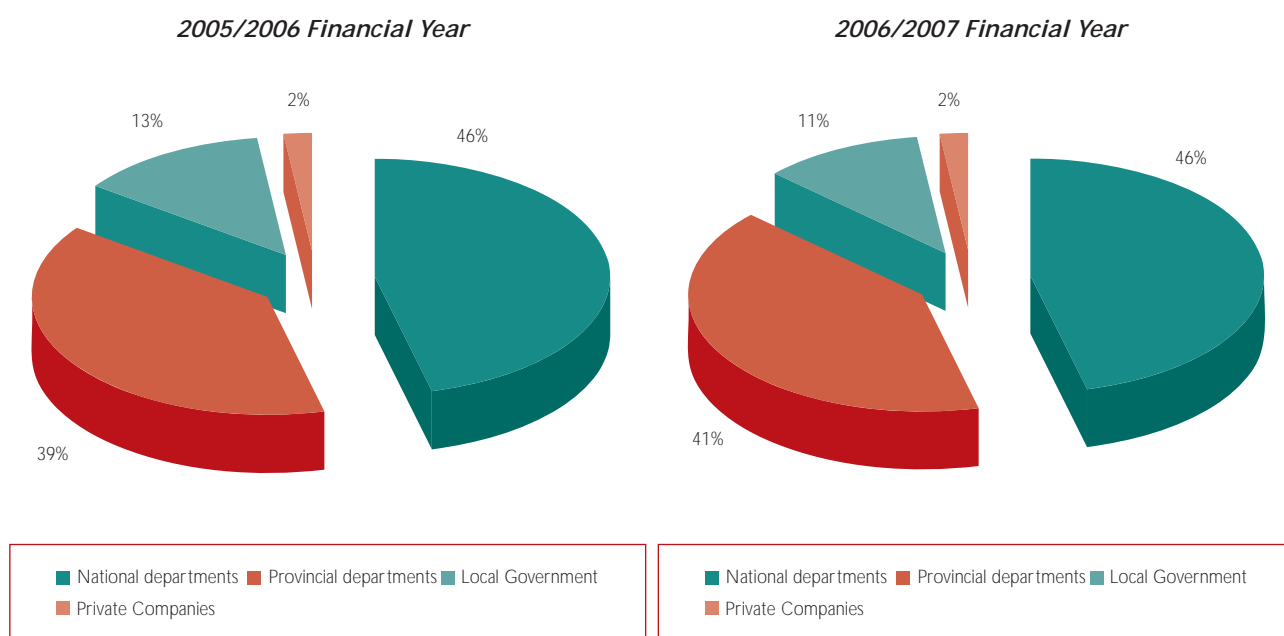


Figure 11: Complaints lodged with the PSC through the NACH, per financial year

This decline in complaints lodged can be attributed to the success of efforts by the PSC, including –

- awareness campaigns held, aimed at sensitizing public servants and members of the public of the purpose of the NACH, i.e. the lodging of corruption related complaints;
- training workshops with call centre operators, aimed at guiding such staff in terms of the referral of non-corruption related complaints to the appropriate institutions; and
- the provision of a check list to the call centre of the NACH on where callers reporting non-corruption cases should be referred to.

This decline could also be ascribed to possible increased confidence of public servants and members of the public in the internal complaints mechanisms of departments. Such increased confidence could encourage complainants to lodge their complaints directly with departments rather than using an external access mechanism such as the NACH. From the PSC's perspective it is important that departments pay particular attention to and track the progress of complaints referred to them which have been lodged through the NACH. If the latter is done, departments will be in a position to do a prognosis of weaknesses and craft preventative measures.

4.3 TRENDS ON THE ORIGIN OF COMPLAINTS

4.3.1 Increase in complaints by public servants and EAs

Table 10 below reflects the most prominent origins of complaints lodged with the PSC in terms of numbers and percentages.

Table 10: Most prominent origins of complaints lodged with the PSC

Origin	NACH		Complaints Rules		
	2005/2006	2006/2007	2004/2005	2005/2006	2006/2007
Public servants	-	-	16 (35%)	44 (38%)	97 (44%)
Anonymous complainants	292 (39%)	149 (56%)	12 (27%)	22 (19%)	41 (19%)
Complainants to the NACH that identified themselves	465 (61%)	119 (44%)	-	-	-
Members of the public	-	-	15 (33%)	47 (40%)	53 (24%)
Legislature/Executing Authority	-	-	2 (4%)	3 (2.5%)	19 (9%)

According to **Table 10**, persons who declared their identities (please note that such persons are not required to indicate whether they are public servants or members of the public) lodged the most complaints with the PSC through the NACH in 2005/2006 (i.e. 61%). However, the situation changed in 2006/2007 in that the most complaints lodged with the PSC was lodged by anonymous complainants (i.e. 56%). Overall, there was a significant decline in the number of complaints lodged through the NACH by both anonymous complainants and complainants that revealed their identity. This could point to the fact that complainants are lodging their complaints directly with the relevant institutions given the measures put in place by the PSC to redirect non-corruption corruption complaints received by the NACH to more appropriate institutions.

In terms of complaints lodged with the PSC through the Complaints Rules in 2005/2006, the majority of complaints (i.e. 40%) originated from members of the public, whilst the majority of complaints in 2006/2007 were lodged by public servants (i.e. 44%). In addition, a significant increase from 16 complaints lodged by public servants through the Complaints Rules in 2004/2005, to 44 in 2005/2006 and to 97 in 2006/2007 was observed. This trend is indicative of the preference of public servants to make use of the Complaints Rules to lodge their complaints with the PSC. This could also be ascribed to a growing confidence among public servants in the Complaints Rules as a mechanism for the lodging of complaints.

The increase in the number of requests made by Legislatures and EAs in the 2006/2007 financial year is notable. This displays an increased confidence in the PSC's ability to conduct investigations and produce credible results. In the past EAs would have contracted external service providers to conduct such investigations. The PSC, as an

independent and constitutional body with a mandate to investigate and advise on public administration practices, has become a key instrument for EA's to rectify problem areas in their departments.

4.3.2 Increase in number of anonymous complaints

There has been a significant increase in the percentage of anonymous complaints received by the PSC from 36% in 2005/2006 to 45% in 2006/2007. **Figure 12** below depicts the percentage of complaints lodged with the PSC by persons that revealed their identity and those that chose to remain anonymous.

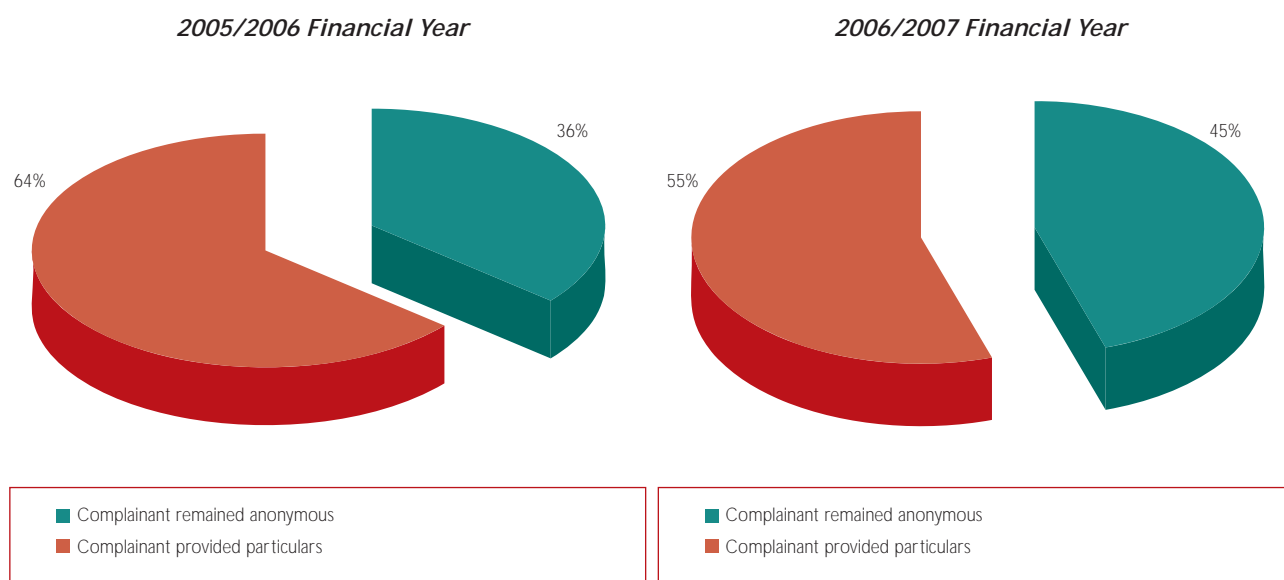


Figure 12: Anonymous complaints lodged with the PSC through the Complaints Rules and NACH, per financial year

Overall there appears to be more persons willing to provide their identities when lodging complaints (66% in 2005/2006 and 55% in 2006/2007) than those that were not willing to do so. There appears, however, to be an upward curve in the number of persons that choose to remain anonymous. This supported by the increase from the 12 anonymous complaints lodged in terms of the Complaints Rules in the 2004/2005 financial year to 22 anonymous complaints lodged in the 2005/2006 financial year and 41 lodged in the 2006/2007 financial year. This is similar to the trend observed in terms of anonymous corruption related complaints lodged with the PSC through the NACH where the majority of complainants chose to remain anonymous. In terms of the findings by the PSC regarding corruption related complaints lodged through the NACH²¹ as much as 60% of corruption related complaints lodged through the NACH during the period 1 September 2004 to 30 November 2006, were lodged anonymously.

Individuals' fear of possible victimization and intimidation when lodging complaints in relation to, inter alia, alleged poor service delivery, unethical conduct, maladministration, corruption, unlawful activities may be reflected in this trend. If this is the case, this raises concerns for the PSC as the implementation and application of relevant legislation (e.g. the *Protected Disclosures Act, 2000* and the *Prevention and Combating of Corrupt Activities Act, 2003*) not only places a duty on persons to report corrupt activities, but also guarantees the protection of such disclosures in certain circumstances.

²¹ Republic of South Africa. Public Service Commission. *Measuring the effectiveness of the National Anti-Corruption Hotline*. Pretoria. 2007.

However, the lodging of complaints with the PSC in an anonymous manner also has negative consequences for the successful completion of investigations, and at times can be an obstacle to the investigation of cases. This is largely due to insufficient information/lack of detail provided by the complainants at the time that the complaint is lodged and inability to follow up with the complainant for further information. The impact of this trend can be seen in Chapter 3 where a high number of allegations could not be investigated and the cases had to be closed. Since there is also an inability to contact the complainant to explain such investigative difficulties the unintended consequence is that complainants could become disillusioned as they might not understand why a matter was not investigated.

4.4 TYPES OF COMPLAINTS LODGED WITH THE PSC

4.4.1 Reasons for complaints

Complaints are lodged as a result of various reasons as outlined in **Table 11** below. These reasons usually relate to dissatisfaction with issues ranging from human resource related matters, unethical behaviour to the outcome of court cases and pension enquiries. **Table 11** below presents the types of complaints lodged with the PSC in ranked order.

Table 11: Type of complaints lodged with the PSC, in order of ranking

Rating	Type		NACH	Complaints Rules			Total
		2005/2006	2006/2007	2004/2005	2005/2006	2006/2007	
1	Unethical behaviour	271	135	1	23	23	453
2	Human resource related	92	49	10	25	74	250
3	Service delivery	142	53	1	12	16	224
4	Prison conditions	125	4	-	-	-	129
5	Unfair labour practice	46	11	7	16	20	100
6	Irregularities, including racial discrimination & harassment	4	5	10	10	29	58
7	Pension enquiry	32	3	5	9	9	58
8	Corruption/ maladministration	-	-	5	19	22	46
9	Grievance	28	2	-	-	-	30
10	Outcome of court case	9	5	-	-	7	21
	TOTAL	749	267	39	114	200	1 369

Unethical behaviour, human resource related matters and instances of alleged poor service delivery to the public are the top three causes of complaints among public servants and members of the public. These issues were also frequently reasons for requests from legislatures and EAs for investigation by the PSC.

Complaints regarding unethical behaviour and service delivery (for example non-responsiveness to applications, unduly delays in attending to requests, etc.) emanated in the main from members of the public. These complaints often relate to the attitude, behaviour and conduct of public servants and poor rendering of services by public servants.

Human resources related complaints emanate mostly from dissatisfaction among public servants within the workplace. This could be indicative of a possible failure by departments to effectively communicate and implement human resources related prescripts within the workplace.

The three lowest ranking causes of complaints relate to the outcome of court cases, grievances and corruption/maladministration, in ascending order. The low ranking of complaints as a result of grievances can be explained by the fact that there are Grievance Rules that have been gazetted specifically for public servants to lodge their dissatisfaction with an act or omission within the workplace (in paragraph 2.2 of Chapter 2 it was indicated that grievances do not fall within the scope of this investigation and trends in this regard are reported on separately by the PSC²²).

The comparatively low number of complaints regarding corruption/maladministration received through the Complaints Rules may indicate that the NACH is viewed as a more appropriate mechanism to report such cases. This is supported by the fact that for 2006/2007 a total of 1159 cases of alleged corruption were reported as compared to 90 for the previous financial year²³. This constitutes growth of 27%.

4.5 REDUCTION IN THE PERCENTAGE OF COMPLAINTS FINALISED

The status of complaints lodged with the PSC during the 2006/2007 financial year is graphically illustrated in figures 13 and 14 below. For comparative purposes, trends relating to the 2005/2006 financial year are also illustrated.

4.5.1 Finalised complaints

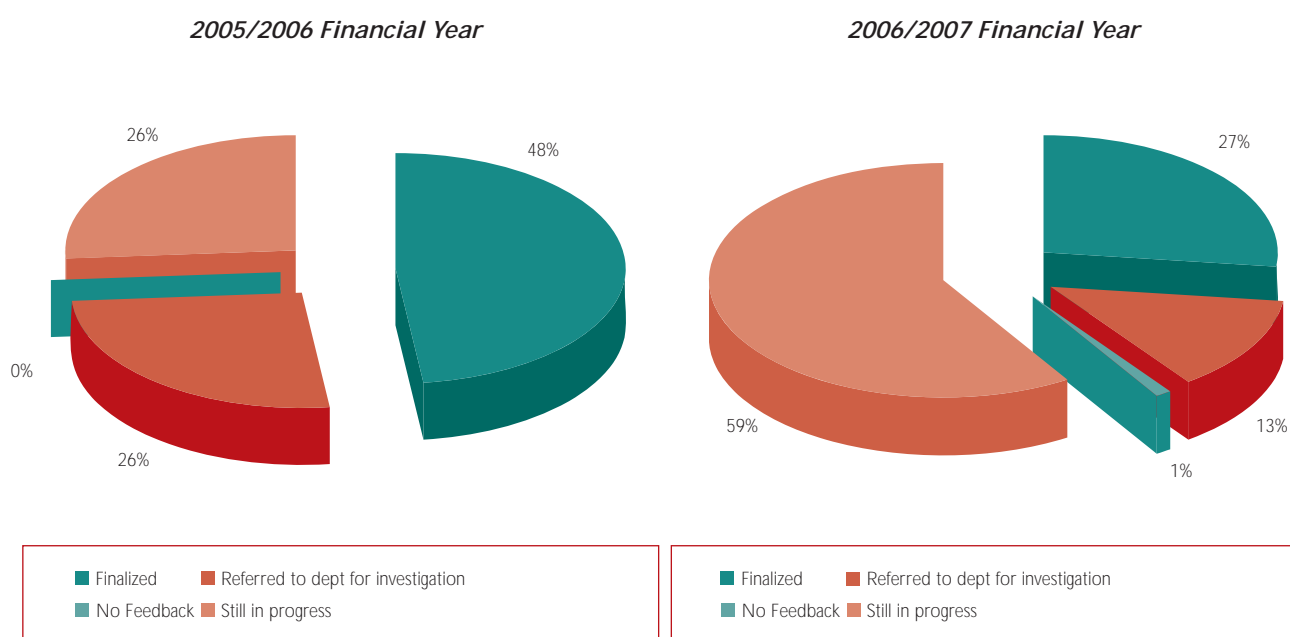


Figure 13: Status of complaints lodged with the PSC through the Complaints Rules, per financial year

²² Republic of South Africa. Public Service Commission. Report on grievance trends in the Public Service. Pretoria. 2007.

²³ Republic of South Africa. Public Service Commission. Measuring the effectiveness of the National Anti-Corruption Hotline. Pretoria. 2007.

Emanating from the fact that twice as many complaints were lodged with the PSC in terms of the Complaints Rules during the 2006/2007 financial year than the previous year, 130 were still in progress at the end of the reporting period, i.e. 31 March 2007.

Even with the decline in the number of complaints lodged with the PSC through the NACH, the number of complaints that were finalised and closed decreased from 247 (32.6%) in 2005/2006 to only 30 (13.8%) in 2006/2007 (see Table 7 in Chapter 3). This is indicative of the fact that departments are not in all instances able to deal with complaints referred to them possibly pointing to a lack of investigative capacity. This appears to be a common trend in respect of both non-corruption and corruption related cases submitted to the NACH. In respect of the corruption related cases only 161 out of 2691 were closed on the case management system as at the end of March 2007.

Flowing from the previous report on an analysis of trends regarding complaints submitted to the PSC²⁴ a recurring trend is being observed in respect of the reasons why complaints are not timely dealt with. These are the following:

4.5.1.1 Recurring poor document and record management, resulting in unavailability of information

One of the obstacles encountered during investigations conducted in the Public Service was poor document and record management by departments. This was observed and reported during the previous reporting period. It is also highlighted in reports emanating from investigations to departments and EAs but has as yet not been addressed. This continues to make it very difficult to access important and reliable information, as well as supporting documentation.

4.5.1.2 Recurring delays in responses provided to the PSC by departments and executing authorities

The first step in the process followed by the PSC during the investigation of complaints received, reflected upon in Chapter 2 of the report, is to request comments and supporting documentation from the department/stakeholder implicated in the complaint/allegations in terms of specified time-frames. As indicated in the previous report on complaints handled by the PSC²⁵ these time frames are not being adhered to. This has been a recurring trend in 2006/2007. This results in the PSC having to send reminders to such departments/EAs.

Furthermore, a gap in implementing redress mechanisms in departments was previously identified and reported²⁶ by the PSC. The latter study revealed that only 6 out of 21 national departments (i.e. 29%) and 15 out of 83 provincial departments (i.e. 18%) have a specific system in place to monitor and evaluate redress performance. This, to some extent, explains the delays in responses by departments and EAs.

Whilst the PSC recognises the work pressure experienced by departments, as well as the fact that they may have limited investigative capacity, their non adherence to such requests places an unnecessary additional administrative burden on the PSC. The trend in terms of this slow feedback received from departments is also experienced regarding corruption related complaints lodged through the NACH, as reported by the PSC²⁷ where only in 36% of cases feedback had been received.

24 Republic of South Africa. Public Service Commission. *Trend analysis on complaints lodged with the Public Service Commission during the 2004/2005 and 2005/2006 financial years*. Pretoria. October. 2006.

25 Republic of South Africa. Public Service Commission. *Trend analysis on complaints lodged with the Public Service Commission during the 2004/2005 and 2005/2006 financial years*. Pretoria. October. 2006.

26 Republic of South Africa. Public Service Commission. *Report on the Evaluation of Performance and Compliance with the Batho Pele Principle of Redress*. Pretoria. October. 2006.

27 Republic of South Africa. Public Service Commission. *Measuring the effectiveness of the National Anti-Corruption Hotline*. Pretoria. 2007.

4.5.1.3 NACH still used as a vehicle for non-corruption related complaints

Whilst there has been a significant reduction in the number of non-corruption related complaints submitted to the NACH, the referral of such cases to the PSC still occurs. The fact that the PSC still had to deal with 267 non-corruption related complaints through this access mechanism, shows that the NACH is not being used for its designed purpose. It also places additional strain on the PSC's limited resources. The NACH was established to deal with corruption related complaints and resources were allocated to the PSC to manage the referral of such cases to departments. Whilst the influx of non-corruption related cases was not anticipated the PSC cannot merely ignore such cases and has a duty to follow through on them. It is against this backdrop that the PSC has had to take on this responsibility without being provided with additional resources.

The fact that such cases are lodged with the PSC may indicate that departmental complaints mechanisms are either inadequate or non-existent. In terms of the regulatory requirements²⁸, EAs must establish and sustain a service delivery improvement programme for their departments stipulating, amongst others, a system or mechanisms for the lodging of complaints. Where such mechanisms have been put in place and complainants are not confident that their concerns will be followed up, they may therefore decide to rather use a mechanism such as the NACH.

4.6 INCREASE IN NUMBER OF DESK TOP AUDITS CONDUCTED

A gradual increase occurred in the number of investigations completed into complaints lodged in terms of the Complaints Rules through desk top audits. A total of 11 (13%) complaints were finalised through desk top audits in 2005/2006 whilst 40 (45%) complaints were finalised through this approach in 2006/2007. Consequently a decline occurred in the number of investigations finalized subsequent to the performance of a combination of desk-top and in-loco inspections from 45 (52%) in 2005/2006 to 20 (23%) in 2006/2007. The decision on a specific approach to an investigation is dictated by various factors including the comprehensiveness of feedback received from departments.

Whereas previously the bulk of investigations conducted by the PSC included obtaining further/additional information through in-loco investigations, practical circumstances have dictated to the PSC to adjust its approach. Hence, during the 2006/2007 financial year the PSC, when referring complaints to departments to investigate and provide feedback, also requested departments to include supporting documentation in their responses. Where appropriate, departments were furthermore informed of the nature and type of information/supporting documentation required in order to finalize complaints. This allowed the PSC to finalise many cases through desk-top studies. The fact that the PSC rely more and more on desk top audits, however, also reflects on the limited capacity of the OPSC which has to be considered when deciding on investigative methodology.

Desk-top audits are a more cost effective methodology as investigators do not need to travel when conducting such audits. If adequate information is provided it also expedites the completion of investigations as investigators are not reliant on the availability of persons for interviews. However, there are also disadvantages attached to desk-top audits in that the investigator is deprived from the insights that may be obtained through inspections and interviews. Departments may also not provide all relevant documentation which could have been found during *in-loco* inspections by the investigative officers. As such the findings of desk-top audits in certain circumstances may be based on inadequate information.

4.7 LACK OF FEEDBACK ON NACH CASES BY DEPARTMENTS

Figure 14 presents a graphic illustration of complaints lodged with the PSC through the NACH where feedback is still outstanding.

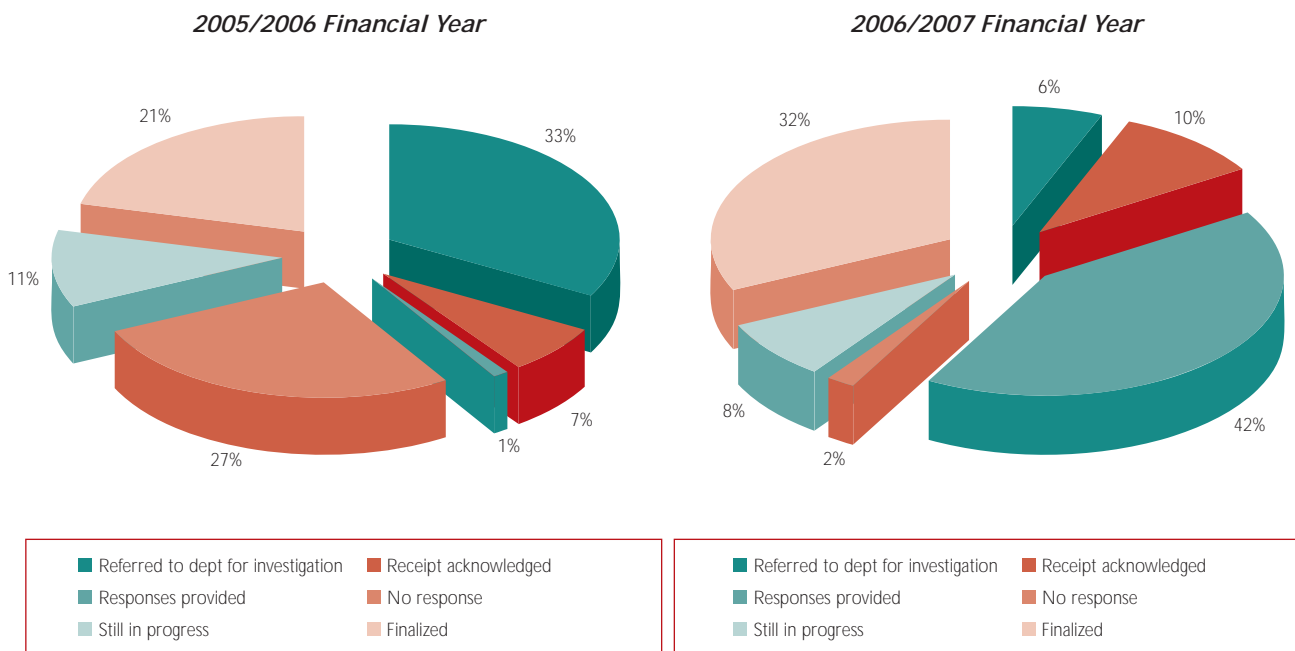


Figure 14: Status of complaints lodged with the PSC through the NACH, per financial year

A trend emerging from Figure 14 above is the fact that there are a large number of instances where complaints lodged through the NACH are referred to departments to investigate but where no response is forthcoming from the relevant departments (i.e. 80% and 75% in the 2005/2006 and 2006/2007 financial years respectively). This is of major concern to the PSC as it indicates that departments do not prioritise the investigation of complaints. The PSC would at an absolute minimum expect that departments acknowledge receipt yet this does not even happen in many instances. A correlation exists between the relatively low response rate by departments in terms of both non-corruption and corruption related complaints lodged through the NACH and referred to departments for investigation and feedback to the PSC. In terms of corruption related complaints, the PSC previously reported²⁹ a response rate by departments of only 36%.

A fundamental principle with the management of any complaints access mechanisms is that timely and comprehensive feedback must be provided to complainants. The lethargy of departments in responding to requests for feedback on NACH cases impacts negatively on the credibility of the NACH as an access mechanism for the public and this will eventually result in a lack of confidence in the NACH.

Hence, efforts by the PSC in obtaining outstanding feedback and supporting documentation once due dates for responses/comments have expired include the submission of reminders to departments. Although there was an increase in the number of responses from 3% in the 2005/2006 financial year to 19% in the 2006/07 financial year, this remains unsatisfactory.

²⁹ Republic of South Africa. Public Service Commission. *Measuring the effectiveness of the National Anti-Corruption Hotline*. Pretoria. 2007.

Section 10 of the *Public Service Commission Act, 1997*, supplemented by the *Rules for the summoning of witnesses in connection with inquiries of the Public Service Commission*³⁰, empowers the PSC to summons any person who may assist during the investigation of a complaint by providing information and/or documentation of material importance, to appear before the PSC. Given the low rate of feedback the PSC will have to resort to summoning Heads of Department. Resorting to summonses suggests that all reasonable measures have been exhausted, leaving the PSC without any other alternative.

4.8 MAJORITY OF COMPLAINTS ARE SUBSTANTIATED

During the 2006/2007 financial year the majority of complaints investigated and finalised were found to be substantiated. This was also the case during the 2004/2005 and 2005/2006 financial years, as graphically illustrated in Figure 15 below:

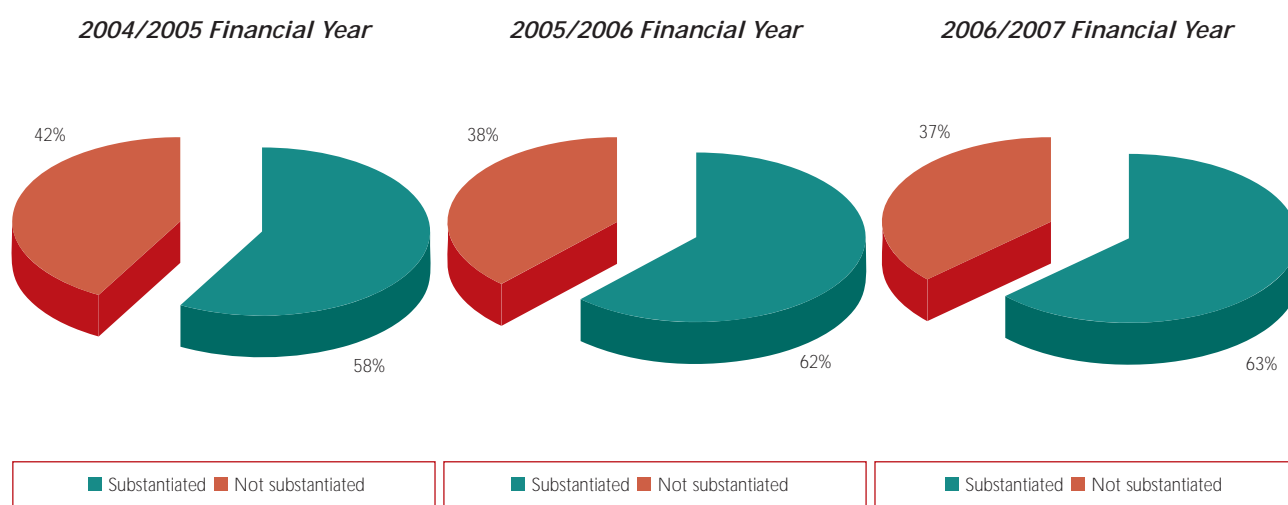


Figure 15: Outcome of investigations conducted by the PSC, per financial year

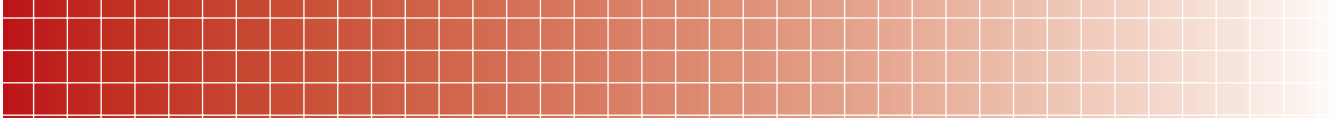
This trend might be ascribed to an increase in departments'/the PSC's capability and expertise to investigate complaints and allegations lodged with the PSC. It may also be ascribed to lesser incidences of frivolous/vexatious complaints by complainants.

The number of substantiated complaints, however, also raises concerns about the standards of service delivery by departments and the conduct of their public servants. The fact that the complaints are found to be substantiated indicates that complainants have sound reasons to be dissatisfied with the conduct of government departments and their employees.

4.9 SUMMARY

The trends observed in the 2006/2007 financial year relating to the nature of complaints correlates to a large degree with that observed in 2005/2006. Amongst others the nature of complaints received are consistent and the slow rate of feedback from departments on cases referred has continued.

³⁰ *Rules for the summoning of witnesses in connection with inquiries of the Public Service Commission. Regulation Gazette No. 7314, March 2002.*

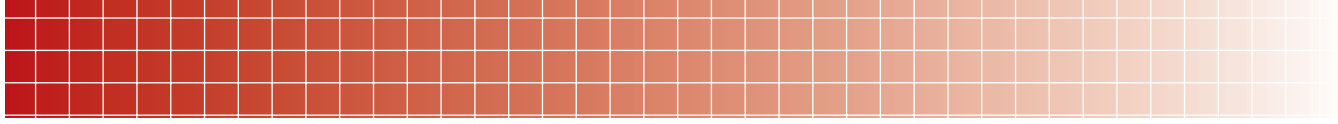


A clear trend emanating from this analysis is that there is increased confidence in the ability of the PSC as a key role player in public administration to conduct or facilitate investigations into complaints of the public, public servants, legislatures and Executing Authorities. The ability of the PSC to respond to these complaints is, however, inhibited by its current capacity as witnessed by the methodological changes that it has had to adopt. The concerns identified through this trends analysis including shortcomings in terms of resources are dealt with comprehensively in the Recommendations contained in Chapter 5.



Chapter Five

RECOMMENDATIONS TO IMPROVE COMPLAINTS MANAGEMENT IN THE PUBLIC SERVICE



As was the case with the previous report³¹, throughout this report there are a number of instances where the PSC has identified areas that require improvement by departments in relation to the management of complaints. This Chapter reflects on specific steps/actions taken by the PSC in pursuance of the findings of the previous report, as well as recommendations to facilitate the necessary improvements in this regard.

5.1 IMPROVING DOCUMENT AND RECORD MANAGEMENT

One of the obstacles encountered during investigations conducted in the Public Service was poor document and record management by departments. This made it very difficult to access important and reliable information, as well as supporting documentation.

In addressing this matter the PSC's approach during the 2006/2007 financial year was to recommend that the relevant department –

- investigates the cause for the absence of the required documentation; and
- properly review the appropriate administrative processes involved.

In the previous report it was mentioned that investigations into especially human resource management related allegations revealed that departments did not comply with the provisions of Chapter 1/VII/H of the Public Service Regulation, requiring that a head of department shall keep a record of each employee and of each post on the approved establishment in accordance with the National Minimum Information Requirements. Compliance to this requirement still seems to be lacking.

Given the above, departments are encouraged to adhere to the *Best practice model to keep and manage paper based employee records*³² in order to improve their document and record management. Note should also be taken of the fact that in terms of this best practice model, sound human resource records management implies that records are managed in terms of a departmental record management programme governed by a departmental record management policy.

5.2 IMPROVING RESPONSE RATE TO THE PSC BY DEPARTMENTS AND EXECUTING AUTHORITIES

The first step in the process followed by the PSC during the investigation of complaints received, reflected upon in Chapter 2 of the report, is to request comments and supporting documentation from the department/stakeholder implicated in the complaint/allegations. In this regard, protocol followed by the PSC provides for the following time-frames:

- In instances where complaints emanate from the NACH, departments/EAs are requested to provide feedback to the PSC within 40 days.
- In instances where complaints emanate from the Complaints Rules, departments/EAs are requested to provide feedback to the PSC within 14 days.

Complaints/allegations referred to departments for comment are furthermore accompanied by a comprehensive list of information and documentation required from the department in order to enable the PSC to assess the merits of the complaint. As such departments know exactly which documentation are relevant to the complaint and should be in a position to assist the PSC appropriately and timely.

³¹ Republic of South Africa. Public Service Commission. *Trend analysis on complaints lodged with the Public Service Commission during the 2004/2005 and 2005/2006 financial years*. Pretoria. October. 2006.

³² Republic of South Africa. Department of Public Service and Administration. *Best practice model to keep and manage paper based employee records*. Pretoria. January. 2002.

In addition the following approach is, amongst others, followed by the PSC in order to ensure that feedback, comments and supporting documentation are obtained from HoDs/EAs:

- Requests to investigate complaints are delivered by hand to the relevant departments/EAs (proof of such delivery is also obtained).
- Details of a contact person, preferably at Senior Management Service level, are obtained from the Department with a view to facilitate follow-up by the PSC.
- A meeting is arranged and held with such contact persons during which –
 - the HoDs/EAs urgent attention to the complaint is requested;
 - the importance of feedback to the PSC within 30 days (in order to provide complainants with updates on the outcome of investigations/progress on matters) is emphasized;
 - HoDs/EAs are informed that in the event that no response is forthcoming from departments, the PSC will consider issuing a summons in terms of section 10 of the Public Service Commission Act, 1997; and
 - HoDs/EAs are sensitized about the negative consequences for all involved that might result from the issuing of summonses.

However, a trend, emanating from the previous reporting period and repeated in this reporting period was determined whereby time frames are hardly ever adhered to and supporting documentation do not in all instances accompany responses, resulting in the PSC having to send reminders to departments/EAs. This also applies to feedback by EAs on the implementation of the recommendations made by the PSC contained in every report within a period of three months from receipt thereof. Departments, HoDs and EAs should treat requests in this regard with the urgency that it deserves and thereby comply with Section 196 of the Constitution, 1996 which determines that "*other organs of state, through legislative and other measures, must assist and protect the Commission to ensure the independence, impartiality, dignity and effectiveness of the Commission*".

The PSC will also follow up more vigorously on the implementation of its recommendations and report more frequently to Parliament and the provincial legislatures on non-compliance in order to enable them to perform their oversight role.

5.3 STRENGTHENING DEPARTMENTAL COMPLAINTS RESOLUTION MECHANISMS

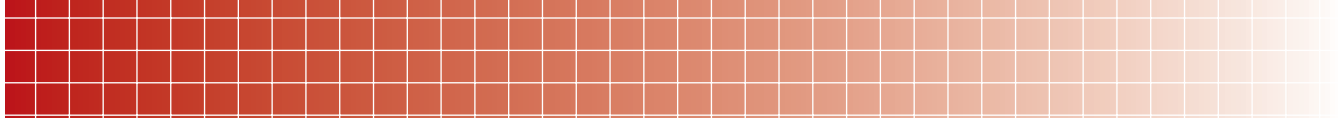
In terms of Chapter 1/III/C of the Public Service Regulations³³, EAs must establish and sustain a service delivery improvement programme for their departments stipulating, amongst others, a system or mechanisms for the lodging of complaints. However, based on the number of complaints still filtering in through the NACH it appears that departmental complaints resolution mechanisms may not be fully operational or may even not exist. Shortcomings in this regard was previously identified and reported³⁴ by the PSC after it was found that the most common reason for the absence of monitoring and evaluation systems in departments is the fact that departments do not have formal procedures for handling complaints.

Departments must therefore ensure that they comply with the provisions of the Public Service Regulations and implement a complaints system and ensure that such a system is accessible to the public. Furthermore, they should ensure that the necessary follow-through is done in terms of complaints lodged through such a system and provide timely and comprehensive feedback to complainants. The step-by-step guide to set up a complaints system, provided in the Batho Pele Handbook³⁵, should serve as a guideline in this regard.

³³ Republic of South Africa. Public Service Regulations. 2001.

³⁴ Republic of South Africa. Public Service Commission. Report on the Evaluation of Performance and Compliance with the Batho Pele Principle of Redress. Pretoria. October. 2006.

³⁵ Republic of South Africa. Department of Public Service and Administration. Batho Pele Handbook – a service delivery improvement guide. Pretoria. 2003.



During 2006 the PSC, furthermore, reported³⁶ that the culture of whistleblowing has not been easy to entrench in the Public Service. Reasons for this included intimidation and harassment of those wanting to report wrong doings. Departments should therefore implement whistle blowing policies where these are not in place and take special care to adhere to the regulatory requirements in this regard. Note should be taken of the example of a whistleblowing policy provided in the Report on the Establishment of a Whistleblowing Infrastructure for the Public Service published by the PSC in 2004³⁷ which could assist departments with the development of their own policies.

The PSC shall continue to improve the management of the management of the NACH call centre to ensure that service delivery related complaints are not accepted.

5.4 ADDRESSING THE CAUSES OF COMPLAINTS LODGED

In accordance with statistics reflected in Chapter 3 of the report, the majority of complaints lodged with the PSC during the 2006/2007 financial year related to unethical behaviour, human resource matters and service delivery respectively. The fact that the same picture emerged in the 2004/2005 and 2005/2006 financial years is indicative thereof that departments are not addressing these issues adequately.

Departments need to establish what gives rise to such complaints and institute appropriate corrective measures. Departments should consider the conducting of ethics workshops during which acceptable conduct especially in relation to interaction with the Public could be discussed. In order to ensure that service delivery is maintained at a high standard, performance must be continuously monitored against the standards of departments' service delivery improvement plans.

In order to address complaints regarding human resource matters, departments should ensure that human resource management components, managers and other members of staff comply with the regulatory requirements as prescribed in collective agreements and the Public Service Regulations. In areas where the application of human resource practices continues to be problematic, departments need to review such human resource practices.

5.5 IMPROVING RESOURCES TO DEAL WITH COMPLAINTS

Although discussed comprehensively in the Report of the PSC reflecting on the trends of complaints lodged with the PSC in 2004/2005 and 2005/2006³⁸, it remains a concern to the PSC that the capacity of departments to investigate complaints may not be at the required level. It is clear that inadequate resources are allocated by departments both from a human and financial perspective.

Departments should invest dedicated human and financial resources to rectify this situation as the non-responsiveness or delays in responses to complainants casts doubt in the mind of the Public as to the extent to which the Public Service is responsive to their concerns. Departments are also encouraged to attach a timeframe in line with their service standards to the finalization of investigations, and to create inter-departmental forums through which they can share skills, knowledge and expertise relating to the investigation of complaints.

The increase in the number of complaints submitted to the PSC through its Complaints Rules has also placed an additional burden on the PSC's limited resources. As indicated in this Report, the PSC already has had to adjust its methodological approach to investigations by conducting more desk top investigations rather than doing in-loco inspections. It is expected that there will be further increases in the current and future financial years. The PSC will not be in a position to effectively investigate all such complaints without a concomitant increase in its own financial and, more specifically, human resources. It is therefore recommended that Parliament and National Treasury notes the emerging trends as highlighted in this report and the need to bolster the resources of the PSC in order to ensure that complaints lodged are adequately addressed.

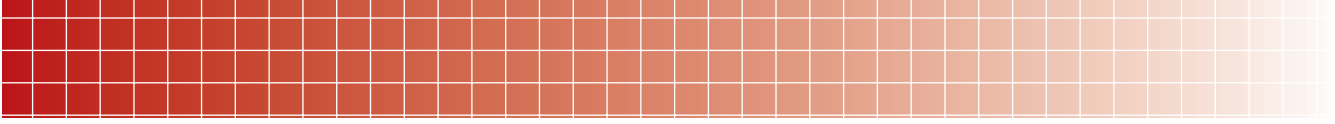
³⁶ Republic of South Africa. Public Service Commission. *State of the Public Service Report*. Pretoria. 2006.

³⁷ Republic of South Africa, Public Service Commission, *Report on the Establishment of a Whistleblowing Infrastructure for the Public Service*, 2003.

³⁸ Republic of South Africa. Public Service Commission. *Trend analysis on complaints lodged with the Public Service Commission during the 2004/2005 and 2005/2006 financial years*. Pretoria. October. 2006.

Chapter Six

CONCLUSION



The PSC established two complaints access mechanisms, namely the Complaints Rules and the NACH, with a view to ensure that both public servants and members of the public have a vehicle through which they can lodge complaints and report wrongdoing. Through these two mechanisms, it could be argued that citizens have been empowered to no longer tolerate poor service delivery and corruption related acts within Government departments and to report this for appropriate action to be taken.

It is clear from the trends identified that there is a continuous increase in the extent to which the public and public servants access the PSC's Complaint Rules. This is placing increasing pressure on the PSC as well as departments to finalise investigations and provide feedback to complainants. Concerns regarding a lack of resources, especially to bolster investigative capacity, both in the PSC and in departments have been raised in this Report which should be addressed as a matter of urgency. Despite this lack of resources the role players must put every possible effort into providing complainants with timely and comprehensive feedback. If this is not done the complaints access mechanisms in the Public Service will lose credibility and the public will lose confidence in government's responsiveness to their concerns. The PSC would therefore urge departments to seriously consider the recommendations contained in this Report so as to ensure the effective handling of complaints at all levels.

The PSC is confident that the trends that emerged from this report will cultivate an understanding and appreciation amongst departments of the processes that it undertakes during the investigation of complaints. More importantly, it will hopefully instil a sense of urgency and co-operative responsibility on the part of the role players regarding the manner in which they deal with complaints referred to them.

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