



PROVINCE OF KWAZULU-NATAL
ISIFUNDAZWE SAKWAZULU-NATALI

INTEGRITY LEADERSHIP SUMMIT

22 - 23 October 2015





Integrity Leadership Summit

22 – 23 October 2015

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Integrity Leadership Conference Attendees

- Academics
- ADA
- Amakhozi
- Departments of
 - Agriculture
 - Agriculture & Rural Development
 - Agriculture, Environmental Affairs & Rural Development
 - Arts & Culture
 - Community Safety & Liaison
 - COGTA
 - Corporate Services
 - Economic Development, Tourism
 - Economic Development, Tourism & Environmental Affairs
 - Education
 - Forensic
 - Government Pension Administration Agency
 - Health
 - HOD's of various departments
 - Home Affairs
 - Hospersa
 - Human Settlements
 - Internal Audit Unit
 - IPID
 - Justice & Constitutional Development
 - National House of Representatives
 - National Prosecuting Authority AFU
 - OTP (various departments)
 - Provincial Public Service Training Academy
 - Public Service & Administration
 - Public Works
 - Religious Affairs
 - Rural Development Facilitation Business Unit
 - SALGA
 - Social Development
 - Special Investigation Unit
 - Sports & Recreation
 - State Security
 - Strategic Planning research & co-ordination
 - Traditional Council Land Administration Support Business Unit
 - Transport
 - Treasury
- Civil Society
- Director Generals



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- IPID
- KZN Film Commission
- KZN Growth Fund
- KZN Patho Bele Members
- Ithala
- Members of the Media
- Mayors
- Municipal Managers
- National Cabinet
- eThekweni Metro
- Private Enterprise
- SABRIC
- SAPS
- SASSA
- Sign Language Interpreters
- University of KZN (various departments)



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Abbreviations & Acronyms

ACCC	Anti-Corruption Co-ordinating Committee Members
ACTC	Anti-Corruption Task Team
CALC	Common Wealth Association of Legislative Counsel
AFU	Asset Forfeiture Unit
CARC	Cluster Audit & Risk Committee
CCAA	Combating of Corrupt Activities Act
CCPKZNP	Co-ordinating Chamber of the KZN Province
CFO	Chief Financial Officer
CIT	Cash In-Transit Heist
CoC	Code of Conduct
CoGTA	Co-operative Governance & Traditional Affairs
COHOD	Committee of Heads of Department
COI	Conflicts of Interest
DG	Director-General
DDG	Deputy Director-General
DMM	District Municipal Managers
DPP	Director Public Prosecutions
DPSA	The Department of Public Service and Administration



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DSO	Directorate of Special Operations
ERM	Enterprise Risk Management
EXCO	Executive Committee
FDF	Financial Disclosure Form
FRM	Fraud Risk Management
HoD	Head of Department
HR	Human Resources
IA	Internal Audit
IAU	Internal Audit Unit
ICU	Internal Control Units
IO	Investigating Officer
IMF	Integrity Management Framework
IMU	Integrity Management Unit
IPID	Independent Police Investigative Directorate
ISS	Institute for Security Studies
JCPS	Justice Crime Prevention & Security
KZN OTP	KwaZulu Natal Office of the Premier
LR	Labour Relations
M&E	Monitoring and Evaluation



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MACC Framework	Minimum Anti-Corruption Capacity Framework
MANCO	Management Committee
MM	Municipal Managers
MTSF	Medium term Strategy Framework
NACH	National Anti-Corruption Hotline
NPCDP	National Planning Commissions Diagnostic Report
NPA	National Prosecuting Authority
PAC	Provincial Audit Committee
PAIA	Promotion of Access to Information Act
PAJA	Promotion of Administrative Justice Act
PCCA	Prevention & Combating of Corrupt Activities Act
PES	Pre-Employment Screening
PFAC	Provincial Forum on Anti-Corruption
PO	Presiding Officer
POCA	Prevention of Organised Crime Act
PSA	Public Service Association
PSC	Public Service Commission
PSACG	Public Service & Administration & Co-operative Governance
RED	Register of Employees (dismissed)



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SABRIC	South African Banking Risk Information Centre
SALGA	South African Local Government Association
SASSA	South African Social Security Association
SCM	Supply Chain Management
SCOPA	Standing Committee on Public Accounts
SIAS	Situational Impact Assessment & Support
SIU	Special Investigating Unit



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Conference Background



premier

Office Of The Premier
PROVINCE OF KWAZULU-NATAL

The Office of the Premier in KwaZulu-Natal hosted their second Integrity Leadership Summit at eBandla Hotel and Conference Centre, Ballito outside Durban over a two day period.

As part of the Provincial campaign against fraud, corruption and maladministration, it became imperative that the KwaZulu-Natal Province hold its second Integrity Leadership Summit in order to, not only secure the buy in of the various stakeholders in this fight, but also to rekindle the ethos of ethical moral and professional behaviour in public servants under the theme 'I do right – even when nobody is watching'.



Fighting corruption and fraud within the public administration is paramount and outlined prevention measures need to be taken place to ensure a clean public service.

All Government employees have a duty to be accountable in everything they do as part of the execution of duties. The Government is committed to high ethics and morals to strengthen the implementation of values.



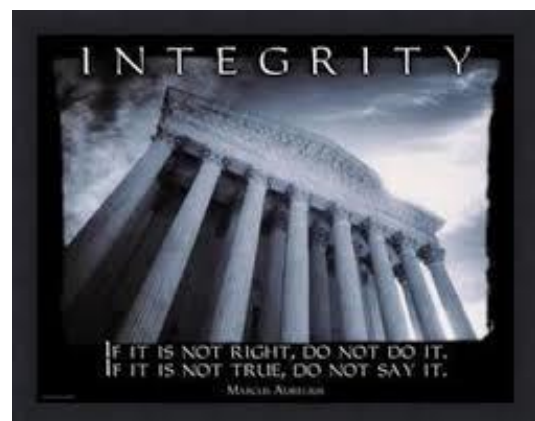
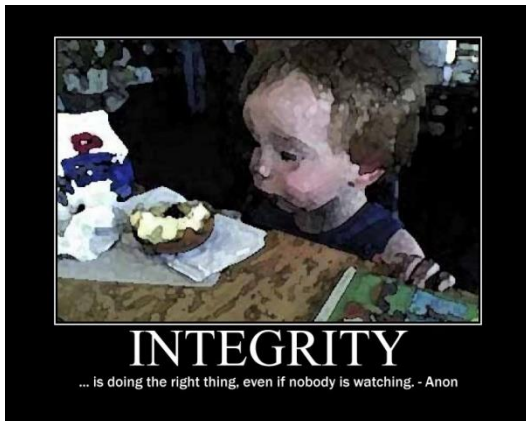


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Conference Objectives

1. To develop a comprehensive:
 - a. education
 - b. awareness
 - c. and communication campaign
2. To promote an ethical culture
3. To develop an improved understanding of the many facets of corruption
4. To recognise the contributions being made to combat the scourge throughout the province





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Office of the Premier KZN

premier

Office Of The Premier
PROVINCE OF KWAZULU-NATAL

Vision

To be the centre of governance, providing leadership in creating a better life for all

Mission

To support the Premier in carrying out
Constitutional and Legal mandates

Values

- Integrity
- Professionalism
- Accountability
- Ubuntu



Core Functions | Key Performance Areas

- Integrate, co-ordinate and facilitate transversal policies, programs, strategies, plans and systems
- Monitoring and evaluation of transversal programs
- Macro planning and policy development
- Provide strategic leadership and direction for Provincial Government
- Oversee the development and implementation of legislation
- Promote and Inter-Governmental Relations and good governance



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Programme Director's Opening Remarks – Mr FR Brooks, Acting Provincial Director- General



Mr Brooks welcomed all present to the 2nd Integrity Leadership Summit, the first one being held in November 2011, some four years ago.

Mr Brooks mentioned that this summit is one of their important summits amongst many others that they attend. He further mentioned that at this time where integrity plays a very important role in this country and particularly in KZN it is absolutely crucial to look at this seriously and find a way forward.

He tendered an apology on behalf of the Municipal Managers who were attending another meeting which clashed on this date. As there were time constraints, he wasted no time in welcoming the KZN Premier, Mr Mchunu.



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Purpose of the Summit – Mr E.S. Mchunu, KwaZulu Natal Premier

Mr Mchunu commented that he was pleased to attend the Summit to discuss the critical topic of leadership and integrity in our province. This Summit comes at an opportune time when the Provincial Government of KwaZulu-Natal is beginning to make progress, by stepping up more efforts towards promoting good governance and integrity in the province.



The theme of the Summit is close to Government he is optimistic that the Summit will bring efforts towards improving and re-affirming the importance of good governance in KZN.

The purpose of the Integrity Leadership Summit is to develop a comprehensive campaign of education, awareness and communication to promote an ethical culture, develop improved understanding of the many facets of fraud, corruption and maladministration. However, also, to take contributions from all delegates on how to combat these negative elements of governance throughout the provincial administration. The KwaZulu-Natal Provincial Government has adopted a zero tolerance stance towards fraud and corruption. It has committed itself to ensuring that public servants do everything in a financially prudent way to ensure that fraud, corruption and maladministration is reduced.

To this end, the Province adopted a Provincial Anti-Fraud and Corruption Strategy as early as June 2008. The strategy demands that all allegations of fraud and corruption within the public administration be investigated and followed up by the application of all remedies available within the law. It also allows for the application of appropriate prevention and detection controls.

Mr Mchunu asked to borrow some wise words from renowned scholars in Corporate Governance and Ethics, **Kenneth Cloke and Joan Goldsmith** from the book The Art of Waking People Up.....

"Trust is rebuilt by focusing not on what the other person did or did not do but on critiquing one's own behaviour, improving one's trustworthiness, and focusing attention not on words and promises but on actions, attitudes, and ways of being."

This Government is committed to maintaining high moral, ethical and professional standards as required by the country's Constitution. Government continuously seeks to ensure that good governance, accountability, transparency and integrity become the hallmark of governance in the province. The purpose of the Integrity Leadership Summit is two-fold:



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- To use the conference platform to rekindle the ethos of good ethical behaviour and moral values within each individual public servant in the province
- To adopt resolutions that is clear and practical in strengthening the implementation of the Provincial Anti-Fraud and Corruption Strategy.

In the Office of the Premier, good governance must be underpinned by the following core values:

- Integrity
- Professionalism
- Accountability and
- Ubuntu



premier

Department:
Office Of The Premier
PROVINCE OF KWAZULU-NATAL

During the 2013/14 financial year alone, 708 cases of fraud and corruption were reported to the police involving government officials and service providers. Of these, 546 were convicted and sentenced to varying terms of imprisonment and the amount involved after convictions was R30 832 552. The Auditor General continues, to make adverse findings on critical governance issues across the provincial administration. Most of these are a repeat finding which says a lot about how serious we take compliance issues and good governance. Compliance prescripts are well spelt to ensure good governance, but the tendency is to flout these prescripts, unfortunately. We flout the PFMA, we flout the MFMA and we flout the Prevention and Combating of Corrupt Activities Act, 2004. In some instances, we even flout the country's Constitution.

A new Integrity Management Framework has been put in place by the Department of Public Service and Administration. A new law that prohibits public servants from doing business with government has been promulgated. These new developments and many others, necessitate a review of the current strategy to reflect new initiatives to curb fraud, corruption and maladministration. The Integrity Management Unit (IMU) derives its mandate from the South African Constitution Chapter 10 Section 195 (1a) which enjoins us to promote and maintain a high standard of professional ethics in public administration. The Unit also derives its mandate from Section 38 of the PFMA, the DPSA's Code of Conduct and the Minimum Anti-Corruption Capacity Framework and the KwaZulu-Natal's State of the Province Addresses. The Integrity Management Unit is charged with the responsibility of instilling and sustaining an organisational culture of integrity throughout the provincial administration by among other things coordinating the implementation of the Provincial Anti-Fraud and Anti-Corruption Strategy.

The Constitution of the Republic of South Africa provides: "Public Administration must be governed by the democratic values and principles enshrined in the Constitution, including the following principles:-



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- A high standard of professional ethics must be promoted and maintained
- People's needs must be responded to

It is these provisions that have prompted the Office of the Premier through its Integrity Management Unit, to devise and implement proactive initiatives throughout the Province of KwaZulu-Natal. The aim is to create awareness among the general public and the public servants on ethical behaviour and on how the provincial administration of KwaZulu-Natal deal with the issue of poor service delivery, maladministration, abuse of power, fraud and corruption.



This is a quotation from the 2014 KwaZulu-Natal State of the Province address:

“This government is committed to upholding and promoting the culture of collective accountability, transparency and honour from those who control the levers of the state machinery as a whole.....“Yet we see corruption and fraud continuing in different forms including those that are substantially sophisticated. We do want to state clearly and audibly that fraud and corruption will not be tolerated.....This realization has reinforced our belief in a proactive investment in strengthening the moral standing and integrity of those who take public service as a calling.”

Henceforth, the Provincial Government of KwaZulu-Natal has strengthened co-operation agreements with institutions of democracy and Chapter 9 institutions such as Auditor General, Human Rights Commission and Public Protector in order to protect the resources of the state.

The IMU works very closely with Provincial Treasury's Internal Audit Services and coordinates activities with law enforcement and criminal justice institutions such as the Special Investigating Unit, (SIU) and SAPS Directorate Priority Crime Investigation, the Hawks, the National Prosecuting Authority (NPA), Anti-Corruption Task Team (ACTT), COGTA – Municipal Finances, OTP Labour Relations and other relevant stakeholders. The Integrity Management Unit coordinates quarterly meetings with these agencies in order to pool synergies and share ideas on on-going investigations and fraud cases going through the justice system. The strategic goal of the Integrity Management Unit is to instil and maintain an organizational culture of integrity in the provincial administration through the coordination, integration and facilitation of plans, programmes, systems and strategies relating to the implementation and management of the KwaZulu-Natal Anti-fraud and Anti-Corruption Strategy. One of the important functions of the IMU is to manage and process citizens' complaints on poor service delivery.

During the first Integrity Leadership Conference an ethos was adopted to guide government initiatives that are aimed at enhancing good governance in the provincial administration. The ethos is - **“I DO RIGHT- EVEN WHEN NOBODY IS WATCHING”**. Flowing from this, the Office of the Premier has launched the “I Do



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Right" Campaign which aims at conveying the message to every district in the province. This campaign consist of three important pillars"

- To create and instil awareness and a culture of good ethics and honesty within the Public Service in the province through awareness campaigns, seminars, conferences, workshops and the use of multi-media,
- To assure service providers that they may do business with Government without having to bribe an official and
- To enlist the support and cooperation of labour, business and civil society, including the media in reporting incidents of suspected corrupt/indolent and maladministration practices wherever and whenever they come across these.



The evils of fraud and corruption are that it undermines human rights such as the right to equality and to freedom of trade and occupation. When service providers pay bribes to obtain what they are not entitled to, there will be less money available for citizens who really need it. These increase the cost of the public service. As a result there is less money for basic services such as housing, health care, education and other services. Business costs, and costs to consumers, increase.

- Number of reported cases dropped by 97% - from 1 024 in 2010/11 to 22 in 2014/15
- Amount of money involved dropped by 90% - from R529 735 852 in 2010/11 to R51 214 909 in 2014/15
- Money recovered by the Asset Forfeiture Unit (AFU) in the 2014/15 period is R536 500 000
- This is a product of a collaborative effort by institutions mentioned earlier in the presentation.

There was a set of resolutions taken at the last Summit. The status on the implementation of these resolutions will be presented at this Summit.

The legal framework to fight corruption is in place and what is now required of anti-corruption agencies is a clear resolve and commitment to individually and collectively create a public service built on high moral values and integrity.

Mr Mchunu took this opportunity to assure all agencies and individuals mandated to fight corruption of my full support in executing their mandate. I will walk together with you in ensuring that clean governance and integrity becomes our way of life.



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Welcome Remarks – Deputy Mayor, Ilembe Municipality

Unfortunately after many requests for a copy of the address, it has not yet been submitted to OTP. Once the copy has been forwarded, this will be inserted accordingly.





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The Code of Conduct is meant to give practical effect to the Constitutional provisions I have alluded to earlier on. This code of conduct calls upon Public Servants to:

- serve the public in an unbiased and impartial manner to create confidence in the public service;
- be polite, helpful and reasonably accessible;
- not unfairly discriminate against any member of the public;
- not abuse their positions in the Public Service;
- execute their duties in a professional and competent manner;
- be honest and accountable; and
- not to use their official positions to obtain private gifts or benefits for themselves.

These are just a few highlights of these standards but that does not mean that others are not important. I urge each and every public servant gathered here to obtain a copy of the Code of Conduct, familiarise themselves with its content, and above all abide by it.

Batho Pele Principles also set out the required levels of professional ethics in the public service in terms of service delivery. Batho Pele Principles are the value statement of the Public Service – the actions of public servants should reflect these values.



In 2013 a Service Charter was signed with members at the Public Service Co-ordinating Bargaining Council. The Service Charter represents a social contract between the State and public servants that sets out both partners' roles and responsibilities to improve performance through ethical conduct, enhance and fast track the delivery of services in an effort to improve the lives of our people. It particularly addresses the issue of remunerative work outside one's employment in the public service, acceptance of gifts and behaviour that is ethical.

In October 2013, Cabinet approved the Integrity Management Framework to further strengthen measures to manage unethical conduct and promote integrity in the public service. The Framework contains new proposals for managing conflicts of interest that may arise as a result of financial interests, gifts, hospitality and other benefits, and remunerative work outside the public service.

The Framework further proposes an establishment of ethics infrastructure in government departments. In line with this Framework, each department shall:

- Designate an Ethics Champion at executive level with the delegated authority to drive ethics and anti-corruption initiatives. Ethics Champions shall be responsible for their departments' ethics performance.



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- Establish an Ethics Committee (or make use of an existing committee) to monitor implementation of the department's ethics strategy, and to provide oversight of integrity management.
- Appoint Ethics Officer(s) (depending on the size and risk profile of the department).

These are some of the commitments by government to realise the intention of professionalising the public service and attaining the aspirations of the National Development Plan that calls for a corruption free society by 2030.



Conflict of interest has always been an enemy of the public service worldwide. This is a situation where employees' personal interests conflict with their professional duties. I don't have to remind you of the many reports by the Auditor-General which paint a picture of this situation in the Public Service. The Financial Disclosure Framework was introduced as a measure to prevent this situation. It is an important initiative that was put in place to promote good governance in the Public Service. The objective of the Framework is to identify any conflict of interest in order to promote just and fair administrative actions by officials in senior positions and thereby protect the public service from actions that may be detrimental to its functioning and that may constitute unlawful administrative actions as a result of ulterior motives.

There are shortcomings of this Framework in its current form. The most glaring one is that it does not apply to all employees in the Public Service, which has opened doors for officials at lower levels in the Public Service to exploit this provision of the Framework.

However, the Department of Public Service and Administration is in the process of amending the Public Service Regulations, 2001 to improve the effectiveness of the Financial Disclosure Framework and to address its shortcomings.

Among other things, other categories of employees in the public service will be required to disclose their financial interests.

Through the Regulations we will also strengthen the implementation of section 30 of the Public Service Act, 1994 which allows employees to undertake remunerative work outside their employment in the public service. It has been realised that remunerative work could pose a conflict of interest among employees but most importantly affect service delivery as employees concentrate on their private employment as opposed to their public service responsibilities. Measures will be implemented to tighten implementation of this section of the Act.

In 2013, the electronic system of submitting financial disclosure forms, the disclosure, was introduced. Honourable Premier, I have been informed that the Province of



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KwaZulu-Natal is one of those provinces who have fully embraced the system. Congratulations on fully utilising the system for the 2014/15 financial disclosure period.

When the Government realized that unethical behaviour does not only affect the Public Service but the whole Administration of government, we introduced the Public Administration and Management Act, which was signed into law by the President in December 2014. The Act seeks to provide a legal Framework for bringing uniformity in the key pillars making up the public administration.



The Act further provides that **all** employees in the Public Service must disclose their financial interest.

Advocate Ramatlhodi challenged each one to uphold the values and principles enshrined in our Constitution and bring back the trust that citizens should have in government and the public service. Each one should strive to be a shining example of how a public servant should conduct themselves.

We therefore call upon all levels of leadership in government departments, to take seriously their responsibility in accordance with the Public Service Act to ensure that the conduct of their employees conforms to the basic values and principles governing public administration and the norms and standards set out in relevant instruments.

Deterrent measures should be applied to discourage unethical conduct among employees and most importantly those who are shining examples must be recognised accordingly through programmes such as the National Batho Pele Awards. The national ceremony to honor our best public servants through the Awards will be held next month in Gauteng and I trust that KwaZulu-Natal will emerge as one of our shining stars.

In conclusion, let us be the epitome of what all these Acts, Regulations and Policies require of us – an ethical and professional Public Service. As the Batho Pele Value Statement guides us as a Public Service, **“We Belong, We Care, We Serve”**.



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Fraud and Corruption: The Threats against the State, Mr David Mahlobo – Minister for State Security



Introduction

Mr Mahlobo opened his speech and stated that he was to discuss a very important topic around integrity and related matters in our public service.

Together with his cabinet colleague Advocate N Ramahlhodi he conveyed good wishes from President Zuma and his government to the Summit. Mr Mahlobo mentioned that President Zuma has been visionary and very emphatic with regards to the establishment of a capable and developmental state at the centre of which is a professional and efficient public service.

The program's summit is important as it provides a platform for all in government, labour and civil society to pause and reflect on the past and map the way forward to Vision 2030 as envisioned in the National Development Plan.

This year South Africa celebrates major milestones, including the 60th anniversary of the Freedom Charter and 21 years of freedom and democracy. However, the question needs to be asked as to whether the forebearers sacrificed their lives for South Africa in vain and whether collectively we are living up to the ideals for which they fought. What we see happening in today's society is negative behaviour among public service and society.

Context

The state faces numerous threats, arising from both the external and internal environment. As a department charged with securing South Africa's sovereignty, territorial integrity, independence, people, critical infrastructure, assets and interests within the security cluster, the starting point is the national Security Strategy, approved by Cabinet in 2013.



The country is generally safe and broadly stable, save for the latest legitimate student protests being witnessed, which are part of a normal and lawful expression of views. However, the government is confronted by governance challenges that render the state vulnerable, from a corruption and economic point of view.

A combination of these challenges could create a highly complex set of circumstances that threatens to overwhelm the state and impact severely on



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national security and the stability of South Africa as the approach of the 2016 Local Government Elections.

Analysis of some of the community protests has shown that amongst the common issues raised, correctly or otherwise, is the issue of corruption particularly in local government. As has been seen, these protests have tended to be violent and included destruction of property. This is clearly an untenable situation that creates domestic instability.

Corruption involves the misuse of an official position for personal gain. It undermines state legitimacy and service delivery. It also distorts market competition, increases the cost of doing business and decrease the ease of conducting business.

According to the SIU Reports, it is estimated that around R180 Billion of state procurement can be attributed to corruption. It has now found roots in organisational culture and structure and there is no easy way to combat it.



Under apartheid regime there was corruption. The regime was known for secrecy and many dealings took place without a trace. Few deals like the transfer of land from inhabitants to one magnate used bribes. Loans of billions from reserve bank were never investigated.

During negotiations people became millionaires. The ANC inherited a bankrupt state - people could not disclose how personal wealth was accumulated and nobody saw anything wrong with the sudden status change.

Corruption thrives when there is an absence of public accountability, where the level of transparency and governance are lacking and where culture of impunity takes roots. All three of those factors are available in abundance in South Africa. There is vulnerability in the system hence the abuse.

Corruption is a national economic security threat as it weakens government's ability to provide services, increase social mobility and overcome inequality. It aggravates opportunity deprivation, which works together with poverty and inequality to prevent the poorest among our people from accessing opportunities to uplift themselves.

It is clear therefore that corruption poses a threat and undermines good governance, state authority and service delivery.

On the international front, corruption has reputational damage to the image of the country, undermines investor confidence and generates negative perceptions about the country's integrity and functionality.



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This is not to say things must be hidden under the carpet in order to protect our reputation. On the contrary, one must continue to work openly and expose those amongst those whose actions harm our national interest.

It is for this reason that South Africa must continue to monitor our international ranking in such institutions as the Transparency International and its ranking system, which in 2014 ranked South Africa in 44th position amongst 178 states, from a previous ranking of 42 in 2013.

In summary, corruption coupled with the illicit economy and syndicated crime will eventually leave the country with a weakened democracy, an economy captured by negative forces, and a state that is unable to discharge its mandate of ensuring economic growth, sustainable development, and the upliftment, well-being and comfort of our people.

Manifestation of corruption in various sectors

In Government's Policy and Budget speech early this year, it was noted that corruption poses a serious and direct threat to our reconstruction and development initiatives, good governance, service delivery, and ultimately stability, particularly at local level.

The National Planning Commission's Diagnostic Report in 2011 as well as the 20 Year Review published in 2014 clearly articulated the root causes of corruption in society generally.

Corruption is a not a problem unique to South Africa but is a major challenge globally. The phenomenon of people to pay bribes for services is a common occurrence.

Transparency International reports that almost half of South Africans paid a bribe for a necessary service e.g. housing, identity documents etc.

Over and above that, we see that corruption manifest itself in 8 sectors inclusive of the following:

- (a) **Transport** : taxi routes, issuing of permits, use of private security, introduction of rapid and integrated transport systems
- (b) **Training and education**: funding mechanism, procurement of goods and services
- (c) **Local government**: service delivery particularly water, housing and employment opportunities and



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(d) **Cyber-space:** money laundering, identity theft, intellectual property, cyber espionage

(e) **Public works:** procurement of goods, services and contracts

Everyone should be concerned about a growing trend of under reporting as far as private sector corruption is concerned. As some amongst us have noted, it is given other terms such as “collusion”.

The Prevention and Combating of Corrupt Activities Act, Act 12 of 2004, creates a general crime of corruption applicable to both the public and private sectors and therefore we should show no tolerance of corruption, irrespective where it stems from.

Government response

Government has not been found wanting in its response to the challenges involving corruption.

Informed by the National Department Plan, Medium Term Strategic Framework and National Security Strategy, government identified crime and corruption as one of its top five priorities. President Zuma established an Inter-Ministerial Committee on Corruption in 2009 to ensure overall coordination of anti-corruption efforts.

Specific and ambitious targets were set for the JCPS Cluster as part of delivery agreements signed by Ministers.

The Anti-Corruption Task Team (ACTT) was set up in July 2010 to drive targets, fast-track high priority corruption investigations and prosecutions, and coordinate efforts with other state agencies and structures. The latest quarterly report of the work ACTT includes amongst others:

- Freezing orders to the value of R 144 million was obtained, which contributed to a cumulative total of R3.76 billion.
- Proceeds of crime and government losses to the value of R13.97 mil were recovered by the end of the 1st Quarter of the 2015/16 financial year, which contributed to a cumulative total of R1.68 billion.
- Proceeds of crime and government losses to the value of R17.169mil were recovered from *government officials* by the end of the 1st Quarter of the 2015/16 financial year, which contributed to a cumulative total of R18.229 million recovered from government officials.
- The Asset Forfeiture Unit (AFU) improved its performance and performed exceptionally well due to improved investigations of high-value cases by the Anti-Corruption Task Team (ACTT) and increased use of Chapter 6 of the Prevention of Organised Crime Act (POCA) for Civil Forfeiture.



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- A total of 177 government officials were convicted on corruption-related offences from 2014/15 financial year to date.

Furthermore, Departments such as Public Service and Administration, and Co-operative Governance and Traditional Affairs, Social Development and Home Affairs, amongst others, have set up anti-corruption units to take effective action against corruption.

Treasury Regulations for Procurement include new measures against corruption, including more safeguards in big procurement processes and heavy civil penalties for service providers engaging in tender fraud.

The launch of the Central Supplier Database by the Minister of Finance, last month is a significant milestone in improving the relationship between government and its suppliers as strategic partners.

To use his words: *“Trust is built when suppliers deliver the correct commodity of the right quality, in the correct quantities and to the exact correct delivery point. Trust is an essential ingredient in this relationship and when it comes to public procurement, much more trust, integrity and performance are required.”*



The implementation (earlier this month) of the Minimum Competency Levels for Municipal Officials by the National Treasury and the Department of Cooperative Governance and Traditional Affairs is a welcome step to ensure that we modernise and professionalise the financial management in municipalities, in keeping with the principles of accountability, transparency, effective and efficient utilisation of public resources.

Lastly, the recent briefing to SCOPA by the KZN Provincial Education Head of Department, Dr Nkosinathi Sishi is another welcome step in the many initiatives here in KZN with regard to the action that this provincial government is taking against employees who are doing business with the state.

These are but some of the highlights of the work that government is doing collectively in the fight against corruption. Indeed there is room for improvement, both from a co-ordination and institutional point of view.

Mr Mahlabo did not want to suggest that this Summit discuss the centralisation, within the Office of the Premier, of all forensic investigations including briefing of law enforcement agencies and possibly disciplinary cases linked to such investigations. This will ensure, amongst other things, that the Premier's Office is positioned to deal



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decisively with such matters and take accountability for clean governance within the province.

From a policy point of view, we must welcome the recent resolutions of the governing party's National General Council, which called for a renewed fight against corruption in society, government and private sector.

In this regard we note the call for rotation of personnel to improve effectiveness, joint operations to fight crime & corruption in a manner that is visible to the public and the implementation of lifestyle audits.

Furthermore, we must welcome the following detailed recommendations.

- There should be enhanced co-ordination of all anti-corruption agencies.
- Investigations should be intelligence driven and prosecution led to ensure high conviction rate.
- Civil servants including those in the security cluster should be periodically rotated from one employment site to another so as to circumvent growth of unprofessional and frequently corrupt relations with clients
- There should be a single vetting agency for the state to vet all strategically placed civil servants (including state owned enterprises) including those who reject promotion even though it comes with an improved remuneration package.



Challenges the leadership of the private sector to subject themselves to instruments of financial interest's disclosure, vetting and life style audit.

Continual prioritisation and vetting as an effective tool will be used to counter corrupt and criminal elements. A total of 982 vetting requests for personnel entrusted with Supply Chain management were received from KZN, of which 415 have been completed with another 565 in the process.

Government does not wish to plead with officials to cooperate with us and not run away from the vetting process. We will not hesitate to use the full might of the law to get cooperation.

Conclusion

As Mr Mahlobo concluded he wished to reiterate that from a national threat perspective, corruption continues to undermine governance and the rule of law,



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and impacts negatively on the social, economic and political spheres, as well as on the security situation.

Corruption requires involvement of multiple actors' as well personal and institutional change. It requires to be taken as a social issue, requiring decisive leadership both in the private and public sectors. Anything short of this will result in the call for the fight against fraud and corruptions remaining empty rhetoric or slogans that can only breed cynicism.



Government needs to lead by example - be beyond reproach when one of our own is involved in corruption and conflict of interest. Let's set personal example by abhorring fraud and corruption.

It gives credence and credibility if we lead from front and stamp it out. Let's send a clear message to the rank and file within our sphere of influence that corruption practices will be dealt with harshly.

We have to intensify the sum of all our efforts in order to successfully push back those elements within our system and the broader society whose actions undermine our national interest.

The generation of OR Tambo, Nelson Mandela, Walter Sisulu, Ahmed Kathrada, Monty Naicker and others, had to make a conscious choice back then, when they were confronted with the realities of apartheid: either to fight or surrender; they chose to fight.

As this generation of leaders, in various sectors, we must also rise to the occasion and respond to the call of our generation and to deal with the challenges that confront us today; the challenges of unemployment, poverty and inequality, amongst others.

We dare not betray this mission, for history will judge us harshly.



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Report back: Implementation of the Resolutions of the Integrity Leadership Conference 2011, Advocate Simo. W. Chamane – SGM: Institutional Development and Integrity Management, KZN OTP

Background

The first Integrity Leadership Conference was held in Durban on 21-22 November 2011.

The conference was attended by MECs, HODs, SMS members from across provincial and national departments in the province, District Mayors, Municipal Managers, Experts, Amakhosi, Law Enforcement agents, representatives from Business, Labour and civil society.

As part of the provincial campaign against fraud, corruption, it became imperative that the Province hosts an Integrity Leadership Conference in order to, not only secure the buy-in of various stakeholders in this fight, but also to rekindle the ethos of ethical, moral and professional behaviour in public servants.

Resolutions were divided into three commissions:

- Prevention (Ethics, Values, Compliance And Whistleblowing)
- Detection And Investigation
- Response (Disciplinary Hearings And Prosecution)

Applicability of Resolutions

- All Public Service Institutions (14)
- OTP Integrity Management Unit (06)
- OTP Human Resources, Labour Relations (04)
- Internal Audit Unit (2)
- OTP Security Services (1)
- HOD's, MMs, And CEO's (3)

Publication and Follow Up

- The conference resolutions were sent to all delegates and were loaded on www.kznonline.gov.za website under publications and are still available
- A presentation was made by Integrity Management Unit at COHOD in January 2014 where a template was presented and a plea made for departments to give feedback on the implementation of resolutions.





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- A letter signed by the DG together with the reporting template was sent to all Head of Departments and all District Municipal Managers
- In the reporting template the departments were required to state reason for non-implementation of resolutions

- **Resolutions on Prevention and Detection**

- Development of enforcement protocols including but not limited to decisive action being taken for violation of legislative prescripts.
- Risks assessments to be done, risk register subjected to interrogation by broader stakeholder forum and plug any gaps identified to enable realistic compliance assessment.

- Performance management to change from an activity based to results based regime, measuring busy work instead of measuring accomplishment.



- Political leadership should act as champions for the eradication of fraud and corruption and ensure that there is no interference or hindrance in investigations as well as to act decisively without fear or favour in confronting fraud and corruption.
- Whistle blowers must be protected against victimisation
- All public institutions to boldly display complaints processes and whistleblowing hotline at all service centres, adopt and publish service charters and standards and educate citizens.
- Ensure that public records are not misaligned as that interrupts audit trails and create a breeding ground for fraud and corruption.
- Developments of supply chain practice notes containing market related prices for various goods and services procured by government develop a code of conduct for SCM officials to reinforce the object of the proposed practice notes. Practice notes and SCM code of conduct implemented and analysis for market related prices on goods and services done.
- Induction to be conducted to new recruits and existing employees in the public service.
- The signing of a declaration for voluntary compliance and enforcement protocol to compliment proposed voluntary compliance where it has not been adhered to.

- **Success Update on Prevention and Detection**

- Departments managed to fully implement first six (6) resolutions out of ten (10) resolutions mentioned above on prevention and detection.
- The success percentage is **60%**.



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Resolutions on Response (Disciplinary Hearings and Prosecution)

- All departmental ombudspersons to gather statistics and standardised formatting of reporting to be established.
- Alternative redeployment to be considered and time frame for suspended officials' enquiries to be prioritised.
- Need to engage with relevant stakeholders on challenges experienced which lead to cases taking long to be finalised.
- Disciplinary responsibilities to be incorporated into performance agreements of relevant officials.

Success Update on Response (Disciplinary Hearings and Prosecution)

- Departments managed to fully implement three (3) first resolutions out of four (04) resolutions mentioned above on disciplinary (hearings and prosecution).
- The success percentage is **75%**.



Resolutions by Integrity Management Unit

- The role of the integrity management unit must be well understood and representative of all sectors including, treasury and the ombudsman.
- Create awareness of Minimum Anti-Corruption Capacity (MACC) framework.
- Strategy must be reviewed and aligned with what comes out of this conference to include intergovernmental relations and roles and responsibilities of all role players.
- Inculcate an organisational culture of good work.
- Review both provincial and municipal codes to be geared towards integrity
- Consultation with civil society and constant feedback to citizens on measures taken to combat fraud and corruption

Success update by Integrity Management Unit

- Integrity Management Unit (Office of the Premier) managed to fully implement all six (06) resolutions mentioned above on ethics and integrity.
- The success percentage is **100%**.

Resolutions by OTP, HR & LR

- Financial disclosures and declarations of interest must be made mandatory across all levels (inconsistency)
- Disciplinary process needs to be centralised – feasibility study needs to be completed and put to COHOD, pilot programme to test, organised labour to be



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consulted through process, municipal resources to be grouped to service more than one municipality

- Reasons to be established by survey, proceeding in absentia to be considered legal opinion sought by senior counsel training presiding officers to take more robust approach.

Success update by OTP, HR & LR

- Human Resources and Labour Relations (Office of the Premier) managed to fully implement two (02) resolution out of three (03) resolutions mentioned above on labour relations matters.
- The success percentage is **75%**.

Resolutions by OTP Security Services



- All prospective employees to be vetted on citizenship, security clearance, financial status, reference checks and vetting of qualifications before being employed even those already in government who have not undergone the vetting process to ensure good quality of people with integrity are employed.
- Due to capacity constraints it has been difficult to conduct more intrusive vetting processes to candidates who applied for posts prior to employment however a preliminary vetting known as Pre-Employment Screening has been conducted to all prospective candidates at all levels
- Security Services Unit (Office of the Premier) managed to implement half of the resolution recommended for them and is still in consultations to implement the full resolution.
- The success percentage is **50%**.

Resolutions by HOD's, MM's & CEO's

- Audit reports must be followed up and the necessary action taken against the guilty parties where irregularities are detected
- Departments must be held accountable for the integrity of the information providing for reporting purposes
- Full accountability and consistency in conducting of investigations in line with relevant prescripts

Success updates by HOD's, MM's & CEO's

- The Heads of Departments, Municipal Managers reported that they had implemented all three (03) resolutions mentioned above but there was no evidence/proof provided to verify or support was implemented.



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Current Challenges for 2015 Commissions

Prevention

- It appears that departments have not succeeded in boldly displaying complaints processes and fraud hotline in all their service centres.
- Some departments reported to still implement electronic management system for record keeping.
- There was no evidence to prove that there was development of supply chain practice notes to contain market related prices for various goods and services and whether this prevented kickbacks from occurring.
- However departments did not conduct the induction programme to existing employees.
- Departments did not implement signing of declaration for voluntary compliance
- There are still challenges in the implementation of the new Integrity Management Framework which deals with appointment of ethics officers, ethics champions and ethics committees in departments.
- It is still not clear when financial disclosure will be done electronically by all officials, when is the due date for all other employees and where the reporting of such lies.
- Due to capacity constraints it has been difficult to conduct more intrusive vetting processes to candidates who applied for posts prior to employment however a preliminary vetting known as Pre-Employment Screening has been conducted to all prospective candidates at all levels.



Investigations



- Complicated investigations take long because of lack of capacity in conducting and completing investigations on time.
 - Departments not allowed utilising evidence from the case dockets for disciplinary hearings as the case is pending.
 - Time delay from discovery to reporting to IAU for investigation.
 - Budget limitations.
 - Misaid/missing documents or lengthy delays in handing over of documents.
- Inadequate co-operation from officials.
 - Delays in the institution of criminal and civil proceedings.
 - Long delays in finalising cases and cases are withdrawn/ decline to prosecute
 - Overlapping of investigations between departments and law enforcement agencies.



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- Departments either taking long to implement resolutions or not implementing resolutions as recommended on the reports.
- There is a lack of compliance from the departments to respond to PSC on National Anti-Corruption Hotline (NACH) cases every 40 days per case even though departments are given due dates for submission and reminded on the due date. This in turn affects departments on MPAT scores and the Province as a whole.

Disciplinary and Prosecution

- There was no evidence on the responses that departments have implemented incorporating disciplinary responsibilities to performance agreements.
- Long delays in finalising criminal cases and cases are withdrawn/ decline to prosecute.
- Decrease in the corruption cases referred to SAPS Commercial Crimes from departments.
- Lack of solid and proper evidence on departmental cases to achieve successful prosecution.





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- Code of Ethics
- Financial Disclosures
- Batho Pele
- Grievance Procedures

Story of Water in Pietermaritzburg in 2006

In 2006, a certain Pietermaritzburg resident, Mrs Cunningham revealed | alleged that water was causing illness. She had been ill herself and on seeking medical help, the doctor noticed the incidence of people complaining of stomach related illness was high.



Mrs Cunningham, then obtained samples of water and took them to the laboratory for testing. The results confirmed that the water contained 727 counts of coliform bacteria per 100ml of water. She was told that the acceptable level is zero or 10 counts.

More shocking that the discovery itself was the fight that ensued between her and the Pietermaritzburg water authority. Their main contribution in all of this was purely to cast doubt on an ordinary citizen's ability to undertake having a sample of water tested.

According to the water board, a story of water causing illness should be taken with a pinch of salt as the person in question – Mrs Cunningham was 'just an ordinary citizen' with no qualifications.

The disappointment in this story is the trouble taken by an institution to demonise a proactive public citizen, rather than rush to investigate the cause of the water affecting the health of the residential public.

The Moral of the Story with Unintended Consequences

All people are equally rational and trustworthy.... but those who act on behalf of institutions are more rational and trustworthy than others. All this viewed against the intention of values

- Putting the issue of health of people first
- Ability to co-ordinate quickly (integration, efficiency)

However we must also ask each other sensitive questions: To what extent does legality enable or squash ethics (in this case affirmation of Mrs Cunningham would open the water authority for legal action, so it is 'best to nullify her





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Organised Crime and Ethics: A New Perspective from the Banking Sector, Ms Susan Potgieter, General Manager, SABRIC



By working together and sharing ideas we will strengthen this country and take matters



forward.

If we talk about corruption and ethics and related issues, and from the banking perspective, they take this very seriously and are extremely passionate about money and the reason is that banks are the custodians of money and all of us trust the banks with their money, yours, mine, the Governments etc. and the relationships work.

The challenges are not much different. Our experiences are much the same. A couple of issues need to be discussed.

Firstly the banking sector. It's is well developed and referred to as first world banking system and well governed and lots of money invested in infrastructure, compliant with International Best Practices. If one looks at how we survived International banking sector crises over the last few years, South Africa should be very proud. The Reserve Bank keeps the banks in tow and things are very stable.



If you look at organised crimes in this country and bank related organised is a reality and crimes are highly organised. A good discription Mrs Potgieter uses is 'Networked Criminality' where pockets of people who either have access to something or a skill, or who control people and trade together.

This is not unique to South Africa. Banking sectors worldwide are all targeted. Organised crime likes to make money fast.

Technology – how things have changed over the last couple of years. The speed at which technology is changing is unbelievable.

Why would someone undertake a CIT (Cash In-Transit Heist) or rob a bank when you can do cyber crime. This can be undertaken anywhere in the world and can affect any country. From a policing perspective the practicalities are very challenging.



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Organised criminals target people rather than the banking system as the banking systems are world class. So it's the bank customer and bank staff that are involved. It is easier to get hold of information than it is to try and crack the world class system.

Criminals want to know about the banking systems and processes, they want and need to know about banking security issues and lastly they want to know confidential data.

The link of the banking system with ethics is firstly collusion. Collusion is where someone gets involved in the perpetrating of crime and does happen in the banking sector.

If the reward is high and the chances of not being caught is high then this type of crime will take place more frequently.

Corruption and ethics have a common but negative link where someone is offered a reward to do something. People in positions of trust are targeted and it's often rather what they omit that creates the crime. Corruption and collusion is when criminals



target different levels in the banking sector. Presently it is mainly the IT sector that are being targeted and propositioned. Cyber criminals want to understand about security systems and by talking to IT staff they often get the information they require.

Recruitment of staff is an area of concern. Most staff are subject to integrity vetting and due diligence and this risk needs to be mitigated. Often the vetting is undertaken by a sub contractor who can be the weak link for the crime to take place.

Criminals are now using social engineering tactics where they obtain information from multiple sources which may seem unrelated and they use that information to commit crime in the banking sector.

Often someone is asked to respond to a question and afterwards realises that they may have compromised security or said inadvertently something that may have serious safety consequences.

Scams often occur when the criminal gathers the necessary company and their employees information. In the case of fraudulent payment instructions a criminal may use a director or senior manager's name and via email request the release of certain payments.

In the banking sector recruitment checks are very stringent and background checks, criminal record checks, annual vetting of personal information, bi-annual financial information checks are undertaken to ensure that each employee is above board.



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The banking sector and all banking institutions use a REDS database system (Register of Employees Dismissed) which has been very useful.

In conclusion, a corporation can have the best processes and policies, however, its about their staff. Every staff member needs to practise the highest ethics possible or they and their company could be in a lot of trouble.

Ethical decisions for decision making - The bell is the little warning that goes off in your head when you need to make a decision. The book is when one refers to codes and read to implement dilligently. Lastly it's the search light to test your behaviour against public scrutiny. If we all use – the bell, the book and the search light it may help in making a good decision.



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Panel Discussion – Plenary

Question 1.

Ms Nene, Editor of Durban University of Technology

- Poverty – How ethical can I be on an empty stomach?
- Ubuntu – what happens when I get to the top, can I bring in my family and friends.

Response

- Poverty - Mr Brooks said that one must not associate growing up in poverty with backwardness. A poor environment of humility has strong values. Most people that are involved in fraud have a position and money and they want more.
- Poverty – Dr Sithole added that at what point does poverty and ethics become too bad and gave the example of a woman in PMB that sold her baby for money
- Ubuntu - 'humanity to others' – Dr Sithole mentioned that people who have positions of power are the same ones who want more. Someone of authority and standing eg. Amakhozi is required to treat everyone in the same manner

Question 2.

Mr Zulu – Ilembe Municipality

- Consequences of integrity and fraud – There are not enough big fish being fried; it's usually the smaller fish that get fried.
- Propose that there are smaller summits at district level that the people on the ground can attend as it's normally those people that are perpetrating the crimes with kickbacks and getting the bribes.

Response

- Not enough big fish being fried – Mr Brooks mentioned that someone defrauded his signature to sell 7 properties which went ahead and halfway through the investigation that person was appointed in another position elsewhere.
- Not enough big fish being fried – Dr Sithole said that with financial misconduct it has become clear that certain salary level segments are more prone to corruption and that the mid positions need to be investigated more thoroughly



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Commission One : Fraud and Ethics

Fraud & Ethics - Outstanding Resolutions - 2015

Discussion	Recommendation(s)	Who	When
Outstanding Resolutions from 2011 Integrity Leadership Conference	<ol style="list-style-type: none"> 1. All Accounting Officers are urged to urgently implement the resolutions of previous summit. 2. There must be strong monitoring mechanisms on resolutions taken. 3. An Integrity management Forum to be established and to meet quarterly. All departments to be represented and to report on the progress of implementation plans. 4. Consequence management for the failure to implement Summit resolutions. 5. Each department to report to the Cluster Audit and Risk committee on the implementation of the Anti-Fraud and Corruption implementation plan for 6. Performance Rewards by Departments for employees who excel in Integrity management 7. To include a category in the Premier's Service excellence Awards. 	All Departments	Quarterly
Lack of bold displays of complaints procedures and fraud hotline in all service centres	<ol style="list-style-type: none"> 1. Quarterly contribution of articles in the Departmental Newsletters on the issue of Anti-Fraud and Corruption and Ethics. 2. Departments need to clearly display procedure on how to deal with fraud and corruption. 3. Regular feedback on reported cases and sanctions on those cases (possibly in the Annual Report) 	All Departments	Quarterly



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Electronic management system for record keeping not yet implemented.	All Departments to implement an electronic management system for record keeping.	All Departments	March 2016
No supply chain practice notes containing market related prices for various goods and services in have been developed.	Publishing annual market related prices on various goods and ensure enforcement that it is used properly	All Departments	Jan 2016
Inductions Programmes	Departments to conduct induction programme to all employees.	All Departments	March 2016
Implementation of signing of declaration for voluntary compliance.	To implement the Provincial Conflict of Interest Policy of 2014	All Departments	March 2016
Implementation of The Integrity Management Framework	1. Institutionalise the implementation of integrity management. 2. A dedicated Ethics Officer to deal with branding of Ethics related matters (<i>Outlined in the Framework</i>).	All Departments	Immediately
Intrusive Vetting processes	Unlock delays in the vetting of employees of Provincial employees by SSA. COHOD to advise on the outcome	All Departments	

Fraud & Ethics - New Challenges

Necessitate ways to support officials in being able to have the courage to report corruption without fear of victimisation.	<u>Whistle blowing policy.</u> Protected Disclosures Act- to implement Awareness campaigns or workshops to educate officials about the whistle blowing policy and the Protected Disclosures Act.	All Departments	March 2016
Need to find other ways for the illiterate society to report fraud and corruption and how we are going to communicate the process of reporting	Governments Anti-Fraud and Corruption strategy needs to be geared towards the general public. Should be outward looking. Empower the citizenry to report corruption	All Departments	March 2016



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fraud and corruption to the illiterate society.			
Financial disclosures by other officials below SMS level. Is there a need to declare or is it a matter of not being permitted.	All enabling legislation needs to be carefully analysed to identify and resolve any ambiguity.	OTP	March 2016
Advocacy of ethical culture amongst officials	A clear year-long advocacy programme for all departments to deal with ethics amongst officials.	All departments	March 2016
Access to information, to allow proper reporting and to filter through and or manipulation of information on website.	Integrity Management Framework and other Anti-Fraud and Corruption policies to be available on the Departmental websites.	All departments	January 2016



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Commission Two – Detection (Detection and Investigation)

Detection & Investigation Challenges - 2015

Discussion	Recommendation(s)	Who	When
Delays in investigations - Lack of capacity, budget limitations, integrity of the unit, terms of reference, lack of communication, mislaid/missing documents	Expose investigators to relevant training and development. Improve communication. Terms of reference should be well defined. Members of the investigative unit to be vetted Departments should strengthen their document management system. Mandates given to private firms and internal units to be broadened to facilitate criminal prosecution, civil litigation and disciplinary action.	Client departments / investigative units	
Departments not allowed utilising evidence from the case dockets for disciplinary hearings as the case is pending.	Departments should conduct a parallel investigation and utilise evidence from the departmental files and witness statements as departmental cases do not need to be proven beyond reasonable doubt. When a criminal case is pending in court, the evidence is <i>sub judice</i> .	Departments, internal investigators	
Inadequate cooperation from officials	Disciplinary action to be taken against officials who obstruct investigations.	Departments	
Delays in the institution of criminal and civil	Improve liaison and coordination between the various anti-corruption	Each	



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proceedings.	units and departments with the prosecutorial authorities.	investigative unit	
Long delays in finalising cases and cases are withdrawn / declined to prosecute.	Capacitate the Department of Justice with experienced Prosecutors that can deal adequately with complex fraud and corruption matters as well as robust defence teams. Consider referring urgent fraud and corruption cases involving government officials to the High Court.	Director of Public Prosecutions	
Overlapping of investigations between departments and law enforcement agencies.	Better liaison between departments and law enforcement agencies through relevant forums.	Investigative units, departments	
Departments either taking long to implement resolutions or not implementing resolutions as recommended on the reports.	Resolutions to be implemented speedily by the Accounting Officer. Integrity Management Unit (OTP) to monitor the implementation of recommendations and remedial actions. All departments must report to the provincial audit committee on a quarterly basis.	Departments and OTP	
DETECTION			
Whistle-blowers	They should be given adequate protection and their evidence should be taken at face value. Investigators should be able to assess the credibility of the whistle-blower and the evidence.	Departments and investigative units	
Failure by departments to fully implement the resolutions of 2011.	Departments to continue with the implementation of the previous resolutions from 2011.	Departments	



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Commission Three - Response (Disciplinary Hearings and Prosecutions and Recovery)

Response: Disciplinary Hearings, Prosecutions & Recovery Challenges - 2015			
Discussion	Recommendation(s)	Who	When
<ol style="list-style-type: none"> 1. Long delays in finalising criminal cases and cases are withdrawn 2. Departments being told by SAPS and Prosecutor not to proceed with disciplinary in order not to interfere with criminal process. 3. Ask of will to implement recommendations of the investigation. 	<ol style="list-style-type: none"> 1. Do not wait for the criminal investigation to be finalised in order to initiate the disciplinary. 2. Departments to be empowered with proper processes. 3. Norms and standards for the labour relations. 4. Labour relations to enjoy autonomy. Labour relations to be given delegations. The disciplinary process to sit with Labour Relations or GM. 5. Factors which cause delay are delegations in Government. To be reduced. 	HODs	Within three months
<ol style="list-style-type: none"> 4. Lack of or delays in finalisation of disciplinary cases. 	<ol style="list-style-type: none"> 5. The OTP must approach the NDP to fast track prosecutions. 	OTP	Within three months



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<p>6. Lack of solid and proper evidence on departmental cases to achieve successful prosecution.</p> <p>7. Decentralised suspensions</p> <p>8. Delays caused by labour relations</p> <p>9. Confusion regarding 90 days</p>	<p>6. The Departments must desist from using practicing Attorneys.</p> <p>7. Poor control resulting in missing documentation</p> <p>8. Use of the pool from DPSA to prosecute matters.</p> <p>9. Control of suspensions</p> <p>10. Suspensions to be centralised within the Departments.</p> <p>11. Disciplinary processes to also be centralised within the Depts.</p> <p>12. Design Business Process Mapping</p> <p>13. Consistency and impartiality in treatment of employees between matters initiated employers and employees.</p> <p>14. Standardisation of commencements of the counting of the 90 days.</p> <p>15. Do not overturn the decisions of the PO.</p> <p>16. Need the pool of trained presiding Officers. Control over the withdrawing of Presiding Officers.</p> <p>17. To discourage undue influence by the employers over the presiding officers.</p> <p>18. Every Manager trained as PO to include such on the Performance Agreement.</p>	<p>HOD's</p>	<p>Within three months</p>
<p>Asset Forfeiture Unit / Recoveries</p>	<p>19. The state through legislation must tighten verification processes of the services of the service providers. The verification processes to start before commencing with the contract. Verification of compliance by the independent body.</p>	<p>State</p>	<p>Within 12 months</p>



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Managing the Risk of Fraud and Corruption, Ms Mapula Motaung – SGM: Internal Audit, KZN Treasury



How does one fit in?

Stemming corruption in a globalised world economy where income inequality is rising requires ethical leadership:

PREVENTION
DETECTION
DETERENCE

Consequences
High unemployment rate
Poverty
Rising food prices
Inadequate access to basic services
Poor performance of economy leadership, auditors, risk managers, ethicists...where was you on this list?



Whistle-Blowing

Recent Corruption Incidents Abuse of power

- Abuse of Public funds/Resources
- Abuse of Assets
- Abuse of position

Tender

- Corruption to get a tender
- Irregularities relating to a tender process – SCM

Employment

- Corruption to get a job
- Fake/Ghost work

Bribery



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Bribery to gain approval for business projects

- Accepting bribes in return for approving licences
- Police and misconduct within the Justice system
- Awarding of land use rights
- Improper land | property use
- Evading or reducing customs fees or smuggling
- Excessive gift giving to officials in order to win contracts
- Related party transactions
- Misappropriation and embezzlement of funds
- Agents and third party intermediaries
- False expenditure documentation
- Establishing competing businesses
- Subcontracting construction work
- Nepotism



Leadership

Leaders of public service organisations have a responsibility to embed effective standards for countering fraud and corruption in their organisations. This supports good governance and demonstrates effective financial stewardship and strong public financial management.

The five key principles for managing fraud and corruption:

- acknowledge the responsibility of the governing body for countering fraud and corruption
- identify the fraud and corruption risks
- develop an appropriate counter fraud and corruption strategy
- provide resources to implement the strategy
- take action in response to fraud and corruption

Key Principles for Proactively Establishing an Environment to Effectively Manage an Organisation's Fraud Risk

As part of an organisation's governance structure, a Fraud Risk Management program should be in place, including a written policy/ies to convey the expectations of the Executive and Senior Management regarding managing fraud risk,

Fraud risk exposure should be assessed periodically by the organisation to identify specific potential schemes and events that the organisation needs to mitigate.

Prevention techniques to avoid potential key fraud risk events





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should be established, where feasible, to mitigate possible impacts on the organisation.

Detection techniques should be established to uncover fraud events when preventative measures fail or unmitigated risks are realised.

A reporting process should be in place to solicit input on potential fraud and a co-ordinated approach to investigation and corrective action should be used to help ensure potential fraud is addressed appropriately and timely.

Accountability and Responsibility

This diagram clearly depicts how good governance requires various factors that make up accountability and responsibility by being: Transparent, responsive, equitable and inclusive, effective and efficient, following the rule of law, being participatory and consensus oriented.

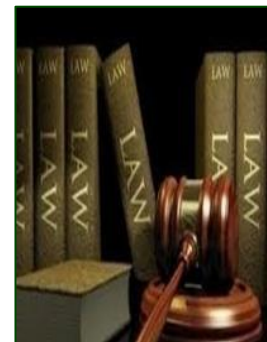


Internal Drivers of ERM Processes

- Executive Management
- Audit and Risk Management Committees
- Staff
- Internal Audit, Risk Management Officers
- External oversight

Elements Critical in the ERM Program

- Commitment
- Fraud Awareness
- Conflict False Disclosures
- Fraud Risk Assessment
- Reporting Processes And Whistle Blower Protection
- Investigation Process
- Corrective Action
- Process Evaluation and Continuous Monitoring
- Recruitment





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Decentralisation

This is the process of redistributing or dispersing functions, powers, people or things away from a central location or authority. One's relationship with the client ??? a good example of what NOT to do it

Audit | Risk Management | Performance Management Committees



ETHICS IN THE PUBLIC SECTOR

This is an excerpt from: Impact of Accountability and Ethics on Public Service Delivery, A South African Perspective by Kishore Raga and Derek Taylor

“Government and society cannot promote and enforce ethical behaviour solely through the utilisation of ethical codes of conduct or the promulgation of a plethora of legislation.

Social mind-sets often are still entangled in a micro-ethic paradigm. People tend to think of moral values and norms as applying only to personal relations.”



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An Ethical Moral Official

Little Sammy, who couldn't find his pencil: 'Don't worry Dad; I will just take another one from one of my class mates.'

Dad: No Sammy that will be stealing!! Don't worry; I will bring you one from my work.'

Batho Pele : 'People First'

This promotes a new public service belief set : **'We Belong, We Care, We Serve'**

Let's eliminate poverty, unemployment, lack of access to basic services, a poor performing economy and much much more.

In conclusion – Let us share our power responsibly to fraud in KZN.....our voices must be heard





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Commission Leaders Report back – Plenary

Mr Brooks opened the floor with any questions or comments regarding the three breakaway sessions.

Commission 1 – Fraud and Ethics

Commission 2 – Detection (Detection and Investigation)

Commission 3 – Response (Disciplinary Hearings & Prosecutions & Recovery)

Question 1 – Benchmarking Pricing

Rather than use the existing Supply Chain management method to use Demand Management program where prices are sourced from independent marketers and a market analysis is done. It is no good having the pricing sitting in a central database as prices change weekly.

Answer to Question 1 – Benchmarking Pricing

This is from the previous resolution of 2011. If we utilise the Demand Management program and go out and investigate prices beforehand it will mitigate that market price before obtaining quotations.

Question 2 – Ethic Awareness Programs

This should be driven by the various heads of organisations where the Political leadership of each organisation should be driving Ethic Awareness rather than leave it to the Ethics Manager

Answer to Question 2– Ethic Awareness Programs

These programs should filter down to lower levels of staff to ensure that everyone is aware of them. Suggestion that this process begin from the top of Government downwards.

Question 3 – Private Attorneys

Did Commission 3 explore why they want to desist from using private attorneys?

Answer to Question 3 – Private Attorneys

The Government only use State lawyers or advocates within the public service. Not all lawyers are good with labour law and because of weak cases in the past cases have been lost.

A new legal framework will be coming into effect on 1 April 2016 where one must exhaust ones legal options first before requesting external legal advice.



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An example of a current case is regarding International Fraud Agreement issues. Within the State there are not qualified skilled experienced attorneys to handle such a case. Another example of insufficient qualified attorneys would be in the field of environmental issues.

Question 4 – Provincial Anti-Corruption Fraud Hot Line

A question as to why in Commission 2, the National Anti-Corruption Fraud Hotline issues have not been included

Answer to Question 4 – Provincial Anti-Corruption Fraud Hot Line

This question has been dealt with and included in the resolutions under the heading 'Whistle Blowing' context. There is also a Municipal Hot Line that was launched in 2014. These hotlines are only as good as in the manner in which they are managed.

If these hotlines are not advertised and the staff is not made aware of them they will not be used effectively. When a complaint is received they need to be dealt with seriously and with speed.

The one challenge is that the National Anti-Corruption Fraud Line has not been boldly and adequately displayed at the various departments and service centres. If there is no advertising adequately or displayed at all no-one will be aware of the service and hence not use it adequately.

This fraud hot line was the initiative of the Premiers Anti-Fraud Forum. Action should be taken against those department that re not complying or advertising and should be attended to immediately.

Some complaints have been looked at by the SIU where referrals from various departments have been received. Cases that could not be handled internally are sent through to SIU. These appear to be handled well.

Mr Brooks mentioned that there has been a large discussion around the role of the State Attorney and the service that the OTP are receiving. This is a matter that is to be taken up with the Department of Justice and Constitutional Development. Each and every case needs to be addressed according it its merits.

The OTP has done an assessment of the outstanding cases of which there are many. Some of these cases have been with the State Attorney for a period of two or three years and are still unresolved. An example of a monthly overpayment when an official passes away eg on the 16th of a month, recovery needs to be done. In the case of low level posts, it is easier and cheaper to write a small amount off than go to the time and expense of trying to recover small amounts.

Mr Brooks mentioned that there are concerns regarding the effectiveness of the Service Delivery Hotline. For example, someone lays a complaint about no running water. One has to establish which ward the complaint falls into. This is then passed



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onto a COGTA agent in the water and sanitation department who then links up the ward officer.

This is a manual system which is undertaken via phone and therefore the efficiency leaves a lot to be desired. OTP Management is not happy at all and new ways need to be looked at.

A tender will be going out before the end of 2015 for a Citizen Engagement Platform. Currently there are approximately 20,000 field workers. These make up 12 categories; Agricultural Assistant Officers, Care Workers etc. These field workers are deployed from the various different sectors. However, currently they only attend and respond to their own individual category. The intention is to develop a platform where when the Extension Officer comes across an issue not in his portfolio he sends information to the correct responsible agency. Agencies will have to respond within a certain period failing which the complaint will be escalated and eventually cases that have not been dealt with will be sent to the OTP Nerve Centre. These complaints will be red flagged and will be responded to accordingly. In time the Citizen Engagement Platform will replace the Service Delivery Hotlines. COHOD has given the go ahead on this program. COHOD has put together a plan of action and promised that by Christmas 2015 all outstanding backlogs will have been dealt with.

Mr Msomi clarified that the National Anti-Corruption Fraud Hotline is managed by the Public Service Commission. This regulation discourages provinces and departments from establishing their own fraud hotlines; however they could develop their own Service Delivery Hotlines. In some cases complaints become issues that relate to fraud.

The OTP has a Service Delivery Hotline – 0800 569 569 where complaints are sent. When the OTP receives fraud complaints, these are forwarded onto the National Anti- Corruption Fraud Hotline.

Question 5 – Clarity on the Accounting Officer

This is regarding overturning decisions of the Presiding Officer after a disciplinary case. Sanctions are not standard in all cases.

Answer to Question 5 – Clarity on the Accounting Officer

Mr Brooks mentioned that this particular question falls under Consequence Management.

Question 6 – Consistent Leadership and Attendance

The few HOD's that did attend were noted, however it was mentioned that is very important that these heads be in attendance.

Answer to Question 6 – Consistent Leadership and Attendance



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Mr Brooks gave HOD Gumbe's apology for non-attendance as he had to be present elsewhere. The HOD for Social Development also sent their apology for non-attendance. He further mentioned that at the next COHOD this subject will be addressed as to why so many HODS' did not arrive and attend.

Mr Brooks made mention of being very impressed and thanked the Amakhozi for his constant attendance throughout the Summit.

Question 7 – Overturning of a Presiding Officer

Why are some HOD's overturning the decisions of Presiding Officers

Answer to Question 7 – Overturning of a Presiding Officer

Mr Brooks mentioned that in a case of a HOD overturning any decision of a Presiding Officer, disciplinary action would be taken. This is why certain appeals are not being received by the DG.

Any HOD who wishes to tamper with a Presiding Officer is playing with fire and will be attended to accordingly. There needs to be a very strong case for this to occur.

Question 8 – Awareness Program and Workshops

For Commission 1 – The role out of the awareness programs and workshops for fraud and ethics – could they include the role of African Indigenous Knowledge, Integrity and cultures as evidence and that the curriculum include oral knowledge of African ways of knowing and being. This would assist with greatly in rural communities understanding. The Amakhozi should also be included as there is a wealth of information that can be used in Change Management. This needs to be undertaken in a different manner so that the public understand what is being workshopped.

Answer to Question 8 – Awareness Programs and Workshops

Mr Brooks thanked the delegate for this request and mentioned that indeed they would look into obtaining this very important and necessary information and include where necessary.

Question 9 – Inefficiency

There seems to be a gap between policy practise and policy formulation.

Answer to Question 9 – inefficiency

Question 10 – Complaints and Consequence Management



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Some deadlines are difficult to adhere to within the 30 days stipulated time period. These complaints because of their nature or situation can take up to 90 days and more. Consequence Management needs to be tightened up and accountability must be undertaken efficiently.

Answer to Question 10 – Complaints and Consequence Management

Mr Brooks alluded to a new process that is due to be implemented nationally that will cascade down to provinces incrementally as of the 2016/2017 financial year.

This is called the SIAS process (Situational Impact Assessment & Support). Any new policy or process developed that needs to go to either National or Provincial cabinet must first be submitted to a SIAS process. This is to look at any undetected consequences of that policy and to ensure that the required capacity is in place both financially and with the correct human resources to implement that policy.

Mr Brooks referred to the 30 day deadline which represents the grievance process. The OTP expects that 30 day deadline to be adhered to by each and every HOD.

Question 11 – Lack of Support at this Summit

Adv. Chamane mentioned that out of all the municipalities and Government departments, did we achieve what we wanted to achieve. He was very concerned that the 'leaders' were not present.

We need to go back to cabinet and report the concerns of lack of attendance. Public Liability starts with one's own self. On the first day of the summit, only 4 HOD's were present (aside from 2 apologies) and no other information as to the whereabouts of the others. A report should be devised and sent to Cabinet as to the lack of interest/support so that in future this kind of important summit be taken seriously. This event was sanctioned by Cabinet and HOD's etc, should account for their lack of attendance.

Answer to Question 11 – Lack of Support at this Summit

Mr Brooks answered that in the Program of Action and the Way Forward, he would allude to that question. He also mentioned to Adv. Chamane that he himself had given himself a task of writing a report to cabinet as to the lack of HOD and others' support at this summit.



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Discussions and Summary of resolutions | Recommendations, Ms D Nonhlanhla Qhobosheane, KZN Co-Operative Governance and Traditional Affairs



ITEM	ACTION REQUIRED	BY WHEN	RESPONSIBLE INSTITUTION
Vetting of Public servants	Working with State Security and OTP – all government departments to develop a vetting programme for Senior Managers including staff in the SCM units Municipalities to also initiate a programme for audit of their section 56 and 57 managers		SSA, OTP and All provincial government departments All municipalities
Financial disclosures	There is a need to review the Financial Disclosure Framework		G and A and DPSA
Review of RWOPS Framework	There is a need to review the RTWOPS framework		G and A and DPSA
Integrity Committees	All Provincial Government Departments to ensure that Ethics Committees are established		Provincial Government Departments
Appointment of Ethics Officers	All Provincial Government Departments are to ensure that Ethics Committees are established		Provincial Government Departments



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Name tags	All Government Departments and municipalities to ensure that staff wear name tags	Immediately	All Provincial Government Departments and municipalities
Dealing with matters from the President's Anti-Fraud and Corruption Hotline	All Government Departments and municipalities to ensure that	Immediately	All Provincial government departments and municipalities
Vetting of staff prior to employment	All government Departments and municipalities to ensure vetting of staff prior to employment	Immediately	Provincial Government departments and municipalities
District Summits	OTP to ensure that district Summits to be arranged to deal with issues of integrity		G and A and DPSA

Comments from the Floor

- A representative from SALGA mentioned that he was very happy to hear that local Government and Municipalities were brought into the equation as he was concerned about how all the discussions and strategies that have been formulated over these 2 days are cascaded down to them. He further mentioned that with all the resolutions that are being adopted they meet with COGTA to look at ways of implementation down from National level to local level.
- A suggestion from a Municipality member that OTP together with COGTA help Municipalities adopt uniformity and the correct policy documents to implement. Currently it appears that each Municipality uses their own policies.
- Dr Sithole shared her appreciation of the summit and mentioned that she would use all her ears and eyes to see that these processes are put in place and asked that everyone embrace these policies. She noted that Municipalities were crying out for help and that this would be undertaken through COGTA. Dr Sithole said that all channels need to be utilised to finalise and implement in the correct manner as per National standards.



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- Ms Qhobosheane in closing said that it was critical that SALGA places a central role regarding information that needs to be cascaded to Municipalities in terms of support and any other issue that they may have. OTP, COGTA, SALGA and the Public Service Commission need to form a partnership to develop a framework in reaching out to all Municipalities.



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Programme of Action and Way Forward, Mr F.R. Brooks – Acting Director General

Mr Brooks stated that at summits of this nature he likes to increase his vocabulary and has added a couple of new words ...

- Integrity Paella – frying of big fish requires big pans
- Brown Envelope – referring to not just that but more recently as simple as an email address
- Tone at the Top - ?? Is this positive or dubiousness ?? It is for the people at the top to determine

Mr Brooks mentioned that taking things forward in the OTP, Adv. Chamane and Mr Msomi are the technical champions to take processes forward and action them and help guide himself in terms of transversal function across all departments.

He said that everyone needs to attend to things in an intergovernmental and collective way to establish the same value system, put the same processes and the same messages out there that this is the "RIGHT THING TO DO".

Integrity Action Plan

From the 2011 and 2015 Integrity Leadership conference and summit, the action plan will now take place. The IAU within OTP accepts this responsibility. The ethics Committee/IMF in the various departments being the inter-dependent structure that will help finalise this plan. Once finalised the plan is show at COHOD, which then is shown to Cabinet for information purposes. Mr Brooks further mentioned that he did not need Cabinets approval as this has already been adopted at this summit.

The plan becomes part of the Cabinet memorandum that we want as Accounting Officers we will drive at Provincial level. At SALGA a similar process can be undertaken with COGTA helping all municipalities. This is to ensure that a similar standard be used, driven and implemented, with various different angles of responsibilities.

This policy is there, so the first thing to do is to get it in place, the institutional structure of how we are going to deal with it, then the reporting systems. We would like this reporting system to be on a quarterly basis to go to COHOD at Provincial level. This is to show exactly where we are in the implementation process. This is so a monitoring and evaluation framework can be built into the plan. We will only report on the



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'reds' (items still outstanding) and answer to why we are not meeting these deadlines.

This does not need to take an inordinate amount of time; it's just doing your work as usual. This doesn't mean that it needs to be added into your Performance Agreement as this report should already form part of it.

Recapping on what has been said:

1. Plan (including an awareness program)
2. Structure
3. Cabinet Report

At the Provincial Executive Council Mandate event this was discussed at length prior to the ruling.

Mr Brooks in closing commented that we need to learn from mistakes in this summit and how to improve upon the next one.

He felt that we need to look very carefully as to who we invite and how we invite. In the invitee list there were 43 stakeholder groups that were invited to this summit. Even if there was one representative from each of the stakeholders the hall would have been fuller than it is presently.

M Brooks commented that this is not an event that needs to be held annually and that it could be looked at again in two year's time.

It is documented that conferences/functions as this one, does not allow for drapery. No bottled water is allowed at any Governmental function.

Gala dinners are to be phased out. The intention for this gala dinner was to attract a different audience which did not transpire.

Mr Brooks asked the delegates for any comments:

- When invitations are sent out, please to be sent out with enough time to arrange diaries and to include the program of events
- Starting time was supposed to be at 09h00. Mr Brooks apologised and mentioned that due to unforeseen circumstances the starting time was delayed)
- One delegate asked why no water bottles and what the alternative would be. Mr Brooks responded explaining that no bottled water at any Government event



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of any sort will be tolerated. Instead there should be tables with water jugs and glasses.

- A question as to why this event was outsourced to service providers was asked? Mr Brooks responded that if there were available resources in-house it would most definitely be the case. He gave an example that there were 5 different functions on this day that the OTP was running which obviously could not be undertaken internally.

Mr Brooks thanked everyone for their attendance and wished everyone well on their home journey.