



# **GUIDE ON MANAGING DISCIPLINE IN THE PUBLIC SERVICE**

**MARCH 2021**

# Managing Discipline in the Public Service

## TABLE OF CONTENT

1.	Introduction	3
2.	Purpose	4
3.	Legislative framework	4
4.	Use of the Guide	6
5.	Managing discipline in the public service	6
	5.1. Principles of discipline management	6
	5.2. What disciplinary action to take	7
	5.3. Progressive disciplinary action	8
	5.4. Disciplinary enquiry	12
	5.5. Precautionary suspension or transfer	13
	5.6. Appeal	14
6.	Role-players in the disciplinary process	15
7.	Flow diagram on disciplinary procedures	17
8.	DPSA (TAU)	19
9.	Recommended measures	19
10	Management tools	20
11	Conclusion	20
	Where to go for help	20
	Annexure A: Acknowledgement letter	
	Annexure B: Written warning	
	Annexure C: Final written warning	
	Annexure D: Notice of disciplinary meeting	
	Annexure E: Possible suspension from duty	
	Annexure F: Suspension from duty	
	Annexure G: Notice of appeal	

## Managing Discipline in the Public Service

Annexure H: Resolution 1 of 2002

Annexure I: Chapter 7 of SMS Handbook

Where to go for help?

# Managing Discipline in the Public Service

## 1. INTRODUCTION

How discipline in the workplace is managed has a bearing on Government efforts' in developing a professional and ethical Public Service. A high level of discipline influences organisational performance and ultimately results in positive service delivery outcomes. Conversely, lack of discipline (or its mismanagement) is usually a telltale sign of an unethical culture and organisational dysfunctionality. It is therefore concerning that, in terms of managing discipline, South Africa is not only lagging behind the Private Sector, but also lagging behind most of the Developing and Developed World. Furthermore, a disregard for complying with prescripts, and in some instances a disregard for ethics and integrity, creates the perception amongst the public that Government and its officials are not sensitive to safeguarding public funds. This perception is strengthened when taking into account the huge amounts of monies paid to employees who are suspended and sitting at home.

Initially, discipline management in the post-apartheid Public Service was solely based on the applicable provisions in the Public Service Act, 1994 (Proclamation 103 of 1994). The centralisation of procedures were soon found to be hindering rather than helping the management of discipline in the Public Service. Consequently, a new discipline management framework was introduced from the 1st of July 1999 (later amended by Resolution 1 of 2003). This essentially marked a shift away from statutory prescription to collective agreements, as the New Disciplinary Code and Procedures devolved the powers to institute disciplinary action to the national and provincial departments.

This decentralized nature of discipline management poses its own challenges, especially when abused by unscrupulous supervisors. The *Guide on managing discipline in the Public Service* (the "Guide") attempts to address these challenges, especially where suspensions and appeals are concerned, by providing clear guidance on the discipline management process. Unless radical steps are taken to stamp out the propensity to abuse discipline management for self-interest, a culture of Professionalism in the Public Administration will not be attained. Executive Authorities and Accounting Officers have an important role in ensuring that this Guide is properly implemented when enforcing discipline in departments.

Through the establishment of the Public Administration Ethics, Integrity and Disciplinary Technical Assistance Unit (TAU) established in terms of section 15 of the Public Administration Management Ct, 2014 (PAMA), the Minister for the Public Service and Administration (MPSA) is further empowered in setting up the norms and standards that ensure uniformity in the application of the Disciplinary Code and Procedures across the Public Administration.

## Managing Discipline in the Public Service

### 2. PURPOSE

The purpose of this Guide is to:

- standardise the application of discipline management in the Public Service;
- guide departments on how to manage discipline;
- help ensure that departments develop and demonstrate a good sense of judgement when managing discipline.

This Guide should be read in conjunction with the relevant legislation and other prescripts that govern discipline management in the Public Service.

### 3. LEGISLATIVE FRAMEWORK

The following legislative framework governs discipline management in the Public Service.

Legislation	Provision
<b>Constitution of the Republic of South Africa, 1996</b>	Section 195(1) (a) states: "A high standard of professional ethics must be promoted and maintained."
<b>Public Service Act, 1994 (Proclamation No 103 of 1994)</b>	Section 3 of the Public Service Act mandates the Minister for the Public Service and Administration to establish norms and standards relating to, amongst others, labour relations, transformation, reform, innovation and any other matter to improve the effectiveness and efficiency of the Public Service and the delivery of services to the public. The section further states that the MPSA shall give effect to this mandate by making regulations, determinations and directives, and by performing any other acts provided for in this Act.  Section 16A (3) and (4) of the Public Service Act 1994, provide that the MPSA may report to Cabinet or, through the relevant Premier, to the Executive Council of the relevant province any non-compliance by an

## Managing Discipline in the Public Service

	<p>executive authority with a provision of the Act, Regulation, Determination or Directive made thereunder.</p> <p>Subsection 4 concludes that the MPSA shall at least annually submit to the relevant committees of Parliament dealing with matters relating to the Public Service and the Premier, through the relevant Provincial Legislature, every non-compliance matter with a provision of the Act or Regulation, Determination or Directive made thereunder.</p>
<b>Public Administration Management Act, 2014 (Act No. 11 of 2014)</b>	<p>The objectives of this Act is to promote the values and principles in section 195 (1) of the Constitution, to promote a high standard of professional ethics in the public administration; facilitate the eradication and prevention of unethical practises in the public administration and to provide for the setting of minimum norms and standards to give effect to the values and principles of section 195 91) of the Constitution.</p> <p>The Public Administration Ethics, Integrity and Disciplinary Technical Assistance Unit, established in terms of section 15 of PAMA, has the mandate to provide technical assistance and support to institutions in all spheres of government regarding the management of disciplinary matters relating to misconduct in the public administration. It can also develop the norms and standards on discipline in the Public Administration and build the capacity within institutions to initiate and institute disciplinary proceedings into misconduct.</p>
<b>Labour Relations Act, 1995 (Act No. 66 of 1995)</b>	Schedule 8, contains the "Code Of Good Practice" on dismissals.
<b>Resolution 1 of 2003</b>	See Annexure H
<b>Chapter 7 of SMS Handbook</b>	See Annexure I

#### 4. USE OF THE GUIDE

The guide does not replace Public Service Co-ordinating Bargaining Council Resolution 1 of 2003 or chapter 7 of the SMS Handbook. The guide is designed as a practical document for ensuring that the management and administration of discipline is applied consistently across the Public Service.

The Guide is intended for use by national and provincial departments, public servants in general, as well as members of the security or intelligence services, unless its provisions are contrary to the laws governing their sectors.

#### 5. MANAGING DISCIPLINE IN THE PUBLIC SERVICE

##### 5.1. PRINCIPLES OF DISCIPLINE MANAGEMENT

In applying discipline, you must always keep the following in mind:

<b>Adherence to principles and procedures</b>	<ul style="list-style-type: none"><li>• Discipline should be applied as soon as you become aware of the alleged misconduct</li><li>• Do not discipline in anger</li><li>• Never dismiss an employee before a disciplinary enquiry has been held (Dismissal follows a fair procedure)</li><li>• In applying discipline, all actions short of dismissal should be explored</li><li>• Gather facts before deciding to institute disciplinary action</li><li>• Follow the correct procedure and make sure that a proper reason exists for taking the disciplinary action</li></ul>
<b>Trade union representative</b>	<ul style="list-style-type: none"><li>• In addition to the principles and procedure indicated above, if the employee to be disciplined is a union representative, follow the requirements expressed in item 4 (2) of Schedule 8 of the Labour Relations Act, 1995 (LRA)</li></ul>
<b>Natural justice</b>	Always adhere to the rules of natural justice, meaning that –

## Managing Discipline in the Public Service

	<ul style="list-style-type: none"> <li>• before taking a decision you must fully inform the employee of the case against him or her and allow the employee a proper opportunity to present his or her case</li> <li>• if you have a personal interest in the outcome of the matter, you should not chair the proceedings (only applicable to disciplinary enquiries)</li> <li>• justice must not only be done but must manifestly be seen to be done particularly in dealing with hearings (there should be no bias from your side)</li> </ul>
--	--

### 5.2. WHAT DISCIPLINARY ACTION TO TAKE?

<b>Transgressions</b>	<ul style="list-style-type: none"> <li>• Before instituting disciplinary action, you must be convinced that a transgression took place. A list of transgressions appears in the Annexure A to the Disciplinary Code as well as chapter 7 of the SMS handbook. The list is not exhaustive and employees/member may therefore also be disciplined for other conduct if they knew, or ought to have known that the conduct constitutes grounds for disciplinary action.</li> </ul>
<b>Becoming aware of transgression(s)</b>	<p>You will become aware of a transgression by an employee/member in one of the following ways:</p> <ul style="list-style-type: none"> <li>• By yourself (seeing e.g. documentation, hearing, etc.)</li> <li>• Through an allegation of misconduct by somebody else</li> <li>• Through reporting of such misconduct via reporting systems</li> </ul>
<b>Options of dealing with transgressions</b>	<p>In terms of the Code/Chapter 7 of the SMS handbook, you have informal and formal options available to deal with the alleged misconduct:</p> <p>The <b>informal process</b> involves less serious misconduct that is dealt with by the supervisor/manager and the employee/member:</p> <ul style="list-style-type: none"> <li>• Counselling of the employee/member</li> <li>• Verbal warning</li> <li>• Written warnings</li> <li>• Final written warning</li> </ul>
<b>Informal</b>	

## Managing Discipline in the Public Service

<b>Formal</b>	<p>The formal process involves serious allegations of misconduct that is dealt with by holding a disciplinary hearing and the outcomes may be:</p> <ul style="list-style-type: none"> <li>• Counselling</li> <li>• Written warning</li> <li>• Final written warning</li> <li>• Suspension (not more than three months)</li> <li>• Demotion</li> <li>• Dismissal</li> </ul>
<b>Deciding on option</b>	<p>In deciding which option to use, you are advised to be fully informed about the information regarding the alleged misconduct.</p> <ul style="list-style-type: none"> <li>• Assess the seriousness of the alleged misconduct by considering – <ul style="list-style-type: none"> <li>○ the actual or potential impact of the alleged misconduct on the work of the department, the employee’s component and colleagues, and the public</li> <li>○ the nature of the employee’s work and responsibilities</li> <li>○ the circumstances in which the alleged misconduct took place</li> </ul> </li> </ul>

### 5.3. PROGRESSIVE DISCIPLINARY ACTION

- Progressive discipline** • This involves an incremental process of sanctioning an employee who fails to improve/correct the unacceptable behaviour/conduct, which is not serious. You should not rush into a disciplinary enquiry every time an employee transgresses. Progressive disciplinary action may yield the desired result, with an added advantage of building harmonious relationships. In this regard, you can use any of the following:
- Corrective counselling
  - Verbal warnings
  - Written warnings
  - Final written warnings
- Not mechanistic application** • Corrective steps may be applied progressively, but should not be applied mechanistically. In other words, the steps indicated above, do not necessarily have to follow each other. Depending on the seriousness of

## Managing Discipline in the Public Service

the transgression (which you would have to judge), for example, you might issue a written warning or a final written warning in the first instance, depending on the circumstances.

<p><i>Corrective Counselling</i></p>	<ul style="list-style-type: none"> <li>• When to apply?</li> </ul>	<ul style="list-style-type: none"> <li>• The purpose of corrective counselling is to probe causes of misconduct together with the employee and to jointly identify means of correcting the unacceptable conduct. It is normally applied in cases of a less serious nature where there is room for change and improvement and where a trend has not developed (e.g. late coming). It would generally not be used when misconduct had only occurred once.</li> </ul>
	<ul style="list-style-type: none"> <li>• Counselling steps</li> </ul>	<ul style="list-style-type: none"> <li>• Invite the employee to your office. Inform the employee timeously what the meeting is about</li> <li>• Ensure absolute privacy for the meeting and ensure that there are no interruptions</li> <li>• Draw the employee's attention to the alleged misconduct and ensure that you both agree that it indeed occurred or is occurring</li> <li>• Determine the reasons for the misconduct by asking the employee to explain his or her conduct</li> <li>• Request the employee to come up with ways of correcting the behaviour</li> <li>• Offer your suggestions and come to a consensus position on how to deal with the untoward conduct</li> <li>• After agreeing on how to correct the conduct, agree on each party's role and a return date for assessment of progress</li> <li>• Keep minutes of the meeting and especially the agreement reached in addressing the employee's conduct</li> </ul>

## Managing Discipline in the Public Service

		<ul style="list-style-type: none"> <li>• Monitor if the behaviour improves or not. If there is not improvement for serious steps should be taken.</li> </ul>
<i>Warnings</i>	<ul style="list-style-type: none"> <li>• When to apply</li> </ul>	<p>If you think that the alleged misconduct –</p> <ul style="list-style-type: none"> <li>• requires more serious action than counselling <b>BUT</b></li> <li>• is less serious than misconduct for which you want to set up a disciplinary enquiry, then you should consider utilising warnings.</li> </ul>
	<ul style="list-style-type: none"> <li>• Steps</li> </ul>	<ul style="list-style-type: none"> <li>• The following steps are recommended when issuing a warning:</li> <li>• Advise the employee/member of his/her rights to representation by either a fellow employee or a trade union representative to a meeting by way of a written notice or the employee must be given a letter with the allegation and the date by which to respond to the allegations. (See <b>Annexure A</b>).</li> <li>• Hold the meeting in private. Keep the meeting as informal as possible</li> <li>• Recap the alleged misconduct and allow him/her the opportunity to state his/her side of the story</li> <li>• Consider the employee's/member's response and decide on the sanction to be applied</li> <li>• Convey your decision to the employee/member in writing after the meeting. See <b>Annexures B and C</b> for examples of a written warning and a final written warning-if an employee/member refuses to accept the warning, a witness must be present and sign indicating that the warning was issued. This warning is valid even if not acknowledged by the employee/member.</li> </ul>

## Managing Discipline in the Public Service

		<ul style="list-style-type: none"> <li>• A copy of the warning must immediately be sent to HR as it must be recorded on PERSAL - at times managers forget to send copies of the warnings to Human Resources/Employee Relations (HR/ER) <b>practitioners</b>.</li> </ul>
	<ul style="list-style-type: none"> <li>• Severity of warnings</li> </ul>	<ul style="list-style-type: none"> <li>• A verbal warning is the least severe and a final written warning the most severe form of warning.</li> <li>• The type of warning to be issued will be influenced by the alleged misconduct and the employee's response to the allegation. Take into account other valid warnings for the same or similar offence. These will act as aggravating factors in determining the type of warning to be issued.</li> </ul>
	<ul style="list-style-type: none"> <li>• Validity of warnings</li> </ul>	<p>Warnings remain valid for the following periods:</p> <ul style="list-style-type: none"> <li>• Verbal warning: <b>three</b> months</li> <li>• Written warning: <b>six</b> months</li> <li>• Final written warning: <b>six</b> months</li> </ul>
	<ul style="list-style-type: none"> <li>• Placement and removal of warnings</li> </ul>	<p>Written and final warnings must be filed on the employee's file and be removed and destroyed at the expiry of the period.</p>
	Note	<ul style="list-style-type: none"> <li>• Allow the employee sufficient time to prepare for the meeting.</li> <li>• If the employee fails or refuses to attend the meeting without a valid reason, you should go ahead and issue the warning that you regard as appropriate.-</li> <li>• If the employee fails to attend the meeting but sends a representative, you can continue with the meeting provided the representative has a written</li> </ul>

## Managing Discipline in the Public Service

		<p>mandate from the employee. If not, you should continue as indicated in bullet 2, above.</p> <ul style="list-style-type: none"> <li>• Do not have the warning typed up before the meeting because it would mean that you have already decided the outcome before hearing the other side.</li> <li>• Keep a record of warnings issued (date issued, transgression and type of warning). Although actual warnings should be removed from employee's file at the expiry of validity (not to be used again), the record may be used if the employer in future commits a same or similar offence and then claims to be a first offender.</li> </ul>
--	--	--

### 5.4. DISCIPLINARY ENQUIRY

When to apply	This applies to serious cases of misconduct
Steps	<p>The following steps are required to convene a disciplinary hearing:</p> <ul style="list-style-type: none"> <li>• Appoint a representative of the employer who should, as far as possible, be the manager of the employee</li> <li>• Conduct a thorough investigation which should be finalised within 30 working days into the allegation (advisable that it be conducted by the same person that will represent the employer at the hearing)</li> <li>• Ensure that there is enough evidence to sustain the allegation before giving notice to the employee of the disciplinary hearing</li> <li>• Appoint a chairperson to conduct the hearing (to be an employee of a higher grade than the representative of the employer, except in the case of a Senior Management Service (SMS) in line with the SMS handbook , that provide for the appointment of a person from within or outside the public service (competency is the criteria).</li> </ul>

## Managing Discipline in the Public Service

	<ul style="list-style-type: none"> <li>• Inform the employee of the disciplinary hearing at least five working days before it is to take place (see example at <b>Annexure D</b>)</li> <li>• Hold the hearing within 10 working days of having notified the employee of the pending disciplinary procedure</li> <li>• The process of disciplinary action should be finalised within 90 days.</li> </ul>
--	---

### 5.5. PRECAUTIONARY SUSPENSION OR TRANSFER

Precautionary Suspension	<ul style="list-style-type: none"> <li>• An employee may be precautionary suspended or transferred for purposes of a disciplinary enquiry. A suspension may take any of the following forms:             <ul style="list-style-type: none"> <li>• To precautionary suspend or transfer an employee, both the following elements have to be prevalent:                 <ul style="list-style-type: none"> <li>○ The employee must have allegedly committed a serious offence</li> <li>○ The presence of the employee at the workplace might jeopardise any investigation into the alleged misconduct or it might endanger the wellbeing or safety of any person or state property</li> </ul> </li> <li>• The employer may utilise as <b>Annexures E and F in informing an employee to attend a precautionary suspension/transfer meeting</b> where his/her possible suspension will be considered as well as a letter of suspension- (<b>Long v SAB CC judgment</b>)</li> <li>• Once an employee has been precautionary suspended/transferred, the disciplinary hearing <b>must</b> be held or commence within a month or 60 days depending on the complexity of the matter. Only the chairperson of the hearing may decide (following the presentation of arguments by the parties involved) to extend the period of suspension.</li> <li>• Departments must monitor precautionary suspensions and report on the progress to the DPSA monthly.</li> </ul> </li> </ul>
Decision and sanction	<p>After the hearing, the chairperson will make a finding of guilty or not guilty. If the employee is found guilty, the chairperson may pronounce any of the</p>

## Managing Discipline in the Public Service

	<p>following sanctions following the presentation of mitigating and aggravating factors:</p> <ul style="list-style-type: none"> <li>• Counselling</li> <li>• A written warning</li> <li>• A final written warning</li> <li>• Suspension without pay, for no longer than three months</li> <li>• Demotion</li> <li>• A combination of the above</li> <li>• Dismissal</li> </ul>
<p>Note</p>	<p>The sanction of suspension without pay and demotion may only be applied <b><u>as an alternative</u></b> to dismissal. It also requires the agreement of the employee. If an agreement cannot be obtained, dismissal will follow.</p> <p>The sanction must be conveyed to the employee concerned within five working days of the hearing.</p> <p>The Head of Department must only issue a letter effecting the sanction after the appeal, if there is an appeal, and if there is no appeal after the lapse of the five working days of receipt of the final outcome of the hearing.</p>

### 5.6. APPEAL

<p>Appeal only applies to levels 1 to 12 in line with Resolution PSCBC 1 of 2003</p>	<ul style="list-style-type: none"> <li>• An employee (found guilty of misconduct may appeal the finding or the sanction or both. The following provisions pertain to appeals:             <ul style="list-style-type: none"> <li>○ No sanction may be implemented if an employee appeals- while the appeals process is ongoing</li> <li>○ The executing authority is the appeal authority it can be delegated in terms of the Public Service Act</li> <li>○ The executing authority may appoint an officer in the public service to act as appeal authority on his/her behalf provided –                 <ul style="list-style-type: none"> <li>– the employee was not involved in the decision to institute the disciplinary proceedings</li> <li>– the employee is of a higher grade than the chair of the disciplinary hearing</li> </ul> </li> </ul> </li> </ul>
--	--

## Managing Discipline in the Public Service

	<ul style="list-style-type: none"> <li>○ Employees must appeal within five working days of receiving notice of the outcome of the hearing from the chairperson</li> <li>○ The appeal will normally be considered on documents only, the appeal authority or delegated official may decide on an appeal hearing.</li> <li>○ The appeal authority may decide to –             <ul style="list-style-type: none"> <li>- uphold the appeal,</li> <li>- reduce the sanction</li> <li>- confirm the outcome of the disciplinary proceeding</li> </ul> </li> <li>● The decision of the appeal authority shall be implemented</li> <li>● The employee still has a right to declare a dispute if he/she is not satisfied with the outcome of the appeal process – disputes are to be dealt with through the dispute resolution mechanisms of the relevant sectoral bargaining council.</li> <li>● The appeal authority has 30 days to finalise the appeal, if not finalised the employee on precautionary suspension must return to work and wait for the appeal outcome from work.</li> <li>● The appeal authority/delegated official may, on good cause shown, condone the late lodging of an appeal, if condonation is not granted the sanction as pronounced by the chairperson stands.</li> </ul> <p>An example of a notice of appeal appears as <b>Annexure G</b></p>
Note	<ul style="list-style-type: none"> <li>● Departments should, by way of a departmental policy or delegations, indicate who should decide on the appointment of the representative of the employer and the chairperson for purposes of disciplinary hearings</li> </ul> <p>Employees may also appeal against written and final written warnings issued in terms of the progressive discipline system</p>

### 6. ROLE-PLAYERS IN THE DISCIPLINARY PROCESS

As indicated above, discipline is a management function; therefore managers have to play their role in disciplinary processes.

## Managing Discipline in the Public Service

Role players	Action
<p><b>1. Minister for Public Service and Administration</b></p>	<p>The Minister may report to Cabinet or through the relevant Premier, to the Executive Council of the relevant province any non-compliance with the disciplinary code and any prescripts in place to improve discipline in the public service</p>
<p><b>2. Executive Authorities</b></p>	<p>Deal with appeals within the prescribed 30 days for levels 1-12</p> <p>Not allow a shorter notice period than the prescribed one if an employee has been served with the notice of a disciplinary enquiry PSA 16B (6)</p>
<p><b>3. Heads of Department</b></p>	<p><b>Responsible for discipline in the department</b></p> <ul style="list-style-type: none"> <li>(i) Appoint investigators/employer representative and chairperson</li> <li>(ii) Implement sanctions as pronounced by the chairperson of a disciplinary hearing.</li> <li>(iii) Check and approve reports to the DPSA before they are submitted.</li> <li>(iv) Reporting of steps taken in terms of PAMA Section 15(5)(b) and 15(6)(b) to the TAU</li> <li>(v) Reporting criminality to the SAPS</li> </ul>
<p><b>4. Supervisor/manager</b></p>	<p>Responsible for discipline in his/her unit. Will then take action as indicated above when there is a need</p>
<p><b>5. Labour Relations</b></p>	<p>Provide advice to parties on the process of discipline</p> <p>Facilitate the appointment of employer representative and chairperson</p> <p>Monitor the adherence to timelines</p> <p>Follow up on reports by investigating officers and chairperson</p> <p>Follow up on the outcomes of appeals</p>

## Managing Discipline in the Public Service

<b>6. Unions /fellow employees</b>	Assist members/ employees in the disciplinary process
------------------------------------	---

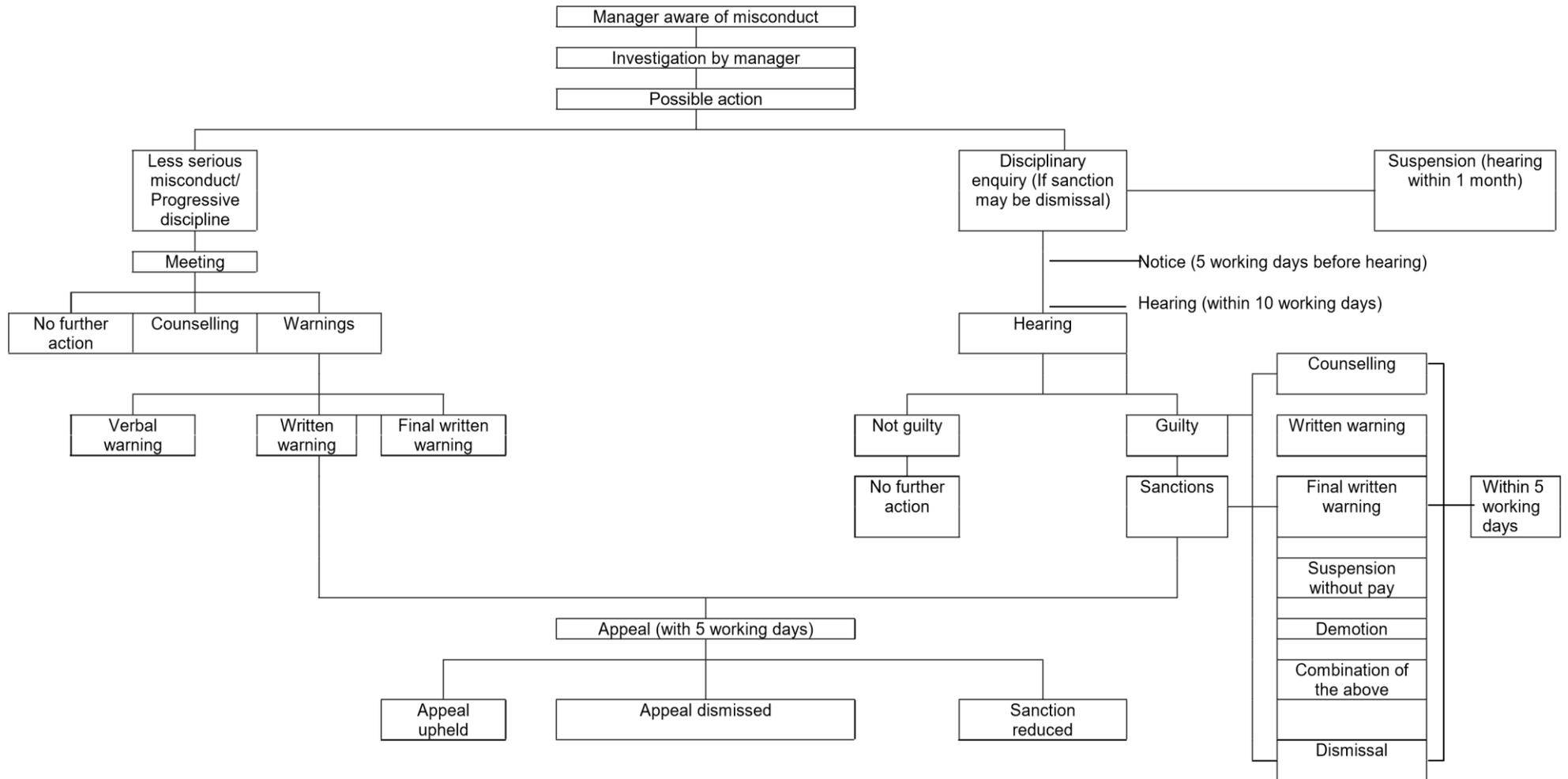
### 7. FLOW DIAGRAM ON DISCIPLINARY PROCEDURES

The following page contains a schematic illustration of the disciplinary code and procedures for the public service.

From the illustration, the different routes that can be adopted when deciding on the disciplinary action to take as well as the steps entailed by each, are indicated.

Counselling and the system of warnings form one part of the disciplinary system (i.e. progressive discipline system) whilst the formal disciplinary enquiry forms the other part of the system.

## DISCIPLINARY CODE AND PROCEDURE FOR THE PUBLIC SERVICE



## **8. DPSA (TAU)**

The DPSA consolidates and analyses the information to, among others, periodically report to the MPSA.

In terms of section 15 of the PAMA, TAU has the mandate to provide technical assistance and support to institutions in all spheres of government regarding the management of disciplinary matters relating to misconduct in the public administration. The TAU should also develop norms and standards on discipline in the public administration and build capacity within departments to initiate and institute disciplinary proceedings into misconduct.

The TAU may establish and maintain a pool of presiding officers and initiators, as well as source retired judges to assist with cases involving DDGs and DGs or high profile cases.

The TAU may advise departments on discipline management.

## **9. RECOMMENDED MEASURES**

The following is recommended, with a Directive to be issued by the DPSA to formalize the recommendations:

- When an employee is suspended, the departments must within 3 days notify the DPSA, capture the information (initially on the Suspension Reporting Tool and later PERSAL) and provide monthly feedback reports to the DPSA.
- All suspension cases extended beyond 30 days must be reported to the DPSA within 3 days, with the information and reason for extension captured (initially on the Suspension Reporting Tool and later PERSAL). Monthly feedback must be provided to the DPSA on progress regarding these cases.
- All appeals must be reported to the DPSA within 3 days of becoming aware thereof, as well as the outcome thereof.
- Executive authorities should finalise all appeals within the prescribed 30 days or delegate the handling of appeals to meet the prescribed 30 days.
- Non-compliance letters will be forwarded and disciplinary action contemplated against heads of department in cases of non-compliance with timeframes.

## **10. MANAGEMENT TOOLS**

A Suspension Reporting Tool was created as an interim measure for departments to capture information related to precautionary suspensions and to provide the DPSA with progress on these matters monthly. This must be sent to the DPSA within seven (7) days of the following month. The PERSAL system will be enhanced to address the capturing of discipline management related information, so that continuous capturing on the Suspension Reporting Tool would not be necessary. Quarterly reports for FOSAD must be submitted to the DPSA for submitting it to MPSA for noting.

## **11. CONCLUSION**

Delays in resolving disciplinary matters invariably impact negatively on the ability of the department to deliver services. It is therefore essential that the discipline management is both efficient and effective, but without deviating from established public service norms and standards, nor compromising ethics and integrity.

## **Where to go for help?**

If you have questions after reading the Guide, there are several other sources you may contact for help.

### **Management**

Feel free to approach your supervisor or manager with whatever concern or question you might have. Your manager might refer you to another resource, but under most circumstances, they should be your first point of contact.

### **Labour Relations Officers**

Labour Relations Officers are an invaluable resource in the management of discipline. Their access to management, combined with knowledge of processes and experience means they are well-placed to guide discipline management when required.

## Hotlines

Reports can be made to the National Anti-Corruption Hotline: 0800 701 701.

## Department

Contact the DPSA (Public Administration Ethics Integrity Disciplinary Technical Assistance Unit (TAU)) on 012 336 1000.

[NAME OF EMPLOYEE]

[PERSONAL DETAILS OF THE EMPLOYEE]

Title \_\_\_\_\_

**ALLEGED MISCONDUCT: YOURSELF**

It has come to my attention that ... //I am aware that on \_\_\_\_\_ 2000 you ...

\_\_\_\_\_

(Describe nature of alleged misconduct)

In order to discuss the matter, you are required to attend a meeting in room \_\_\_\_\_//my office on \_\_\_\_\_ at \_\_\_\_\_. Please note that you have the right to representation by your trade union representative or a fellow employee.

Failure to attend the meeting could result in the matter having to be determined by a formal disciplinary enquiry.

\_\_\_\_\_

**SIGNATURE OF MANAGER**

**DATE:**

\_\_\_\_\_

**SIGNATURE OF EMPLOYEE**

**DATE:**

\_\_\_\_\_

**SIGNATURE OF WITNESS (IF APPLICABLE)**

**DATE:**

**WRITTEN WARNING**

**[NAME OF EMPLOYEE]**

**[PERSONAL DETAILS OF THE EMPLOYEE]**

This is a written warning in terms of the disciplinary procedure. Should you engage in further misconduct, the written warning may be taken into account in determining a more serious sanction.

The written warning will be placed in your file and will remain valid for six months from the date of the written warning. After six months, the written warning will be removed from your file and be destroyed.

If you object to the warning, you may direct an appeal to [NAME] within five working days.

The nature of the misconduct is:

**SIGNATURE OF EMPLOYEE**

**DATE:**

**SIGNATURE OF MANAGER**

**DATE:**

**SIGNATURE OF WITNESS (IF APPLICABLE)**

**DATE:**

**FINAL WRITTEN WARNING**

**[NAME OF EMPLOYEE]**

**[PERSONAL DETAILS OF THE EMPLOYEE]**

This is a final warning in terms of the disciplinary procedure. Should you engage in further transgressions, it could lead to formal misconduct proceedings being instituted against you.

This final written warning will be placed in your file and will remain valid for six months from the date of the written warning. After six months, the written warning will be removed from your file and be destroyed.

If you object to the warning, you may direct an appeal to [Name] within five working days.

The nature of the misconduct is:

**SIGNATURE OF EMPLOYEE**

**DATE:**

**SIGNATURE OF MANAGER**

**DATE:**

**SIGNATURE OF WITNESS (IF APPLICABLE)**

**DATE:**

**NOTICE OF DISCIPLINARY MEETING**

**[NAME OF EMPLOYEE]**

**[PERSONAL DETAILS OF THE EMPLOYEE]**

You are hereby given the notice to attend a disciplinary hearing in terms of clauses 6 and 7 of the Disciplinary Code.

The alleged misconduct and the available evidence is:

**[A DETAILED DESCRIPTION OF MISCONDUCT MAY BE ATTACHED]**

---

---

---

The meeting will be held at \_\_\_\_\_ [PLACE] on \_\_\_\_\_ [DATE] at \_\_\_\_\_ [TIME].  
If you do not attend and cannot give reasonable grounds for failing to attend, the meeting will be held in your absence.

A fellow employee or a representative of a recognised trade union may represent you.

You may give evidence to the hearing in the form of documents or through witnesses. You will be entitled to question any witness introduced by the department.

If the enquiry holds that you are guilty of misconduct, you may present any relevant circumstances in determining the disciplinary sanction.

**SIGNATURE OF EMPLOYEE**

**DATE:**

**SIGNATURE OF MANAGER**

**DATE:**

**SIGNATURE OF WITNESS (IF APPLICABLE) DATE:**

**[NAME OF EMPLOYEE]**

**[PERSONAL DETAILS OF THE EMPLOYEE]**

Dear \_\_\_\_\_

**POSSIBLE SUSPENSION FROM DUTY: YOURSELF**

I am presently conducting and investigating // having an investigation conducted with regard to allegations of misconduct involving you.

The allegations pertain to \_\_\_\_\_.

Due to the seriousness of the allegations, I am considering suspending you from duty. Before deciding in this regard, I wish to allow you the opportunity to make representations as to why you should not be suspended.

For the above-mentioned purpose, a meeting will be held in room \_\_\_\_\_ // my office on \_\_\_\_\_ at \_\_\_\_\_. Should you fail to avail yourself of the opportunity to make representations in this manner, you will be given the opportunity to submit written representations to me by close of business on \_\_\_\_\_.

Yours faithfully,

**SIGNATURE OF MANAGER**

**DATE:**

**SIGNATURE OF EMPLOYEE**

**DATE:**

**SIGNATURE OF WITNESS (IF APPLICABLE)**

**DATE:**

**[NAME OF EMPLOYEE]**

**[PERSONAL DETAILS OF THE EMPLOYEE]**

Dear \_\_\_\_\_

**SUSPENSION FROM DUTY: YOURSELF**

Our meeting of \_\_\_\_\_ during which you were allowed to make representations as to why you should not be suspended from duty, refers.

I have considered your representations, but think that your continued presence in the workplace might be prejudicial to the investigation into the alleged misconduct // might endanger the well-being or safety of staff of this department // might endanger the safety of the property of the state. You are therefore suspended, with full emoluments, with immediate effect pending the outcome of the investigation.

To avoid possible interference with the investigation or potential witnesses, you are not to enter the premises of the department or offices thereof. You are also directed to hand in the following items to \_\_\_\_\_ before you leave the premises today:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please note that this suspension does not in any way constitute a judgment on my part. It is merely a precautionary suspension in terms of the disciplinary code and procedure for the public service.

**SIGNATURE OF MANAGER**

**DATE:**

**SIGNATURE OF EMPLOYEE**

**DATE:**

**SIGNATURE OF WITNESS (IF APPLICABLE)**

**DATE:**

**ANNEXURE G**

**NOTICE OF APPEAL**

**[NAME OF APPEAL AUTHORITY]**

I, \_\_\_\_\_ [NAME OF EMPLOYEE] am hereby appealing against a disciplinary action imposed on \_\_\_\_\_ [DATE] at \_\_\_\_\_ [PLACE].

I attached a copy of the notice of the disciplinary enquiry and/or written warning. [THE APPEAL REQUEST IS NOT VALID UNLESS THESE DOCUMENTS ARE ATTACHED]

My reasons for appeal are:

The desired outcome of the appeal is:

I wish/do not wish [CHOOSE ONE] to provide additional evidence not available at the time of the disciplinary proceeding.

**SIGNATURE OF EMPLOYEE**

**DATE:**

**[PERSONAL DETAILS OF THE EMPLOYEE]**