

NATIONAL ASSEMBLY

FOR WRITTEN REPLY

QUESTION NO. 1725

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(INTERNAL QUESTION PAPER NO. 10)

Dr K W du P le Roux (DA) to ask the Minister of Health:

- (1) In the light of the suspension of three senior members of his management team, including the Director-General, Dr Sandile Buthelezi, what (a) are the details of the disciplinary processes that are scheduled to ensue, (b) are timelines for disciplinary hearings and (b) dates have been scheduled for the conclusion of the respective disciplinary processes;
- (2) what (a) contingency plans have been put in place to ensure that the roles of the three suspended officials are fulfilled and (b) are the names of the officials who have been asked to act in the role of their suspended colleagues?

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REPLY:

- (1) (a) Disciplinary procedures are scheduled according to the provisions of:
 - Public Service Act, 1994 (Proclamation No. 103 of 1994)
 - Labour Relations Act, 1995 (Act No. 66 of 1995)
 - PSCBC Resolution 2 of 1999 (Disciplinary Code and Procedures)
 - PSCBC Resolution 1 of 2003
 - Public Administration Management Act, 2014 (PAMA), and
 - for senior managers, the Senior Management Service (SMS) Handbook (specifically Chapter 7) governs disciplinary procedures

Essentially the procedures involve the following:

- **Investigation:** For serious misconduct, an investigation is conducted to gather evidence before filing charges.
- **Precautionary Suspension:** Employees may be suspended on full pay while awaiting a hearing if their presence might impact investigations.
- **Notice and Charge:** An employee must be notified of the charges at least five working days before a hearing.
- **Disciplinary Hearing:** An impartial chairperson presides over a hearing where both sides present evidence, witnesses are cross-examined, and a verdict is made based on the balance of probabilities.
- **Sanction:** Depending on the severity and validity of previous warnings, outcomes can include counselling, written warnings, final warnings, demotion, or dismissal.

- (b) The timelines for disciplinary hearings are determined by the chairperson who presides over a hearing. In the case referred to there is also a matter of criminal proceedings which timeline is determined in the criminal justice system.
 - (c) No dates have been scheduled yet.
- (2)
- (a) The contingency plans have been put in place to ensure that the roles of the three suspended officials are fulfilled are, as always, appointing officials in the department to act in the roles of those posts where the officials are suspended, including where necessary secondment of senior officials for other departments or government entities.
 - (b) The officials who have been asked to act in the role of their suspended colleagues are:

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| Acting Director General | Prof Nicholas Crisp (Deputy Director General: National Health Insurance) |
| Acting Chief Finance Officer | Mr Hadley Navuthalu (Chief Director: Provincial Support) |
| Acting Head Corporate Services | Ms Qhakazile Gambu (Chief Director: Human Resource Management) |
| Acting Deputy Director General: Hospital Services and Human Resources for Health | Dr Mathabo Mathebula (Chief Operating Officer in Office for Health Standards Compliance) |

END.