

# Report on some HR issues apparent from the evidence before the Commission and some related recommendations

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## 1. Introduction

The writers of this report are experienced Human Resources (HR) practitioners, having together over 60 years of experience in the HR field. We fully acknowledge that the Khayelitsha police have to operate under numerous constraints and difficult challenges, and all comments below are given simply in the hope that they may be helpful. We have read many documents and records of testimony and attempted to identify some HR issues. Annexure A lists the documents read. However we have no doubt that we have just 'scratched the surface' of the information before the Commission.

## 2. General comment

There appears to be regular and frequent performance evaluations and audits of the stations. Considerable effort is going into such evaluations and identifying problems, but this may be at the expense of problem solving and the implementation of change initiatives. (possibly 'analysis paralysis'?)

There seems to be an effective independent audit process. However the process does not seem to result in corrective action in many instances. For the audit process to be effective, senior management must be held accountable for implementation and this should be built into their performance contracts. Audit recommendations should be prioritised (based on impact e.g. high, medium, low) and there should be a review process to ensure corrective action is taken. Continued failure to address audit action items, particularly those rated 'high', encourages a culture of non-compliance and should result in disciplinary action being taken at management level.

The 2003 strategy document (POS) is commendable in our view. However it is not clear to what extent there is buy in from senior management. For any change initiative to be effective there needs to be:

- A clear vision of where Khayelitsha policing aims to be in say 3-5 years time with respect to crime levels, arrest and conviction rates, community policing, resourcing and infrastructure.
- The gap between the vision and current reality should then form a set of prioritised goals which are cascaded down the line into performance contracts to ensure alignment of effort. These goals and cascaded objectives should have measurable outcomes.
- Resources that are adequately equipped to deliver against the priorities in terms of number, competences, systems and logistical support.

- Clear accountability for each individual with consequence management (reward, corrective action etc.)
- Regular review and appraisal by executive management with regard to progress, any corrective action needed and allocating resources in accordance with the agreed priorities.

A summary of OPUS was also made available to us. This document identifies the need to prioritise and plan. What is not clear is whether or not a manageable number of priorities have been identified, with goals and plans for each.

### **3. Performance management**

An employee PM system is in place although we have not seen any individual evaluations. The overall results however indicate that 96% are rated the same, i.e. '3' suggesting the system does not really differentiate either the very good people or the poor performers. The objective setting also appears to be a highly onerous task, a long list of duties, rather than a set of manageable priorities that give direction to the employee (limited to say 5 clear objectives with targets).

For example, we reviewed the performance contract of Colonel Raboliba. Four key performance areas are identified which are then broken down into 76 tasks. This makes it difficult to focus on the key initiatives which are going to make the biggest difference and also to assess performance. The 4 key performance areas would also benefit from having measurable outcomes (e.g. Implement and execute crime prevention measures could be quantified in terms of a reduction in crimes. Contribute to the successful prosecution of crime could be measured in terms of the number of cases taken to court and the number of successful convictions)

### **4. Discipline**

The issue of investigating alleged misconduct seems fraught with difficulties, especially when the allegation is from a member of the public as a complaint. The public may wish to see more independent investigation of their allegations? The current system appears to be is burdened by bureaucratic delays, but more importantly it is difficult to assess the quality of the investigations. The high number of unsubstantiated findings does seem questionable. When SAPS investigates complaints against its own employees, it needs to manage both the danger of real bias and the public perceptions of bias. There seems to be little acknowledgement of this.

Evidence suggests quite a lot of "discipline" is taking place, which indicates management is not ignoring misconduct or condoning it. But much of the 'disciplinary action' that is referred to in the evidence consists of counselling and verbal (oral) warnings. Redpath identified the large ratio of minor misconduct. That is not a negative indicator in and of itself. Some of the Station Commanders claim they get positive results, and that is the aim of corrective discipline. The statistics on

discipline should be pyramid-shaped in our view, with disciplinary action in regard to less serious misconduct being more frequent than that for serious misconduct.

But some of the sanctions appear to be very lenient (based on a heading of the offence only – no detail) and written warnings are given for serious misconduct. Hence the ‘face value’ conclusion is that there are no real consequences for misconduct – there is no real deterrent. Our view is that the disciplinary action that is being taken appears to result in less serious sanctions than would be the case in the private sector.

One issue worth further investigation is whether aggravating circumstances are given sufficient weight. Seniority for example should be an aggravating circumstance in disciplining people for offences - a senior person is supposed to be a role model for others. Another example is the act of being drunk on duty – it is an aggravating circumstance if that a policeman deals with the public, and /or carries a gun and /or drives a vehicle. And there is reference in one report to police being disciplined for drinking and drugs - the very fact that they are enforcers of the law, fighting drug trafficking, etc should be used as an aggravating circumstance when police break that law. Drug use on duty would surely justify dismissal? Again the detail of the cases is not available, but dismissal seems to be a very rare result of discipline.

A small proportion are subjected to a full hearing. We were left wondering if the stations liked to deal with misconduct themselves and resisted handing over to the Province. This may be a reason for lenient sanctions also. Col Nel mentioned that serious misconduct is dealt with by the Provincial office and that that “takes time, sometimes even a couple of years”. This suggests the system is so bureaucratic and time consuming that it is avoided.

Col Swart also mentioned ‘positive’ and ‘negative’ discipline, and I had the sense he was reluctant to go the ‘negative’ route for fear of decreasing morale. But one needs to look at the bigger picture: if there are no real consequences for those guilty of misconduct, that demoralises those who do comply.

One should not need to revert to counselling and verbal warnings for an employee who had recently an expired final warning on his/her file for the same offence.

Finally the Commission is correct to explore the issue of work overload and its impact on the disciplinary system. Gen. Peter Jacobs gave evidence that “these detectives are carrying a burden that no detective, no matter how experienced, how resourced, how efficient, could deal with. And I worry what that means for human resource management.” When detectives fail to comply with procedure (and as a result justice is denied victims of crime) some station commanders do not take disciplinary action because they consider it unfair given the workload. I agree with the Commissioner that this undermines the disciplinary system. Although workload is a mitigating factor, it must be addressed by management. Achievable targets need to be established for each detective.

## **5. Absenteeism and staffing levels**

The Commission uses the term absenteeism widely to include annual leave for example. In the private sector 'absenteeism' would exclude such authorised leave. The calculation of staffing levels in SAPS does take annual leave into account. The increase in the number of women was also identified by one station commander as increasing absenteeism due to maternity leave. Some factor may need to be built into the formula to accommodate such leave. Brig Rabie described in detail how SAPS calculates the theoretical HR requirements for each police station taking into account a multitude of factors and contingencies, but he reported that financial constraints resulted in the actual resource allocation being on average 30% lower than the theoretical (ideal) requirement. Hence some consideration in the calculation for sick leave is unlikely to have an impact on actual allocation.

The stats on instances of AWOL do not seem to be available and are likely to be low. The problem seems to be sick leave. The station commanders are aware of the need to identify the abuse of sick leave and they appear to be keeping records, conducting random house visits, and addressing the problem as best as they can. Given the size of SAPS, they should have (and probably do have) their own doctors to whom suspect abusers of sick leave could be referred for second opinions. And SAPS is better placed than most employers to focus on a few doctors who they suspect hand out sick certificates for no valid reason. The abuse of sick leave is a difficult problem however for all employers.

The fact that vacancies take a long time to fill impacts on the problem of resourcing and this should be an issue which is relatively easy for SAPS to address.

## **6. Low morale**

Low morale is symptomatic of an organization that is not coping. The most effective way of addressing morale is to identify the root causes that are resulting in the dysfunctional organization and systematically address these.

## **7. Leadership**

Core requirements of leadership are to set direction (vision, goals), set priorities, ensure adequate resourcing (numbers, competences, and infrastructure) in line with agreed priorities, delegate effectively and hold subordinates accountable through effective review and appraisal processes. Much of the evidence presented to the Commission suggests that the problems are known and it is the implementation that is lacking. The lack of implementation must lie squarely with senior management. Section 1 above refers. We do not know to what extent the recent focus on Khayelitsha addresses these issues but the evidence suggests that there is a significant gap.

We would recommend that the Khayelitsha Cluster run a pilot change management initiative to address the above. The process should start with:

- A facilitated strategy workshop for the Cluster Leadership Team (i.e. Station Commanders, Head of Detectives, Cluster Commander, Key resource providers).
- The workshop objectives would be to agree the strategic goals for the Cluster with an aspirational view of where the Cluster should be in 3-5 years' time in terms of crime detection, crime prevention, community relationships, resourcing (number and competences). The leadership team would draw on their considerable experience and judgment to decide on the strategic goals and should avoid detailed analysis of the problems.
- Clear and measurable priorities need to be agreed. The measures should be based on outputs rather than inputs (e.g. 25% reduction in violent crime, 33% improvement in community approval rating).
- An implementation plan then needs to be developed to close the gap between the future aspirational state and current reality over the 3-5 year period.
- The workshop would also identify what values and behaviours will be required to achieve the step change being aimed for.
- The vision and case for change needs to be cascaded to all employees in the Cluster through engagement sessions. Alignment and team work will be critical to the success of the initiative.
- Performance goals set for employees should all align to the agreed priorities and support staff providing a service to the Cluster must also have aligned objectives.
- Regular reviews need to be conducted by the leadership team to monitor progress and take corrective action where necessary.
- As far as possible there should be continuity within the Leadership team so as to drive the changes during the next 2 to 3 years and lead by personal example.

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