



# JUDICIAL INSPECTORATE OF PRISONS

## Office of the Inspecting Judge

JI 6/2

### POLICY DOCUMENT

#### DEALING WITH MISCONDUCT AND/OR FINANCIAL IRREGULARITIES AMONG INDEPENDENT PRISON VISITORS (IPVs)

##### 1. POLICY STATEMENT

- 1.1. The Judicial Inspectorate of Prisons (JIOP) recognises that:
- In order to maintain sound financial management and good order it is necessary to deal with cases of misconduct and/or financial irregularities amongst IPVs, whilst
  - the status of IPVs as independent contractors be maintained.

##### 2. POLICY OBJECTIVES

- 2.1. The objectives of this policy document are to:
- Ensure fairness in dealing with IPVs as independent contractors.
  - Ensure co-ordination between various departments within the JIOP i.r.o. IPV misconduct and/or financial irregularities.
  - Respect confidentiality when dealing with these matters.
  - Ensure good order and sound financial management.

##### 3. STATUTORY MANDATE

- 3.1. Section 92(3) of the Correctional Services Act 111 of 1998 states that "the Inspecting Judge may at any time, if valid grounds exist, suspend or terminate the services of an Independent Prison Visitor".
- 3.2. Section 83 of the Public Finance Management Act 1 of 1999 stated that the Accounting Authority for a public entity or department commits an act of financial misconduct if she/he wilfully or negligently "makes or permits an irregular expenditure or a fruitless and wasteful expenditure".

#### 4. POLICY PROCEDURES

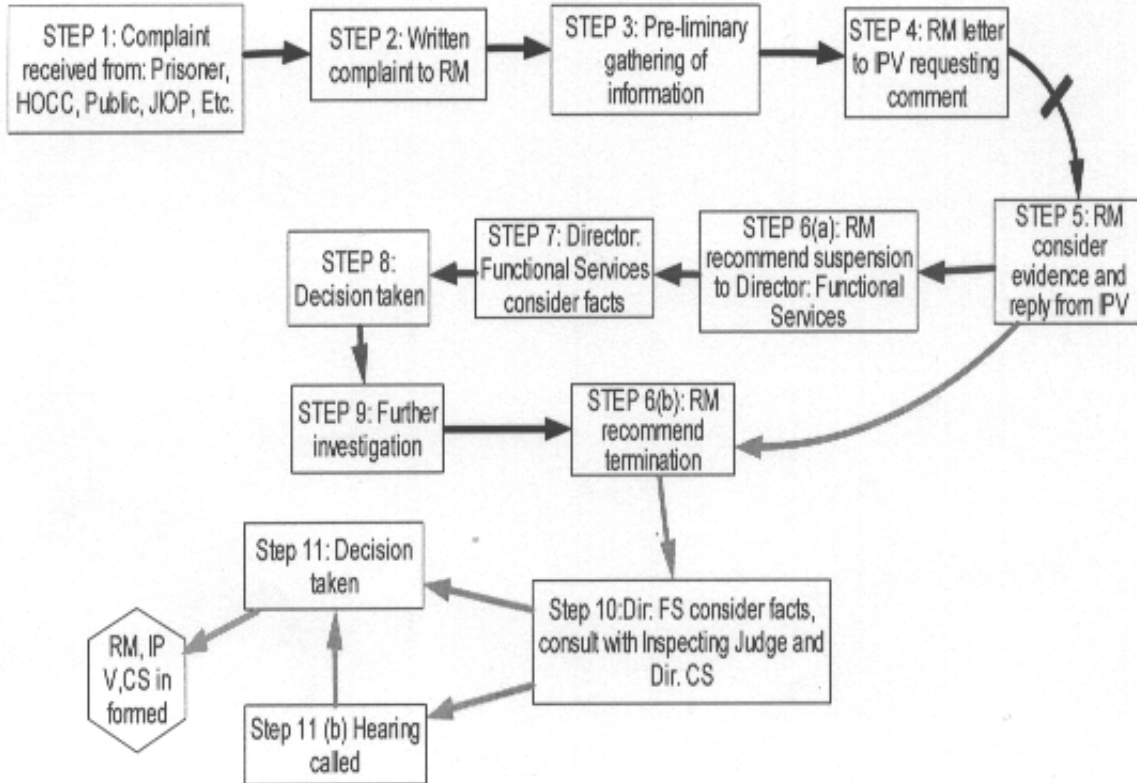
- 4.1. Any complaint or report of alleged misconduct against an IPV must be submitted to the Office of the Inspecting Judge for consideration in terms of the provisions of section 92 of the Act.
- 4.2. The Regional Manager (RM) will in a case where suspension or termination of services is warranted in his/her discretion notify the IPV within 30 days of the incident.
- 4.3. The RM may include a full statement of its case in this notification. This statement will include all evidence, sworn statements, facts, submissions and expert opinion as the RM may deem necessary to support his/her contentions with regard to the incident.
- 4.4. The IPV must within 7 days of receipt of such notification submit a written reply and/or representation regarding the matter to the RM. The RM must refer the incident and IPV response to the Director: Functional Services.
- 4.5. The Director: Functional Services shall decide on suspension and or termination of the services of the IPV on the evidence before him/her without legal representation of the party.
- 4.6. If the Director: Functional Services cannot determine the matter from the written statements and/or evidence before him/her, the Director: Functional Services may call for other evidence or for witnesses to testify at a place determined by the Director: Functional Services. If a witness is called to testify, both parties may question such witness.
- 4.7. The decision of the Director: Functional Services in this matter will be final and binding on all parties.
- 4.8. In cases where the services of the IPV are terminated the decision must be taken after consultation with the Director: Corporate Services and the Inspecting Judge of Prisons.

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- 4.9. The Director: Corporate Services may instruct the RM to conduct an investigation into alleged financial mismanagement or acts of dishonesty of an IPV or may conduct such investigation on her/his own volition. The same procedures will apply and any decision to suspend or terminate the services of an IPV in such case must be made in consultation with the Director: Functional Services and the Inspecting Judge of Prisons.
- 4.10. The RM must ensure that the decision to suspend/terminate the services of an IPV is communicated in writing to:
- IPV
  - Area Commissioner(AM)
  - Head of Correctional Centre (HOCC)
  - Head of Finance (JIOP)
  - JIOP Contract Admin Section
- 4.11. The IPV may appeal a decision taken to suspend or terminate her/his services. Such appeals will be considered by the Director: Corporate Services.



## 5. CONCEPTUAL MODEL OF PROCESS



## 6. RESPONSIBILITY / DELEGATION

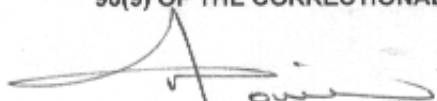
NO.	TASK	RESPONSIBLE
6.1.	Report cases of misconduct / financial mismanagement / dishonesty of IPVs in writing	All members of JIOP All IPVs
6.2.	Follow-up on such report(s)	RM / ARM (if delegated by RM)
6.3.	Report finding including recommendation on suspension / termination of services of IPV	RM / ARM
6.4.	Decide on suspension of IPV	Director: Functional Services

6.5.	Decide on the need to hold a hearing to consider the evidence against IPV	Director: Functional Services
6.6.	Terminate the services of IPV	Director: Functional Services after consultation with Director: Corporate Services in consultation with Inspecting Judge of Prisons
6.7.	Consider appeals from IPV against decision to suspend or terminate their service.	Director: Corporate Services

#### 7. MONITOR AND REVIEW

- 7.1. The RM must report all cases of suspension or termination of services of IPVs to the Management Co-ordinating Meeting (MCM) who will monitor the handling of such cases.
- 7.2. Director: Functional Services and RM must monitor compliance to these rules.
- 7.3. The rules are subject to review.

WE HEREBY CONFIRM THIS POLICY AS NECESSARY AND EXPEDIENT FOR THE EFFICIENT FUNCTIONING OF THE JUDICIAL INSPECTORATE OF PRISONS AND AS SUCH APPROVE IT AS RULES IN TERMS OF THE PROVISIONS OF SECTION 90(9) OF THE CORRECTIONAL SERVICES ACT, NO 111 OF 1998.

  
**GIDEON MORRIS**  
 DIRECTOR: CS

DATE: 16 July 2007

  
**PRITIMA OSMAN**  
 ACTING DIRECTOR: FS

DATE: 15 July 2007