

Million paid since dismissals two years ago

Fired prosecutors draw full pay

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By Tania Broughton

The National Prosecuting Authority has paid out close to R2 million in salaries to three senior public prosecutors in KwaZulu-Natal who are on full pay despite being dismissed from their posts about two years ago.

Adding to this hefty bill are the salaries of "relief" prosecutors who have been seconded, some from other provinces, to do the jobs of the sacked prosecutors who sit at home waiting for their appeals to be finalised.

"If this were the private sector, the business would have gone bankrupt through this," said one senior source in the prosecuting authority.

The prosecutors concerned are:

- A senior public prosecutor in charge of the regional section of the Durban Magistrate's Court, who was suspended in June 2003 and dismissed the following year for misconduct after a stack of 120 dockets were found in her office.

Other allegations against her involved poor performance and tardiness.

- The senior public prosecutor in charge of the district court in Durban, who was dismissed in July 2004 after an internal disciplinary hearing relating to "incapacity".
- And a senior public prosecutor at the Empangeni court, who was dismissed after a disciplinary hearing for "misconduct" more than two years ago.

The three, whose names are known to The Mercury, each earn between R300 000 and R318 000 a year, and have remained on full pay since their dismissals.

A private human resources consultant, who has worked closely with the prosecuting authority over the past few years, confirmed that she was aware of these cases.

"In the private sector, a disciplinary hearing takes one day and an appeal is sorted out in a matter of weeks," said the consultant, who did not wish to be named.

"In the prosecuting authority, the hearing takes weeks and the appeal can take a couple of years.

"I have worked with hundreds of companies, and it is the only organisation I know where people remain on full pay while the appeals are pending.

"Instead of adopting recognised labour practices, the authority runs it like a criminal justice system along the lines of 'innocent until finally proved guilty'.

"And everyone appeals against their dismissals, presumably because they continue to be paid."

Jail

She said she was aware of a case where a prosecutor, convicted of a crime, had been paid for the two years he spent in jail, and other cases in which prosecutors had been paid while absent from work for months, with no intervention from management.

Iole Matthews, a Director of the Independent Projects Trust, a non-governmental organisation which has been assisting the authority with management training and issues such as sick leave, non-performance and absenteeism, said that provincial management had to refer all dismissals to head office.

"Everything has to be sent to its human resources department, the National Corporate Services based in Pretoria at head office . . . and that office is malfunctioning," she said.

"It is slow and does not deliver. These files could be anywhere between corporate services and the (justice) minister's desk . . . it is such a waste of money."

She said the issue of the three prosecutors was just one of a series of related problems.

"Five years ago, when Independent Projects Trust launched the Justice Strengthening Project, absenteeism was a huge problem. People were saying there were not enough prosecutors, but, in fact, there were. The problem was that 30% of them were not at work.

"We trained managers at the Durban courts to manage non-performance, and in six months absenteeism had been cut by half.

"This resulted in there being more dismissals in the organisation in KwaZulu-Natal than in any other province . . . and management were accused of being too harsh.

"The problems do not lie with provincial management - they are powerless to do anything."

Matthews said it was demoralising for management and staff who wanted a good system and wanted to work, and it severely impacted on the delivery of justice.

Attempts to get comment from the National Prosecuting Authority were unsuccessful.

The Mercury sent questions to its media office on May 11, but in spite of several reminders no response had been received by Friday.