

**DISCIPLINARY PROCESS OF THE SOUTH AFRICAN POLICE SERVICE -
PERCEPTIONS AND PREFERENCES OF MEMBERS IN THE NORTH RAND AREA
OF THE GAUTENG PROVINCE**

by

PAPA ANDRIES MATSIE

submitted in the fulfilment of the requirements for the degree of

MASTER OF ARTS

in the subject

PUBLIC ADMINISTRATION

at the

UNIVERSITY OF SOUTH AFRICA

SUPERVISOR: PROFESSOR JS WESSELS

JOINT SUPERVISOR: DR FH SMITH

NOVEMBER 2003

KEY WORDS

Discipline

Disciplinary process

Disciplinary sanctions

Suspension

Trade unions

Role players

Supervisor

Presiding officer

Disciplinary officer

Employer

Employees' perceptions and preferences

ACKNOWLEDGMENTS

The pursuit and completion of an undertaking such as this study will never be possible without the support and guidance of very special people. I am most indebted to those mentioned below and to whom I express my sincere thanks:

- ❑ My supervisor Prof. J. S. Wessels and joint supervisor Dr. F. H. Smith who have supported and assisted me from the first step up to this stage of the study.
- ❑ Mrs H. Napaai, subject librarian at the University of South Africa, who has always in the beginning of each academic year of my studies reminded me of her availability to assist me in searching for information and sources necessary to complete this study.
- ❑ Mrs Petro Badenhorst and Ingrid Meyer for the typing work you have done for me, especially the diagrams.
- ❑ Jerminah Mvubu who allowed me to use her office and computer after hours to do my typing. (The key to your office was indeed a key component for the completion of this study).
- ❑ The personnel in the Department of Computer Services (Section: Research Support) at the University of South Africa for data capturing and analysis of the questionnaire.
- ❑ My friends, colleagues and station commissioners for your support.
- ❑ The employees in the SAPS who used their valuable time to complete and return the questionnaires without which this study would have been invalid.

ABSTRACT

The dissertation deals with the disciplinary process of the South African Police Service - perceptions and preferences of members in the North Rand area of the Gauteng Province. A research question “ How members of the SAPS in the North Rand area of the Gauteng Province perceive the disciplinary process” is investigated in this study. The researcher has conducted a quantitative research in the North Rand area of the Gauteng Province using questionnaires and literature study as the research method.

The answer to the research question in this study is that members of the SAPS have a negative attitude towards the disciplinary process of the SAPS. There is also uncertainty about the duties of certain role players during the disciplinary process.

TABLE OF CONTENTS

CHAPTER ONE: INTRODUCTION

1.1	BACKGROUND TO THE PROBLEM	1
1.2	DEFINING THE RESEARCH PROBLEM	2
1.3	AIM OF THE STUDY	3
1.4	LIMITATIONS ON THE STUDY	4
1.5	METHODOLOGY	4
1.6	TERMINOLOGY	5
1.7	REFERENCE TECHNIQUE	6
1.8	SEQUENCE OF THE STUDY	6

CHAPTER TWO: THEORETICAL EXPOSITION OF DISCIPLINE

2.1	INTRODUCTION	8
2.2	LITERATURE REVIEW METHODOLOGY	9
2.3	DEFINING DISCIPLINE	10
2.4	PURPOSE AND OBJECTIVES OF DISCIPLINE	10
2.5	APPROACHES TO DISCIPLINE	11
	2.5.1 Traditional approach: progressive approach	12
	2.5.2 Modern approach: corrective discipline	14
2.6	CLASSIFICATION OF MISCONDUCT AND PENALTIES	15
2.7	ROLE PLAYERS DURING THE DISCIPLINARY PROCESS	17
	2.7.1 Employee	17
	2.7.1.1 Representative	17

2.7.1.2	Accused	18
2.7.2	Employer	18
2.7.2.1	Supervisor	19

v

2.7.2.2	Presiding officer	20
2.7.3	Trade unions	21
2.8	DISCIPLINARY PROCESS	23
2.8.1	Committed misconduct	23
2.8.2	Investigation	24
2.8.3	Disciplinary hearing	27
2.8.4	Disciplinary sanctions	29
2.8.4.1	Warning	30
2.8.4.2	Transfer	31
2.8.4.3	Demotion	33
2.8.4.4	Suspension	34
2.8.4.5	Dismissal	35
2.9	REMEDIES FOR DISSATISFIED EMPLOYEES	37
2.9.1	Commission for Conciliation, Mediation and Arbitration (CCMA)	37
2.9.2	Bargaining councils	38
2.9.3	Appeal	39
2.10	CONCLUSION	40

CHAPTER THREE: COMPOSITION OF THE SOUTH AFRICAN POLICE SERVICE EMPLOYEES

3.1	INTRODUCTION	42
3.2	COMPOSITION OF THE SOUTH AFRICAN POLICE SERVICE EMPLOYEES: NATIONAL LEVEL	42

3.3	COMPOSITION OF THE SOUTH AFRICAN POLICE SERVICE EMPLOYEES: GAUTENG PROVINCE	45
3.4	COMPOSITION OF THE SOUTH AFRICAN POLICE SERVICE EMPLOYEES: NORTH RAND AREA, GAUTENG PROVINCE	48
3.5	CONCLUSION	51

CHAPTER FOUR: RESEARCH METHODOLOGY AND SAMPLING

4.1	INTRODUCTION	53
4.2	CHOICE OF RESEARCH METHODOLOGY	53
	4.2.1 Interviews	54
	4.2.2 Questionnaires	55
4.3	SAMPLING CONCEPTS	56
	4.3.1 Population	56
	4.3.2 Survey population	56
	4.3.3 Population element	57
	4.3.4 Sample	57
	4.3.5 Sampling	57
	4.3.6 Sampling unit	58
	4.3.7 Sampling frame	58
	4.3.8 Sampling size and sampling error	58
4.4	SAMPLING METHODS	60
	4.4.1 Probability sampling	60
	4.4.1.1 Simple random sampling	60
	4.4.1.2 Stratified random sampling	61
	4.4.1.3 Systematic sampling	61
	4.4.1.4 Cluster sampling	61
4.5	DATA COLLECTION TECHNIQUE	63
	4.5.1 Questionnaire design	63

4.5.1.1 Purpose of the questionnaire	63
4.5.1.2 Physical format	63
4.5.1.3 Length	63
4.5.1.4 Types of questions	64
4.5.1.5 Instructions	64
4.5.2 Structure of the questionnaire	64
4.5.3 Pretesting the questionnaire	65
4.5.3.1 Selection of subjects	66

vii

4.5.3.2 Response	66
4.6 DATA COLLECTION	66
4.6.1 Administering the questionnaire	67
4.6.2 Data reduction: analysing the questionnaire	67
4.7 CONCLUSION	68

CHAPTER FIVE: PREFERRED POWERS AND OBLIGATIONS OF ROLE PLAYERS DURING THE DISCIPLINARY PROCESS

5.1 INTRODUCTION	69
5.2 POWERS AND OBLIGATIONS OF ROLE PLAYERS	69
5.2.1 Employer	69
5.2.1.1 Supervisor	70
5.2.1.2 Presiding officer	70
5.2.2 Employee	75
5.2.3 Trade unions	77
5.3 CONCLUSION	78

CHAPTER SIX: PREFERRED PROCESS OF INVESTIGATION INTO MISCONDUCT

6.1	INTRODUCTION	80
6.2	MISCONDUCT AS REASON FOR A DISCIPLINARY INVESTIGATION	80
6.3	DISCIPLINARY INTERVIEW	81
6.4	PREFERENCES AND PERCEPTIONS WITH REGARD TO DISCIPLINARY INVESTIGATION	83
6.5	PREFERRED DECISION TO CHARGE AN EMPLOYEE	90
6.6	CONCLUSION	92

CHAPTER SEVEN: PREFERRED DISCIPLINARY PROCESS

7.1	INTRODUCTION	95
7.2	CONVENING A DISCIPLINARY HEARING	95
7.3	PREFERRED DISCIPLINARY HEARING	97
7.4	DECISION OF THE PRESIDING OFFICER	101
7.5	IMPOSING DISCIPLINARY SANCTION	103
7.6	CONCLUSION	108

CHAPTER EIGHT: PREFERRED REMEDIES FOR DISSATISFIED EMPLOYEES

8.1	INTRODUCTION	111
8.2	PREFERRED REMEDIES FOR UNSATISFIED EMPLOYEES	111
	8.2.1 Commission for Conciliation, Mediation and Arbitration	111
	8.2.2 Appeals Authority	112
	8.2.3 Bargaining Councils	114
8.3	CONCLUSION	115

CHAPTER NINE: CONCLUSIONS AND RECOMMENDATIONS

9.1	INTRODUCTION	116
9.2	CONCLUSIONS	116
9.3	RECOMMENDATIONS	129
9.4	FURTHER RESEARCH AREAS	131
	LIST OF SOURCES	133

LIST OF DIAGRAMS

Diagram 1:	Structure of the South African Police Service: national level	44
Diagram 2:	Structure of the South African Police Service: Gauteng Province	46
Diagram 3:	Structure of the South African Police Service: North Rand area, Gauteng Province	50

LIST OF TABLES

Table 1:	Schematic representation of the classification of misconduct and disciplinary sanctions	16
Table3-1:	National composition of the South African Police Service employees	43
Table3-2:	Composition of the South African Police Service employees,	

	Gauteng Province	47
Table 3-3:	Composition of the South African Police Service employees, North Rand area, Gauteng Province	49
Table 5-1:	Preferred powers and obligations of disciplinary officers and presiding officers	72
Table 5-2:	Perceived powers and obligations of shop stewards	76
Table 5-3:	Perceived role of legal representatives	78
Table 6-1:	Preferences and perceptions of the disciplinary investigation	85
Table 6-2:	Preferences with regard to the decision to charge	91
Table 7-1:	Preferences of employees regarding places where disciplinary hearings should be held	96
Table 7-2:	Preferences of employees regarding disciplinary hearings	99
Table 7-3:	Preferences of employees regarding the outcomes of a disciplinary hearing	102

x

Table 7-4:	Perceptions of employees regarding the imposition of disciplinary sanctions	105
Table 8-1:	Perceptions of employees regarding the current disciplinary system	114

LIST OF APPENDICES

Appendix A:	Letter of permission to undertake the study	142
Appendix B:	Covering letter for survey research	143
Appendix C:	Survey questionnaire	144

