

CHAPTER ONE: INTRODUCTION

1.1 BACKGROUND TO THE PROBLEM

It is a common fact that happy and satisfied personnel in any public institution can make a major difference in the quality of public services rendered by that institution. Unhappy and dissatisfied personnel can cause a rift in the relationship between employer and employee. Management in public institutions therefore has an obligation to see to it that sound relations between itself and its subordinate personnel are maintained.

One of the prerequisites for the continuation of such a relationship is that subordinates maintain specific performance and behavioural standards. These standards are to a large extent determined by legislation as well as rules, regulations procedures and processes. If subordinates do not conform to these performance or behavioural standards, it is expected from management to discipline them in order to correct their behaviour and sustain their mutual relationship. Therefore, one can assume that if employees are not satisfied with the disciplinary system applied by management, it would have a detrimental effect on the employer-employee relations in the particular institution.

In the South African Police Services (SAPS) the behaviour of employees is regulated by amongst others, SAPS disciplinary regulations and standing orders. Once an employee behaves in a manner contrary to these directives, a disciplinary process is instituted with the purpose of redirecting the behaviour of the employee concerned. The SAPS disciplinary regulations prescribe various disciplinary sanctions, such as a written warning, suspension and dismissal which may be imposed on an accused after a disciplinary hearing.

Should an employee in the SAPS be suspected of having committed a serious offence, such as theft, corruption or murder, such an employee will be suspended immediately. It is at the discretion of the area commissioner to suspend such an employee until an investigation has been completed.

The regulations prescribe that should an employee be suspended, pending an internal investigation, such a suspension should be reviewed every three months.

The employer, the SAPS, and the employees stand in a relationship which is regulated by, *inter alia* regulations and standing orders, as stated above. In my day to day contact with my colleagues I have experienced that they have different perceptions about the disciplinary process. They also have different criticism against the disciplinary process regardless of whether they went through such a process or not. Seemingly, again, this has resulted in the lack of trust of the employees in the disciplinary process as a whole.

1.2 DEFINING THE RESEARCH PROBLEM

In order for the SAPS to function effectively and efficiently, it is necessary for the employer and the employee to have a sound relationship. It is therefore the purpose of the disciplinary process to sustain that relationship.

In disciplining the subordinates the employer has to abide by the prevailing directives, for example rules and regulations. The employer should adhere to these directives which should serve as guidelines when instituting a disciplinary process. The conditions and circumstances under which employees commit misconducts differ. The employer may also be forced by circumstances to handle the individual situations in a different manner, but in accordance with the prevailing directives. The manner in which the disciplinary process is imposed by the employer may be perceived in the same way by the employees. The perceptions of the employees should also be taken into consideration by the employer so that conditions which may disturb the relationship may be identified and attended to. Employees' perceptions may have an impact, among others, on their productivity and morale. In order for the disciplinary process to sustain a sound relationship between the employer and employees, it is necessary for the employees to also have confidence in the disciplinary process.

In order to determine their level of confidence in the disciplinary process it is necessary to

know more about employees' perceptions and preferences of the process. Consequently, the research problem to be investigated is "How do members of the SAPS in the North Rand area of the Gauteng Province perceive and prefer the disciplinary process?".

The main reasons for investigating how the members perceive and prefer the disciplinary process are as follows:

- ❑ Members seem to have different perceptions regarding the way in which role players during the disciplinary process execute their tasks.
- ❑ Members seem to have different preferences with regard to the process of investigation into misconduct, the disciplinary process as well as remedies for dissatisfied employees.

1.3 AIM OF THE STUDY

The primary aim of this study will be to determine what the perceptions of the members of the SAPS in the North Rand area are about the disciplinary process. Once their perceptions have been determined, problem areas will then be identified for future research.

Furthermore, it is the aim of this study to determine the perceptions of those employees holding the ranks of captain, inspector, sergeant and constable as these employees are not in managerial positions and in most cases they are the ones who are subjected to the disciplinary process.

Emphasis will be on the perceptions and preferences of members about suspension, dismissal and appeal as a means at the employees' disposal to challenge any decision or verdict reached during the disciplinary process. Reference will be made to institutions recognised by the regulations, which may be approached by employees either to lodge an appeal or seek a review of the disciplinary process.

1.4 LIMITATIONS ON THE STUDY

The study will be limited to the North Rand Area, which consists of fifteen police stations. Such a limitation will allow the researcher to engage in an in-depth investigation of the aforementioned problems and those which may be gathered from questionnaires completed by the respondents.

In the SAPS there are employees who are employed under the auspices of the *South African Police Service Act*, Act 68 of 1995 (hereafter referred to as the *Police Act*, 1995) and those who are employed under the auspices of the *Public Service Act*, Act 103 of 1994 (hereafter referred to as the *Public Service Act*, 1994). This study will be limited to those employees employed under the auspices of the *Police Act*, 1995.

Before a person may be employed permanently by the SAPS he/she must first undergo a basic training programme of twelve months which is also a probation period. These employees are referred to as students. As these students are not yet permanent employees of the SAPS they will also be excluded from this study.

1.5 METHODOLOGY

Literature study on the concepts “discipline” and “disciplinary process” in general will be done, followed by a study of the literature on discipline and the disciplinary process in a police or military environment. From this literature review the determinants of the disciplinary process which formed the bases of the questions in the questionnaire will be identified.

Warning, transfer, suspension, dismissal and appeal are the key concepts in the research problem which will be used as measurements of the disciplinary process. The researcher’s conclusions will be based on the research into these key concepts which will serve to explain

the perceptions of the employees regarding the disciplinary process.

Relevant data sources which will be used for the purpose of this study, will be the SAPS disciplinary regulations, standing orders, legislation such as the *Police Act, 1995* and *Labour Relations Act, Act 66 of 1995* (hereafter referred to as the *Labour Relations Act, 1995*) and employees. Data collection techniques will include questionnaires, interviews and focus groups. A multi-disciplinary approach will be used in the study to ensure that relevant aspects of the research topic are covered. In other words, in addition to Public Administration, other disciplines such as Constitutional Law, Administrative Law and Criminal and Procedural Law, will be used to justify the conclusions which will be reached by the researcher.

1.6 TERMINOLOGY

Words and phrases regularly used in this dissertation will have the following meanings:

accused	:	an employee of SAPS charged with misconduct
appeal	:	appeal in terms of the SAPS regulations and will include review
area commissioner	:	SAPS Area Commissioner of North Rand.
disciplinary process	:	the stage between the reporting of a transgression and the verdict at a departmental hearing
CCMA	:	Commission for Conciliation, Mediation and Arbitration
employer	:	an individual appointed to lead an institution
management	:	group of people managing an institution
North Rand	:	delimited area of the SAPS which consists of the following police stations : Benoni, Daveyton, Actonville, Kempton Park, Putfontein, Crystal Park, Ivory Park,

Midrand, Sebenza, Tembisa, Edenvale, Norkem Park,
Johannesburg International Airport, Olifantsfontein and
Etwatwa

police official : a member of the SAPS below the rank of captain

representative : any person assisting an accused in the disciplinary
process

SAPS : South African Police Service

SSSBC : Safety and Security Sectoral Bargaining Council

station : SAPS police station in the North Rand area

supervisor : a head of a component or unit in the SAPS

station commissioner : head of police station

trial officers : SAPS members appointed to conduct a
departmental hearing

verdict : a final decision of a trial officer

1.7 REFERENCE TECHNIQUE

In this dissertation the abbreviated Harvard reference method will be used. According to this method, reference is made to authors whose work have been cited in the contents of the dissertation, quoting the name of the author, year of publication and page number(s) to facilitate reference (Burger 1982:20).

A list of sources referred to in the text will be provided at the end of the dissertation.

1.8 SEQUENCE OF THE STUDY

The study is divided into sequential categories in the form of chapters which in a whole form a logical entity.

The sequence of chapters is as follows :

- Chapter 1 An introduction to the dissertation.
- Chapter 2 The theoretical exposition of discipline. The main purpose of this chapter is to identify the key aspects of the disciplinary process according to the literature.
- Chapter 3 General overview of the composition of the SAPS employees on the national, provincial and area levels.
- Chapter 4 Description of how the data used in the research project have been collected.
- Chapter 5 Preferences of the members about the role players during the disciplinary process. The powers and obligations of these role players.
- Chapter 6 Preferences of members about the process of investigation instituted against an employee after an alleged misconduct and the stages in the investigation process which should be completed before the employee can appear at a departmental hearing.
- Chapter 7 Preferences of members about the appearance and the rights of the employee at a departmental hearing.
- Chapter 8 Preferences of members about the remedies available to the employee who was found guilty of misconduct at a departmental hearing and the preferences of members about the appeal by an employee against the verdict of a departmental hearing.
- Chapter 9 Concluding remarks and recommendations regarding the aspects dealt with in the dissertation.

