



FOR PSA MEMBERS: **DEPARTMENT OF CORRECTIONAL SERVICES – KWAZULU-NATAL:
PIETERMARITZBURG AREA**

22-09-2026

PSA successfully represents members

PSA ensures secures acquittal in serious misconduct allegation

The PSA successfully defended a member at the Department of Correctional Services (DCS) who faced a serious disciplinary charge relating to an alleged intimate relationship with a deceased offender during the period in which the offender was incarcerated between 2019 and 2020. The DCS alleged that the member had contravened the DCS Code of Conduct, which requires employees to acknowledge and adhere to limitations placed on social and intimate relationships with prisoners in their care. The DCS regarded the alleged conduct as serious misconduct. During the disciplinary hearing, the DCS called only one witness, the investigating officer. After the investigator testified, the DCS closed its case. The PSA, representing the member, submitted that the DCS had failed to establish the essential elements of the allegations and had not presented sufficient evidence to establish a *prima facie* case against the member. Following the PSA's application for acquittal, the Chairperson found that the charged member had no case to answer, as the DCS had failed to establish a *prima facie* case or place sufficient evidence before the hearing to sustain the allegations. The member was consequently found not guilty and acquitted of the charges. This outcome demonstrates the importance of proper evidentiary procedures and the right of employees to fair disciplinary process. The PSA is committed to providing strong representation to members and ensuring that allegations of misconduct are properly tested against evidence presented.

PSA secures suspension instead of dismissal for two members

In a separate disciplinary matter, two DCS members faced a charge of negligence relating to the handling and exchange of safe keys associated with an offender's cash. The employees were charged with acting negligently by exchanging and/or handing over and taking over the safe keys amongst themselves without following proper handover and takeover procedures. The DCS alleged that this conduct resulted in a financial loss of R21 394. The two employees pleaded guilty to the charges. PSA representation then focused on presenting substantial mitigating factors on behalf of the members, including circumstances relevant to the employees' culpability and the appropriate sanction. Following consideration of the guilty pleas and the mitigation presented, the disciplinary proceedings resulted in each employee receiving a sanction of one month's suspension without pay, rather than dismissal. The outcome ensured that the members retained their employment despite the seriousness of the allegations and the financial loss alleged by the DCS.

PSA: Standing up for members

These matters demonstrate the PSA's commitment to ensuring that members receive fair representation through disciplinary proceedings. Whether challenging the sufficiency of the employer's evidence or presenting compelling mitigating factors, the PSA continues to protect members' employment rights and ensures that disciplinary sanctions are fair and appropriate in the circumstances.

Employees who would like to join the PSA, can reach PSA Organising/Marketing Officers - Zweli Msane: 082 880 8944 / Zweli.Msane@psa.co.za and Nkosephayo Zulu - 082 880 8994 / Nkosephayo.Zulu@psa.co.za.

Reuben Maleka

GENERAL SECRETARY