



**DEPARTMENT OF SOCIAL DEVELOPMENT
KWAZULU NATAL**

POLICY ON PAYMENT OF WITNESSES

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1. INTRODUCTION

The Department of Social Development in its effort to maintain discipline and applied corrective action to its employees is committed to ensure that every witness is reimbursed for the costs incurred while giving evidence in a disciplinary hearing.

The policy on payment of witnesses should not be construed or interpreted as a means of paying witnesses a salary or wages in order for them to give evidence on behalf of the Department.

2. PURPOSE

The purpose of the policy on payment of witnesses is to provide measures with regard to reasonable expenditure including incidental expenses that may be claimed by the witness during periods when she/he is leading evidence in a disciplinary hearing.

3. OBJECTIVES

The objectives of this policy are to ensure:

- 3.1 That the witness is reimbursed for all costs incurred while he or she is away to give evidence; and
- 3.2 That every witness is supported in order to be present at the proceedings.

4. SCOPE OF APPLICABILITY

The policy on payment of witnesses applies to persons who have been identified during investigation as potential witnesses in the hearing proceedings.

5. LEGISLATIVE FRAMEWORK

The following statutory mandates guide the payment of witnesses:

- 2.1 Labour Relations Act, 1995 (Act no. 66 of 1995) as amended;
- 2.2 Public Financial Management Act, 1999(Act no.1 of 1999) as amended;
- 2.3 Treasury Regulations of 2000 as amended; and
- 2.4 PSCBC Resolution 3 of 1999.

6. DEFINITIONS, ABBREVIATIONS AND ACRONYMS

For the purpose of this policy:

- 6.1 **“Employee”** means any person, excluding an independent contractor, who works for another person or for the state and who receives, or is entitled to receive, any remuneration; and any other person in any manner assisting in carrying on or conducting the business of an employer, and “employee” and “employed” have meanings corresponding to that of “employee”;
- 6.2 **“Employer”** means the Department of Social Development;
- 6.3 **“Headquarters”** means the city, town, institution or place where the principal duty of an employee has to be performed or which may be indicated as his/her location on her/his job description;
- 6.4 **“H O D”** stands for Head of the Department;
- 6.5 **“Official duty”** means official performance of work away from headquarters as authorized by the department;
- 6.6 **“PHSDSBC”** stands for Public Health and Social Development Sector Bargaining Council;
- 6.7 **“PSCBC”** stands for Public Service Co-coordinating Bargaining Council;
- 6.8 **“Responsibility Manager”** refers to the official who has been formerly appointed to monitor and control financial matters of the directorate, institution, component or section;
- 6.9 **“Travel allowance”** means an allowance paid or advance given to a witness in respect of traveling expenses for business purpose;
- 6.10 **“Witness”** refers to any one who is testifying; before any departmental proceedings; and
- 6.11 **“Witness Cost”** any costs incurred by a witness/ any person giving evidence during Departmental proceedings.

7. PRINCIPLES

- 7.1 All employees of the state departments who have been identified as witnesses in the hearing proceedings shall claim for expenses incurred in accordance with the S&T policy;

- 7.2 In a case where a witness is not employed by Government and is required to be at any proceedings, the Department will:
- 7.2.1 Provide reasonable substantiated travel and subsistence expenses incurred by the witness in order to be present at the hearing;
 - 7.2.2 Negotiate with the witness and his / her employer in order to reimburse the witness with a day's salary or part thereof;
 - 7.2.3 Provide a departmental vehicle with a driver to transport him or her to the venue of the hearing or; and
 - 7.2.4 Negotiate with the witness to make use of his /her vehicle to the venue of the hearing and claim for reimbursement.
- 7.3 Persons who are self employed may submit affidavits as a proof of a day's income for their claim to be processed; and
- 7.4 In case where a witness requires accommodation, the most economical accommodation must be used. In the event of none in the area, an approval must be sought from the respective Responsibility Manager.

8. RESPONSIBILITY OF THE WITNESSES

- 8.1 The witness shall acknowledge the invitation to the case and confirm his/her attendance;
- 8.2 In the event a witness withdraws from the case he/she must notify the department in writing at least 48 hours before the hearing and advance the reasons; and
- 8.3 The witness shall be responsible for the fruitless expenditure the department has incurred for no show at the hearing in cases where accommodation and or transport have been arranged.

9. MONITORING, EVALUATION AND REVIEW

- 9.1 The Human Resource Management component is responsible for communicating the provisions of this policy to all employees; and
- 9.2 The policy will be monitored, evaluated and reviewed on regular basis to ensure that it achieves the intended purpose.

10. EFFECTIVE DATE

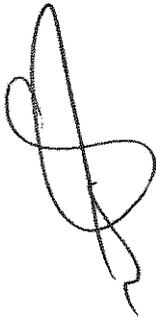
This policy is to be effective on the date of approval.

11. TITLE OF THE POLICY

The title of this policy shall be called Policy on Payment of Witnesses.

12. POLICY APPROVAL

This policy supersedes all other policies on Payment of Witnesses promulgated before. This policy is approved with effect from the 10th day of November in the year 2009 and will be effective on the date of approval.



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MR B L NKOSI
HEAD OF DEPARTMENT: SOCIAL DEVELOPMENT