

Statement by KZN Health MEC Dr Sibongiseni Dhlomo, in response to the public protector's report on public mortuaries in KZN

01 April 2019

We welcome the report by Public Protector Adv Busisiwe Mkhwebane regarding the state of government mortuaries in the province, which was issued last week.

Notably, the Public Protector did not find anything consistent with the outrageous and untruthful claims by that bodies were not properly identified, and that some were lying on the floors and piling up on the trolleys and trays outside mortuary fridges.

The Public Protector's response once again exposes the antics of those who operate in bad faith, and are intent on besmirching the good name of the Department and its hardworking staff and management.

There is sufficient storage for human bodies in the Medico-Legal Mortuaries (MLM), including the busiest four MLM's in KwaZulu-Natal - namely Gale Street, Phoenix, Pinetown and Fort Napier. Magwaza Maphalala (Gale Street) Mortuary is the busiest mortuary in KwaZulu- Natal, and there has no piling up of bodies as alleged.

On occasions where the cold rooms (fridges) were not functioning, bodies were moved to Phoenix MLM because it has more capacity for body storage.

It is also untrue that there has been a high volume of decomposed and/or decomposing bodies in the Mortuaries.

There are human mortal remains that get admitted in the MLM's already in a decomposed state. Some are admitted when the process of decomposition has already started. There are separate storage rooms allocated for decomposed bodies. In instances of faulty refrigeration in the cold rooms, bodies are moved to the nearest MLM with sufficient storage capacity.

The temperature in the cold rooms is recorded at least twice a day, and such recordings are then checked by or submitted to the Mortuary Manager.

Regarding claims that Mortuary Managers do not have the necessary and appropriate qualifications and experience to operate and manage the mortuaries, nothing could be more further from the truth.

All Mortuary Managers have a post matric qualification in the form of a diploma, or degree from institutions of higher learning (a list of this was made available to the Office of the Public Protector).

Labour matters do have an impact on service delivery provision. The Department of Health KZN has limited control over the labour related issues as they are transversal across the country. The Department of Public Service Administration has authority on these labour related matters. The issues of compensation of Forensic Pathology Services are not a competency of the Department, but rather the Department of Public Service Administration.

It has been further charged that mortuaries in KZN do not comply with provisions of applicable rules, laws and regulations governing the performance of forensic pathology in South Africa.

But regulations regarding the rendering of Forensic Pathology Services stipulate that a body stored in Medico-Legal Mortuary must not exceed 30 days. The storage of mortal remains in the facilities depends on a number of factors, which are dependent on, among others:

- South African Police Service concluding their investigative processes;

- Identification by the next of kin and authorization to the Medico-Legal Mortuary for the body to be taken or sent out for a burial or cremation.

In instances where this has not occurred, bodies do unfortunately end up accumulating in facilities. Perhaps also there is a need for a review of this section of the Law, considering that in practical terms 30 days is way too little, particularly in South Africa where we have a history of a migrant labour system, which is complicated by urban migration. Investigating and trying to locate families could be time-consuming, may require resources that may not always be available. And it should be borne in mind that some areas are not easily accessible. Furthermore, some of the descendants of a deceased person may not be registered with the Department of Home Affairs. This makes it difficult track down their relatives. Paupers burials are the last resort in order to allow for these processed to unfold, which is why some of the bodies remain in the facilities for way beyond the 30 day period.

Regarding issues of infrastructure, equipment and the Department's ability to run a functional MLM service, we purchased three Lodox (X-ray) machines for the following MLM's: Gale Street Mortuary, Phoenix Mortuary and Richards Bay Mortuary. This has had a positive impact in ensuring that x-rays are taken and completed with greater efficiency where required.

It has, however, been noted that during strike action or other activities related to work stoppage, certain instruments would go missing. When normal resumption of duties occurs, some instruments would no longer be located or accounted for. It's an open secret that in most cases, Forensic Pathology Officers are mostly responsible or have the knowledge about disappearance or deliberate sabotaging of working instruments. Where feasible, we do take action against them.

In some cases, delays in the completion of post-mortems may be caused by outstanding results from blood specimen investigations (alcohol and toxicology reports) for which we rely on the SAPS.

In order to alleviate this challenge, the Head of the Clinical Unit has introduced fortnightly meetings with doctors on an individual basis to evaluate and discuss each doctor's post-mortem report status. The Clinical Head also introduced the practice whereby any doctor who resigns while having outstanding post-mortem reports is required to finalise them prior to exiting. If they do not comply with such a request, their resignation would not be approved.

Additionally, as of 01 April 2018, all infrastructure matters relating to Forensic Pathology Services were centralised to Head Office Infrastructure Development Unit. That means all infrastructure related faults or repairs in the MLMs are attended to by this unit. This has yielded a noticeably positive difference in handling mortuary related infrastructure matters. Currently, service level agreements and contracts that are about to expire are being reviewed to ensure effective and seamless functioning of Forensic Pathology Services.

The Department continues to run a satisfactory medico-legal services despite financial constraints. We wish to thank all staff who are loyal, committed and dedicated in this regard.