

PUBLIC SERVICE COMMISSION



Building a Capable, Career-Oriented and Professional Public Service to Underpin a Capable and Developmental State in South Africa

Discussion Document

FOREWORD

The Public Service Commission (PSC) has a mandate to monitor, evaluate and make recommendations about the organisation, administration, personnel procedures and practices and the efficient, economic and effective performance of the public service. In this context the PSC as a Constitutional institution has an important role to play in building a capable and professional public service for a capable and developmental South African state.

The PSC must also promote the values in section 195 of the Constitution throughout the public service. One of those values is that public administration must be development-oriented. A key question for the PSC, therefore, has been how the tenets of a capable and developmental state determine the architecture of the public service processes. Specifically, the PSC is interested in the management and leadership underpinnings of a capable and developmental state. This discussion document explores the current characteristics of the public service and makes proposals on how these should change to better underpin a capable and developmental state.

The role that the state and public institutions generally, and the public service in particular, play in development is currently high on the public agenda. The government has made a conscious choice that South Africa must become a capable and developmental state, and the National Development Plan (NDP) gives specific attention to the capabilities of such a developmental state. This discussion document does not look at all the building blocks of a developmental state but specifically restricts itself to aspects that fall within the mandate of the PSC with regard to the public service.

The PSC's mandate places it in a unique position to stand back from the daily cut, and thrust of public administration and review all aspects of the public service and its performance. The PSC intends to become an activist commission that actively promotes a particular view of public service, which is based on continuous research, investigation and evaluation. Hence, this discussion document.

The PSC will now subject this discussion document to vigorous debate amongst all stakeholders with a specific interest in the character of the public service and its performance. The outcome of the discussion will be a Strategic Framework containing specific recommendations of the PSC on the direction of change of the public service to make it a better instrument to serve South Africa and its people.

The PSC is indebted to the governments of Botswana, Brazil, the People's Republic of China, Malaysia and Mauritius for sharing their experiences in building a capable and developmental public service. Equally, we are grateful to the United Nations Development Programme (UNDP) in South Africa, Brazil, Malaysia and China for its assistance in the different aspects of this study.

In addition, the PSC is grateful to South Africa's Department of International Relations and Co-operation (DIRCO) and its diplomatic missions in the countries visited for their advice, guidance and support in putting together itineraries. A special word of appreciation goes



Building a capable, career-oriented and professional Public Service to underpin a capable and developmental state in South Africa



to the following South African Heads of Mission for a warm welcome and strategic leadership:

- H E Mr M.D. Lembede (High Commissioner to the Republic of Botswana)
- H E Mr M.N. Mbete (Ambassador to the Federal Republic of Brazil)
- H E Dr B.W.J. Langa (Ambassador to the People's Republic of China)
- Mr T. Thage (Consul-General, Shanghai)
- H E Mr T.D. Mseleku (High Commissioner to the Federation of Malaysia)
- H E Dr N.N. Nokwe (High Commissioner to the Republic of Mauritius)

Without the support of Parliament through its Committees, this study would not have happened. Parliament in its oversight over the work of the PSC continually challenges us to stretch the envelope in unpacking our mandate.

RK SIZANI

DEPUTY CHAIRPERSON

DATE:



Building a capable, career-oriented and professional Public Service to underpin a capable and developmental state in South Africa



TABLE OF CONTENTS

- FOREWORD..... i
- LIST OF ACRONYMS vii
- PART A: SETTING THE SCENE FOR BUILDING A CAPABLE, CAREER-ORIENTED AND PROFESSIONAL PUBLIC SERVICE 1
- CHAPTER 1: INTRODUCTION..... 2
 - 1.1 Background..... 2
 - 1.2 Rationale of the Project..... 2
 - 1.3 Mandate of the PSC..... 3
 - 1.4 Objectives of the Project 3
 - 1.5 Methodology 3
 - 1.6 Structure of the Document..... 4
 - 1.7 Conference..... 4
 - 1.8 Expected Outcomes of the Project..... 4
- CHAPTER 2: REFLECTIONS ON THE SOUTH AFRICAN PUBLIC SERVICE TRANSFORMATION JOURNEY SINCE 1994 AND THE ROAD AHEAD 6
 - 2.1 Addressing a Divided Past..... 6
 - 2.2 Representativeness 7
 - 2.3 A Rule-Bound Public Service..... 7
 - 2.4 Appointments on Policy Considerations..... 9
 - 2.5 Some Achievements Along the Transformation Journey 10
 - 2.6 Problem Statement..... 12
- CHAPTER 3: UNDERSTANDING KEY ATTRIBUTES OF DEVELOPMENTAL STATES 14
 - 3.1 Development Performance 14
 - 3.2 Characteristics of the Developmental State in the South African Context 14
 - 3.3 Definition of a Developmental State 15
 - 3.4 The Nature and Character of Developmental State Institutions..... 15
 - 3.5 Lessons Learnt 17
- PART B: ELEMENTS FOR BUILDING A CAPABLE, CAREER-ORIENTED AND PROFESSIONAL PUBLIC SERVICE..... 18
- CHAPTER 4: A VALUES DRIVEN PUBLIC SERVICE..... 19
 - 4.1 South African Constitutional Values and Principles 19
 - 4.2 Complexity, Uncertainty, and Rapid Change of the Public Service 20
 - 4.3 The Importance of the Values and Principles..... 20
 - 4.4 Recommendations 21
- CHAPTER 5: RECRUITMENT 22
 - 5.1 The Nature of Recruitment: A Comparative Perspective in Developmental States..... 22
 - 5.1.1 *Who appoints?* 22
 - 5.1.2 *Appointment requirements: Education profiles of public servants in developmental states*..... 23



Building a capable, career-oriented and professional Public Service to underpin a capable and developmental state in South Africa



Table of Contents

| | | |
|-------|---|----|
| 5.1.3 | <i>Selection method</i> | 24 |
| 5.1.4 | <i>Prestige of the bureaucracy</i> | 26 |
| 5.2 | The Nature of Recruitment in South Africa | 27 |
| 5.2.1 | <i>Key features of recruitment and selection</i> | 27 |
| 5.2.2 | <i>Appointment of members of the senior management service</i> | 28 |
| 5.2.3 | <i>Appointment of Directors-General/Deputy Directors-General and Heads of Department</i> | 28 |
| 5.2.4 | <i>Appointments on policy considerations</i> | 29 |
| 5.2.5 | <i>Who appoints?</i> | 29 |
| 5.2.6 | <i>Appointment requirements</i> | 29 |
| 5.2.7 | <i>Employment equity</i> | 30 |
| 5.2.8 | <i>Selection method</i> | 31 |
| 5.2.9 | <i>Competency assessment</i> | 32 |
| 5.3 | Problem Statement/Evaluation | 32 |
| 5.4 | Recommendations | 33 |
| ➤ | CHAPTER 6: PROMOTION AND CAREER PATH – COMPARATIVE PERSPECTIVE IN DEVELOPMENTAL STATES | 36 |
| 6.1 | Comparative Perspective..... | 36 |
| 6.1.1 | <i>Appointment until retirement</i> | 36 |
| 6.1.2 | <i>Internal promotion on the basis of seniority and performance</i> | 36 |
| 6.1.3 | <i>Predictable career path</i> | 36 |
| 6.1.4 | <i>Rotation between departments and other agencies</i> | 37 |
| 6.2 | Key Features in the Career System in South Africa | 37 |
| 6.6.1 | <i>Advertisement of posts</i> | 37 |
| 6.6.2 | <i>Selection criteria</i> | 37 |
| 6.6.3 | <i>Promotion requirements</i> | 37 |
| 6.6.4 | <i>Career building</i> | 38 |
| 6.6.5 | <i>Capacity assessment</i> | 38 |
| 6.3 | Problem Statement/Evaluation | 39 |
| 6.4 | Recommendations..... | 39 |
| | NOTE | 41 |
| ➤ | CHAPTER 7: ROLE OF PERFORMANCE MANAGEMENT..... | 42 |
| 7.1 | Key Features of the Performance Management System in South Africa | 42 |
| 7.2 | Problem Statement/Evaluation | 42 |
| 7.2.1 | <i>Fundamental problems</i> | 43 |
| 7.2.2 | <i>Implementation problems</i> | 47 |
| 7.3 | Conclusion..... | 48 |
| 7.4 | Recommendation | 48 |
| ➤ | CHAPTER 8: COMPETENCIES OF PUBLIC SERVICE LEADERSHIP | 50 |
| 8.1 | Overview of Competency Framework from Selected Countries | 50 |
| 8.2 | Lessons from China and Malaysia..... | 52 |

| | | |
|--------|--|----|
| 8.2.1 | <i>China Executive Leadership Academy Pudong (CELAP) and Chinese Academy of Governance (CAG)</i> | 52 |
| 8.2.2 | <i>Razak School of Government and National Institute of Public Administration (INTAN)</i> . | 52 |
| 8.3 | Competency Qualities of Public Service Leadership in a Developmental State Context | 53 |
| 8.4 | Problem Statement/Evaluation | 54 |
| 8.5 | Recommendations | 54 |
| ➤ | CHAPTER 9: POLITICAL-ADMINISTRATIVE INTERFACE..... | 55 |
| 9.1 | Selected Countries Insulation in Comparative Perspective in the Study Countries | 55 |
| 9.2 | Other Experiences: OECD Countries | 56 |
| 9.2.1 | <i>Public service neutrality and responsiveness</i> | 57 |
| 9.2.2 | <i>Role of politicians in senior appointments</i> | 58 |
| 9.2.3 | <i>Clear division of labour</i> | 59 |
| 9.3 | The Political-Administrative Interface in South Africa | 60 |
| 9.3.1 | <i>Historical context</i> | 60 |
| 9.3.2 | <i>Role clarification</i> | 60 |
| 9.4 | Managing the Career Incidents of HoDs..... | 61 |
| 9.5 | Weaknesses in the Current System | 63 |
| 9.6 | A Head of the Public Service..... | 63 |
| 9.7 | Problem Statement/Evaluation | 64 |
| 9.8 | Recommendations..... | 66 |
| | NOTE | 67 |
| ➤ | CHAPTER 10: CAPACITATION/TRAINING AND ITS FUNDING IN THE PUBLIC SERVICE..... | 68 |
| 10.1 | Problem Statement..... | 68 |
| 10.2 | Lessons from Developmental States | 69 |
| 10.3 | Training and Development in the Public Service in South Africa | 70 |
| 10.3.1 | <i>Constitutional, legislative and policy frameworks</i> | 70 |
| 10.3.2 | <i>Provision and funding of training and development in the public service</i> | 72 |
| 10.4 | Recommendations..... | 75 |
| | NOTE | 76 |
| ➤ | CHAPTER 11: THE ROLE OF PUBLIC SERVICE COMMISSIONS | 78 |
| 11.1 | Comparative experiences of Public Service Commissions in Developmental States | 78 |
| 11.1.1 | <i>Establishment: Enabling legislation</i> | 78 |
| 11.1.2 | <i>Roles and functions of PSCs</i> | 79 |
| 11.1.3 | <i>Structure</i> | 80 |
| 11.2 | The PSC in South Africa..... | 81 |
| 11.3 | Recommendation | 82 |
| ➤ | CHAPTER 12: CONCLUSION | 83 |
| ➤ | REFERENCES..... | 85 |
| ➤ | ANNEXURES | 90 |
| ➤ | Annexure A: Recruitment | 91 |
| ➤ | Annexure B: Career path and promotion | 93 |

Table of Contents

| | |
|---|----|
| ➤ Annexure C: Political-administrative interface..... | 94 |
| ➤ Annexure D: Competencies indicator..... | 96 |



Building a capable, career-oriented and professional Public Service to underpin a capable and developmental state in South Africa



LIST OF ACRONYMS

| | |
|--------|--|
| ANC | African National Congress |
| CORE | Code of Remuneration |
| CS | Civil Servants |
| CSC | Civil Service Commission |
| DDG | Deputy Director-General |
| DG | Director-General |
| DPME | Department of Performance Monitoring and Evaluation |
| DPSA | Department of Public Service and Administration |
| EA | Executive Authority |
| EPU | Economic Planning Unit |
| HoD | Head of Department |
| HR | Human Resource |
| HRM | Human Resource Management |
| KPA | Key Performance Area |
| KRA | Key Result Area |
| MISS | Minimum Information Security System |
| MMS | Middle Management Service |
| MOHRSS | Ministry of Human Resources and Social Security |
| MOSPA | Ministry of Security and Public Administration |
| MPSA | Minister for Public Service and Administration |
| NPC | National Planning Commission |
| NDP | National Developmental Plan |
| NT | National Treasury |
| OECD | Organisation for Economic Co-operation and Development |
| OPS | Open Post System |
| OSD | Occupation Specific Dispensation |
| PA | Performance Agreement |
| PERSAL | Personnel and Salary System |
| PFMA | Public Finance Management Act 1999 |
| PMDS | Performance Management and Development System |
| PS | Permanent Secretary |
| PSA | Public Service Act, 1994 as amended by Act 30 of 2007 |
| PSC | Public Service Commission |
| PSG | Professional Skills for Government |
| SACS | State Administration of Civil Service |
| SCS | Senior Civil Service |
| SETA | Sector Education and Training Authority |



Acronyms

| | |
|------|---|
| SG | Secretary-General |
| SITA | State Information Technology Agency |
| SMS | Senior Management Service |
| SOE | State-Owned Enterprise |
| TVET | Technical and Vocational Education and Training |
| USA | United States of America |



Building a capable, career-oriented and professional Public Service to underpin a capable and developmental state in South Africa



PART A: SETTING THE SCENE FOR BUILDING A CAPABLE, CAREER-ORIENTED AND PROFESSIONAL PUBLIC SERVICE



Building a capable, career-oriented and professional Public Service to underpin a capable and developmental state in South Africa



CHAPTER 1: INTRODUCTION

1.1 Background

The Post-amble to the Interim Constitution described South Africa's pre-1994 past as that of a “deeply divided society characterised by strife, conflict, untold suffering and injustice” which “generated gross violations of human rights, transgressions of humanitarian principles in violent conflicts and a legacy of hatred, fear, guilt and revenge”. This apt description was quoted with approval by the Constitutional Court in the 1996 Certification judgement and recently in the Barnard case on Affirmative Action in the public service.

The South African public service has undergone fundamental transformation under the democratic dispensation since 1994. The pre-1994 public services and administrations were fragmented, lacking legitimacy and credibility, while being non-inclusive, non-transparent and non-responsive to the needs of the majority of South Africans. Indeed, the various public services were characterized by apartheid “separate development”. In fact, the democratic government inherited public services that were not effective and efficient instruments for delivering equitable services to all citizens and of driving the country's economic and social development. This was the main impetus for the transformation of the public service.

Since then, the public service has witnessed fundamental transformation, including organisational redesign that has resulted in the creation of a unified public service and administration. Representation on the basis of race, gender and disability has underpinned the reform agenda. As a result, the public service is more representative than it was in 1994. The goal of ensuring that the public service provides public goods to all South Africans is being vigorously pursued.

In spite of the achievements in transforming the public service and administration, major challenges remain, partly due to the limited capacity of the post-1994 public service. Consequently, the public service is not as efficient and effective as it should be. This is recognised by the National Planning Commission (NPC) in its diagnostic report. The low capacity poses fundamental challenges to government efforts to address our triple challenges of high levels of poverty, inequality and unemployment. It has also constrained the ability of the state to transform the structure of the economy and to make it more competitive. Without addressing the capacity deficits of the public service, South Africa's goal of becoming a capable and developmental state will be compromised.

1.2 Rationale of the Project

The South African Constitution requires public administration to be “development-oriented”. The South African Government has also made a conscious decision that South Africa should become a capable and developmental state. In 2013, the Government adopted its first National Development Plan (NDP). The plan demonstrates government's commitment to building a capable and developmental state, central to which is a capable, effective and efficient public service. As noted in the NDP, which is South Africa's strategic national development framework for 2013-2030, “we need to move towards a



Building a capable, career-oriented and professional Public Service to underpin a capable and developmental state in South Africa



state that is more capable, more professional and more responsive to the needs of its citizens". It is against this backdrop that the PSC has prepared this discussion document.

1.3 Mandate of the PSC

The NDP envisages a significant role for the PSC in building a capable and developmental state. The PSC is a constitutional body entrusted with responsibilities to investigate, monitor, evaluate, propose measures, give directives, report and advise on the organisation, administration, the personnel procedures and practices, and the effective and efficient performance of the public service. It has prepared this discussion document with the aim of contributing to transformation of the South African public service into a more capable and effective mechanism of state. The ability of government in particular and the state in general to co-produce public goods for citizens will be largely dependent on a professional, career-oriented and prestigious public service.

1.4 Objectives of the Project

When the PSC embarked on this project it set itself the following objectives:

- i. To develop a shared understanding in the PSC of the concept of a capable developmental state, and on the attributes of a public service and administrative leadership that should underpin it.
- ii. To critically review public service institutions and practices with a view to advising key decision-makers about the direction of change of the public service for South Africa to become a capable and developmental state.
- iii. To develop a strategic framework on the attributes of both the public service and the administrative leadership that should underpin a capable and developmental state in South Africa.
- iv. To make recommendations to key decision-makers on building a capable, career-oriented, professional public service.

1.5 Methodology

This discussion document is based on primary and secondary sources. The primary materials are based on interviews conducted by delegations of the PSC with high-level government officials in Botswana, Brazil, China, Malaysia and Mauritius, as well as official documents in these countries. These have been complemented by secondary sources. The PSC studied and drew lessons from countries that are regarded as developmental states and those we find to hold relevant experiences for South Africa.

These comparative cases enabled us to understand the nature and characteristics of public services that underpinned their developmental states. The point is not to replicate the developmental experiences from elsewhere because institutional architectures and policies must necessarily be contextualized to respond to national development imperatives. However, through analysis of comparative experiences of public services in developmental states, especially those of Asia, this discussion document offers suggestions on how to build a career-based, professional and capable public service in South Africa in its quest to become a capable and developmental state.



1.6 Structure of the Document

The document first provides important context by reflecting on the South African public service transformation journey since 1994 and explaining the value-driven nature of the South African public service. It then elaborates the conceptual framework of a developmental state. This provides the basis for the rest of the document, which discusses the chosen attributes of strong public service institutions. The PSC has decided to concentrate on the following attributes of a capable, career-oriented and professional public service:

- A values-driven public service;
- Recruitment;
- Promotion and career path;
- Performance management;
- Public service leadership competence;
- The political-administrative interface;
- Capacitation/training and its funding in the public service; and
- The role of Public Service Commissions (PSCs).

The rationale for choosing these attributes is explained in the section of this document on the conceptual framework. These attributes relate specifically to the mandate of the PSC, and this discussion document consciously restricts itself to areas within the mandate. Each section refers to comparative experiences, explains and evaluates the characteristics of the South African public service at this juncture of its development, and finally offers some recommendations.

1.7 Conference

The document was submitted for discussion at a conference that took place in November 2014. This Discussion Document therefore also benefited from the inputs of stakeholders with an interest in the nature of public service and the performance of the public service. The PSC will now turn the document into a strategic framework containing the PSC's own recommendations for the direction of change in the further development of the public service. These recommendations will be further discussed with decision-makers in the Executive, Parliament and senior public servants who have a role in adopting and implementing the recommendations.

1.8 Expected Outcomes of the Project

The expected outcomes of the project are the following:

- A shared understanding on the concept of a capable and developmental state.
- A finalised strategic framework on the attributes of the public service and its administrative leadership that should underpin a capable and developmental state in South Africa.



- Provision of strategic advice by the PSC to the executive and legislative arms at provincial and national levels on building a capable, career-oriented and professional public service to underpin a capable and developmental state in South Africa.

CHAPTER 2: REFLECTIONS ON THE SOUTH AFRICAN PUBLIC SERVICE TRANSFORMATION JOURNEY SINCE 1994 AND THE ROAD AHEAD

2.1 Addressing a Divided Past

The new South African public service was borne out of a past that was racially divided. The country was divided into homelands. The homelands were largely characterised by marginal lands with low production capacity, were unable to develop local economies and were dependent on the apartheid state for funding. Each had its own public service (South Africa 20 Year Review, 2014).

The tensions of the 1980s and violence that gripped South Africa at the time, were perpetuated by the fact that laws favoured the White minority and those laws were implemented to benefit the minority. The late 1980s and early 1990s saw increased violence in various townships. The era was also troubled by intensified opposition and resistance to the repression of the colonial and apartheid state.

Across most of the political spectrum, there was acknowledgement that apartheid could neither be maintained by force nor overthrown without considerable suffering, and there needed to be a shift to the negotiating table (South Africa 20 Year Review, 2014).

Initial negotiations were between the African National Congress (ANC) and the then government of the day between 1990 and 1991. Negotiations were later broadened and 27 political organisations, national and homeland governments, trade unions, religious and civic organisations signed the National Peace Accord in September 1991 (South Africa 20 Year Review, 2014).

During the negotiations a number of concessions were agreed on, largely to speed up the process but also deal with the violence that was escalating on a daily basis as there was a worry that the violence could escalate into a civil war. In 1993, an interim Constitution was in place. The interim Constitution included key constitutional principles through which basic freedoms would be ensured and minority rights protected (South Africa 20 Year Review, 2014).

In 1994 the first non-racial democratic elections were held and the ANC won by majority. However, minority parties obtained sufficient votes to enable the formation of a Government of National Unity, headed by the ANC's Nelson Mandela, who became the first black president of democratic South Africa (South Africa 20 Year Review, 2014).

The first priority of the new government was the rationalisation of the separate public services of the homelands and separate administrations for Whites, Coloureds and Indians into one public service and administration for South Africa. This was no mean feat.

A number of policy reforms were introduced to address the imbalances of the past. The 1996 Constitution provided a foundation for the transformation of the public service. The transformed public service had to make a radical shift in relation to providing services to all citizens of the country; not only provision of services, but also ensuring that the beneficiaries of these services were afforded the human dignity enshrined in section 1 of the new Constitution.



Other noticeable improvements have taken place in addressing socio-economic challenges. The past twenty years have seen improved access to piped water, electricity, health and social grants.

2.2 Representativeness

The public service needed to become “broadly representative of the South African people” while at the same time ensuring that employment practices were based on “ability, objectivity and fairness” – Section 195(1)(i) of the Constitution. However, a strict career system with entry only at the entry grades and promotion through the ranks would not have achieved this. Consequently, the system had to become open, but still competitive. All posts would be advertised inside and outside the public service.

The transformation of the public service also required removal of the appointment powers of the PSC and their assignment to Executive Authorities.

The South African Constitution has a transformative mission and this will remain so until substantive equality has been achieved. In a recent Constitutional Court case on employment equity (*South African Police Service v Solidarity obo Barnard* (2014) ZACC 23) the majority judgement said the following:

“So, plainly, (the Constitution) has a transformative mission. It hopes to have us re-imagine power relations within society. In so many words, it enjoins us to take active steps to achieve substantive equality, particularly for those who were disadvantaged by past unfair discrimination” (Barnard Case, par 29).

The Constitution therefore mandates affirmative action measures and it asks the public service to balance the right of the individual to fair, objective and equal treatment (section 9 of the Constitution) with affirmative action requirements. The Constitution also makes it clear that efficiency and competence should not be sacrificed at the altar of remedial employment (Barnard Case, par 41). **Merit** should also be interpreted in the South African context where the playing field is not level, with big variances in the quality of education between schools and between tertiary institutions.

According to the 2013/14 report of the Commission for Employment Equity, “national government appears to be doing fairly well with regards to the representation of females at the Top Management level”. In this reporting period, African females hold 54% of top management position in the public service (National and provincial spheres of government). In addition, the report places Africans at 69% of top management in the all government employers category, 79% in skilled jobs, 63% of senior management positions and 67% in the professionally-qualified category.

2.3 A Rule-Bound Public Service

The previous dispensation was rule-bound. This required a mind-shift from a conforming public service with processes defined by rules to a public service that is effective in delivering services to all the citizenry. Rules were replaced by the Constitutional values and principles as explained in the next sections.

The Constitution in Section 1 sets out and outlines the founding values of a democratic South Africa such as human dignity, the achievement of equality and the advancement



of human rights and freedoms, non-racialism and sexism and the supremacy of the Constitution and the rule of law. In Section 9, we find the equality clause, which guarantees everyone equality before the law and prohibits the state from unfairly discriminating against anyone on a number of listed grounds, such as race, gender and disability. Section 9(2) provides for affirmative action measures to redress the imbalances of the past and unfair discrimination. The Bill of Rights also provides for protection of individual and socio-economic rights.

The above is the context within which the Constitution operates. When it comes to public service and administration, the Constitution (Section 195) goes further to set out the basic values and principles applicable to the public service. These values include “a high standard of professional ethics must be promoted and maintained” and “public administration must be development-oriented”.

The prescriptive framework for human resource management practices, including Human Resource (HR) planning, recruitment, selection, human resource development, performance management and the career management of staff in the public service is determined by the Public Service Act, 1994 (PSA, as amended), the Public Service Regulations 2001 (as amended) and various other subordinate prescripts such as ministerial directives, collective agreements and policies/frameworks, guidelines and templates issued by the Department of Public Service and Administration (DPSA).

By and large, the DPSA's role through its mandate has been to create policies centrally while departments are then responsible for tailoring these policies to fit their own contexts. The White Paper on Human Resource Management (1997) indicates that departments should develop their own policies based on the framework or parameters set by national policies. A “new Public Service Management Framework” was effected in July 1999 and its main thrust was to:

- transform human resource management from a centralised to a decentralised model in which executive powers and human resource functions together with organisational matters were vested in departmental political heads; and
- reform the human resource management function from being a rule-driven, prescriptive, inward-looking operational model to a strategic and more flexible human resource model oriented towards service delivery.

The question posed here is whether the current approach in the public service, which makes each department responsible for its own human resource strategy and administration within a broad, centrally prescribed framework, is appropriate and effective? Perhaps it is safe to say that extensive research has not been conducted in the South African context to ascertain whether the decentralisation approach has been successful or not. There have been concerns, though, that the human resource components of departments have not been able to tailor policies to fit their current environment.

Rules — and in this context we mean rules generally applicable in the public service — remove arbitrariness and create standardisation and certainty. They set the bounds of discretion but allow efficient administrative decision-making within those bounds. They ensure that objective criteria are applied in an equitable manner in all situations. But



rules invariably have the unintended effect of increasing complexity and reducing flexibility/ responsiveness, especially when analysing the combined effect of a whole body of rules. The mode of administration may become compliance- rather than solutions-driven. At this point in the transformation journey, it is appropriate to ask whether the career rules set to ensure that objective criteria of merit are applied, should not be more tightly prescribed from the DPSA.

2.4 Appointments on Policy Considerations

The new government also had to provide strategic direction on the attainment of equality and dignity for all citizens. This meant that a "special cadre" had to be deployed to implement the policies of the new government. A number of civil society organisations that were supporting and working with the ANC and other liberation movements in the past saw the exodus of their leadership to occupy government positions. The new leadership had to translate the wishes of the new government into reality and drive its development agenda.

The South African Constitution does not preclude the appointment of a number of persons on policy considerations (Section 195(4) of the Constitution). Such appointments are made to advise the executive authority (the relevant minister) on the exercise of his/her powers and duties or on the development of policy (Section 12A of the Public Service Act).

Such advisers can be appointed without advertising a post, which means that such a post can be filled without a competitive process. However, appointees must still meet the inherent requirements as stated in the guidelines for the appointment of advisers.

Staff directly supporting a Minister can also be appointed without advertising a post and such staff are appointed on contract and their terms are linked to that of the Minister or a three-year contract.

Candidates for posts of DG and DDG are recommended by a selection panel, which include Ministers and Deputy Ministers. DGs are appointed by the President with the concurrence of the Cabinet while DDGs are appointed by Ministers after concurrence with the Cabinet. Again, all are required to meet knowledge, skills and competence criteria.

Because of the influence of political office bearers in top appointments and appointment of advisers, "cadre deployment" is possible. However, such employees must still meet the inherent requirements of the post. But "cadre deployment" has in recent times assumed a negative connotation as it is taken to mean the appointment, on purely political considerations and patronage of persons who are not suitably qualified for the posts concerned. Such practices may be exceptions rather than the rule.

In most systems there is provision for some level of political appointment, either in leadership positions or as advisers. These appointments are governed generally by legislation or convention.

It should be accepted that capable and suitably qualified public service leaders can be recruited from the career public service or from politically active individuals.

2.5 Some Achievements Along the Transformation Journey

In its pursuit of contributing to ideas and debates on building a capable, career-oriented and professional public service, the PSC acknowledges all work done to transform the public service since 1994. It further notes that in the transformation journey, there have been some challenges and even delays in achieving an effective and efficient public service envisaged in the Constitution. Below are some achievements on the initial goals set out in the White Paper on the Transformation of the Public Service (1995):

Table 1: Some achievements against the transformation priority areas¹

| Transformation Priority Area | Achievements |
|--|--|
| 1. Rationalisation and restructuring to ensure a unified, integrated and leaner public service | <ul style="list-style-type: none"> ➤ A single public service established integrating eleven (11) former administrations, including the homeland governments. ➤ Transfer of functions and organisational components of the former governments to the new national government; rationalisation of staff and a single public service established. ➤ Senior management echelon restructured forming the Senior Management Service (SMS). ➤ Contracting-out of public services through public-private partnerships. |
| 2. Institution-building and management to promote greater accountability and organisational and managerial effectiveness | <ul style="list-style-type: none"> ➤ Changes in management philosophy and practice (from apartheid to democracy) had to be channelled through the re-organisation and creation of new key public service institutions – PSA and PSC Act passed and implemented. ➤ Powers to appoint removed from PSC and decentralised to line departments, creation of DPSA. ➤ Human resource development policies and strategies introduced, implemented and monitored by DPSA and other constitutional bodies. ➤ Management Information Systems integrating personnel data e.g. PERSAL. |
| 3. Representativeness and affirmative action | <ul style="list-style-type: none"> ➤ The Constitution in sections 1, 9, 10 and 195 lays the foundation of a non-racist, non-sexist and democratic society. ➤ Policies on affirmative action passed and targets for representativeness set for employment of public servants. ➤ The PSC and other government institutions monitor the achievement of such targets and reports to Parliament. |
| 4. Transforming service delivery to meet basic needs | <ul style="list-style-type: none"> ➤ Guiding principle of the public service is, “being of service to the people” in order to redress past im- |

¹ Information on transformation priority areas extracted from the White Paper on the Transformation of the Public Service and data on achievements from the South Africa 20 Year Review Report 2014.



Building a capable, career-oriented and professional Public Service to underpin a capable and developmental state in South Africa



| Transformation Priority Area | Achievements |
|--|---|
| | <p>balances – “Batho Pele” principles as policy on service delivery transformation passed and implemented.</p> <ul style="list-style-type: none"> ➤ Government-community partnerships exist in the form of round-tables, izimbizo's held by government departments and constitutional bodies. ➤ Alignment of the budget to service delivery priorities – the PFMA and related policies passed and implemented. ➤ Intergovernmental co-ordination and collaboration – legislation passed and structures created to guide intergovernmental relations. ➤ Strategies to improve productivity – departments and constitutional bodies are expected to develop strategic plans outlining their improved service delivery strategies. ➤ Consultation and communication of service delivery strategies – service standards and mechanisms to channel customer complaints are put in place and used. |
| 5. The promotion of a professional service ethos | <ul style="list-style-type: none"> ➤ A code of conduct for public servants adopted and continuously promoted by PSC. ➤ The principle of “serving people” is promoted through the Batho Pele (meaning, people first policy). ➤ Anti-corruption measures put in place, e.g. National Anti-Corruption Hotline. |
| 6. Employment conditions and labour relations | <ul style="list-style-type: none"> ➤ Labour legislation promulgated and implemented. ➤ An effective bargaining structure established. ➤ “Equal Pay for Work of Equal Value” principle introduced and implemented in remuneration and benefits for public servants. ➤ Competency-based evaluation and performance management introduced resulting in the reduction of grades in the public service. ➤ Policies advocating for the improvement of working conditions for women and people with disabilities introduced. |
| 7. Human resource development | <ul style="list-style-type: none"> ➤ Legislation passed and training institutions created to guide competency development among public servants. ➤ Most training programmes linked to the National Qualifications Framework (NQF). ➤ Partnerships with private and public institutions of higher learning to offer training to public servants. ➤ Institutionalised orientation and induction across public service. |

| Transformation Priority Area | Achievements |
|-------------------------------------|--|
| | <ul style="list-style-type: none"> ➤ Training programmes designed and offered to public servants without unfair discrimination. |
| 8. The democratisation of the state | <ul style="list-style-type: none"> ➤ Internally – participatory decision-making between management and staff, information sharing forums established, internal budgetary information shared with staff and trade union members. ➤ Externally – portfolio committees exercise oversight on behalf of Parliament. ➤ Monitoring and evaluation of progress made – Ministers and DG's sign performance agreements they have to report against. ➤ Legislation on freedom of information passed and implemented. |
| 9. Service delivery achievements | <ul style="list-style-type: none"> ➤ More access to school by younger children, especially girl children exceeding targets for Millennium Development Goal (MDG). ➤ About 2.8 million subsidised houses delivered to the homeless. ➤ Access to basic sanitation (MDG achieved) ➤ Increased access to clean water and electricity (from 50% of population in 1994 to 83% in 2011/12). ➤ Increased access to communications/connectivity services (7.4 million new postal addresses allocated). |

2.6 Problem Statement

Whilst we can acknowledge that strides have been made in the transformation of the public service, we also have to acknowledge the shortcomings that have been experienced by the *new public service*. The inheritance of the past still provides us with many challenges, especially in the provision of *quality services*. There is also a considerable amount of work that needs to be done to achieve the public service that is envisaged by the South African Constitution, and the NDP.

The NDP Diagnostic Report concludes that the performance of the public service is uneven. There are excellent departments but also those characterised by poor performance, maladministration and even collapse. Some of the old fissures are still present in the current system. Some provincial administrations and municipalities still need to be capacitated.

The NDP also concludes that the search for a quick fix has diverted attention from fundamental priorities. To a large degree, it ascribes the uneven performance of the public service to instability at the political-administrative interface, skills shortages and weak accountability arrangements. There is also the spectre of corruption.

Based on the foregoing, the PSC has investigated what the main challenges in building a capable, career-oriented and professional public service may be. It concluded the following:



Building a capable, career-oriented and professional Public Service to underpin a capable and developmental state in South Africa



1. Regarding selection for entry into the public service, the criteria and rating scales used by selection committees and the rigour of the process are largely in the hands of thousands of these committees. This has resulted in unevenness in the quality of candidates who may lack the ability to work in the public service. The decisions on skills requirements and whether candidates and staff meet them are decentralised rather than tightly regulated from the national Department of Public Service and Administration (DPSA).
2. In South Africa since 1994, HR planning, recruitment, training, continued professional development and promotion in many staff categories tended not to be based on well specified occupational career paths. The task, knowledge and skills requirements of many occupations are not specified. There is, therefore, in many cases, no sound basis for building careers or for succession planning, and consequently no sustainable pools of skills are created.
3. No specific continuous professional development requirements are set, either as probation or promotion requirements. Continuous professional development is not institutionalised and purposeful. Thus, not only are there doubts about the rigour of the selection process, but there are also no compulsory prescribed training courses or other compulsory development requirements that candidates must meet to address skills gaps or progress within the public service.
4. There is a lack of compliance with the existing tools as well as the policy and regulatory frameworks that provide for continuous professional development.
5. Competency assessments, which are used to identify skills gaps, are not followed up with programmes to fill the skills gaps identified.
6. There is doubt about the extent to which the performance management system achieves its own stated objectives, including improving service delivery and evaluating performance fairly and objectively.
7. It is increasingly recognised that the legitimacy of government is determined by the quality of staff at the coal-face and the management of coal face institutions like hospitals and schools. The quality of managers at this level, but also their agency (whether they are empowered to make a difference), has a great impact on the quality of service delivery and the legitimacy of government.
8. The PSC agrees with the NDP that the role of Executive Authorities in top appointments and relationships at the political-administrative interface have contributed to the uneven performance of the public service. The PSC has, over the years, paid considerable attention to this as well as managing the careers of heads of department and the quality of appointments at this level.

Twenty years into our democracy, we should be able to reflect on this transformation journey and consider what adjustments need to be made at this point to build a public service that truly reflects the values in Section 195 of the Constitution.

CHAPTER 3: UNDERSTANDING KEY ATTRIBUTES OF DEVELOPMENTAL STATES

3.1 Development Performance

The developmental state as a development theory and as a model of development is gaining global attention in both scholarly and policy circles. This interest is primarily due to the miraculous development performance of the East Asian countries of Japan, Korea and Singapore, as well as the South Asian countries of Malaysia and Thailand. More recently, the developmental state experience has been used to explain the improvements in social and economic challenges in countries such as China. The concept has found resonance in other contexts, including the Nordic countries, especially Norway and Sweden, as well as African countries such as Botswana and Mauritius.

The development performance of all these countries has been attributed to the nature and character of their states, which have been described as development-oriented. Brazil has been hailed for reducing its high levels of poverty and inequality. Its strong industrial performance from the mid-1990s is attributed to the fact that it has become a developmental state.

3.2 Characteristics of the Developmental State in the South African Context

The ANC's Strategy and Tactics document succinctly gives the characteristics of the developmental state in the South African context as follows:

“The first attribute of a developmental state in our conditions should be its strategic orientation: an approach premised on people-centred and people-driven change, and sustained development based on high growth rates, restructuring of the economy and socio-economic inclusion.

The second attribute of our developmental state should be its capacity to lead in the definition of a common national agenda and in mobilising all of society to take part in its implementation. Therefore, such a state should have effective systems of interaction with all social partners, and exercise leadership informed by its popular mandate.

The third attribute should be the state's organisational capacity: ensuring that its structures and systems facilitate realisation of a set agenda. Thus, issues of macro-organisation of the state will continue to receive attention. These include permutations among policy and implementation organs within each sphere, allocation of responsibilities across the spheres, effective inter-governmental relations and stability of the management system.

The fourth attribute should be its technical capacity: the ability to translate broad objectives into programmes and projects and to ensure their implementation. This depends among others on the proper training, orientation and leadership of the public service, and on acquiring and retaining skilled personnel.

The on-going transformation of the state is meant to ensure that these capacities are attained; and the process of identifying weaknesses and correcting them will be intensified. This includes engendering new doctrines, culture and practices as well as

ensuring that state institutions reflect the demographics of the country, including appropriate representation of women and people with disability.

This applies to the public service in its totality as well as specialised institutions such as the judiciary, the police, intelligence agencies and the defence force. All these organs should serve the people in an efficient and impartial manner."

These attributes are clear enough to serve as the basis of a programme of action to transform the state and the public service.

3.3 Definition of a Developmental State

Government has, however, emphasised that "there is no fixed model of how to build a developmental state ... unreflective imports of ready-made models are likely to fail. ...Only a flexible, creative process of exploration and experimentation that pays careful attention to local institutional starting points will succeed" (Minister of Public Enterprises, 2014, quoting Evans). Government has made a conscious choice to establish a capable and developmental state that will pursue programmes that would address joblessness, poverty and inequality because the market on its own cannot address them satisfactorily.

Chalmers Johnson, who coined the contemporary usage of a developmental state, defines it as a "plan-rational" state that sets "substantive social and economic goals"; assumes direct developmental functions, including the transformation of the structure of the economy; it is a state in which the strategic quality of economic policy is reflected within the government principally through the high status accorded to top bureaucrats in key economic cluster ministries; and one where effectiveness (that is, the ability to plan and deliver against what has been planned) as opposed to efficiency (as defined in strict economic terms) is the immediate and ultimate evaluative standard of government performance.

In the light of the above, a developmental state can simply be defined as one whose ideological underpinnings are developmental and one that seriously attempts to *construct and* deploy its administrative and political resources to the task of economic development. In effect, a developmental state is defined on the basis of its ideological disposition and the nature and character of its institutional structures.

The ideological disposition of political leaders enables them to articulate an overarching national development goal, and to establish organisational structures and processes towards its attainment. In a developmental state this is driven by a nationalist agenda, that is the desire and will to prioritize one's own national interests over other interests. The nationalist development project is informed by the situational imperatives from country to country.

3.4 The Nature and Character of Developmental State Institutions

The nature and character of its institutions is one of the developmental state's main defining attributes. Institutions determine their capacity to formulate and implement their development agenda in a coherent and binding fashion. Institutions refer to both the formal and informal rules of the game that structure human interactions, as well as the

formal organisational structures of the state (e.g. the legislature, bureaucracy, etc.) and informal societal structures, such as a network of interactions, or set of norms.

Developmental states are distinguished by the fact that they establish capable institutions which give them the capacity for effective, selective and sustained interventions to positively alter their countries' development trajectories.

The concepts of Autonomy and Embeddedness best capture the nature and character of developmental state institutions.

The concept of autonomy can be understood as the ability of a developmental state to formulate and consistently implement collective goals instead of public officials pursuing their individual or sectional interests. Inherent in the concept of autonomy are two key attributes of a developmental state, namely, its organisational and technical capacities. Its core variables are:

- Meritocratic recruitment based primarily on educational qualifications and passing open, competitive entrance examinations.
- Predictable long-term career paths.
- Strong coordination and synchronization of government's programmes and policies exemplified by a coordinating agency or super ministry.

The concept of embeddedness captures the state's infrastructural power – the ability of the state's organizational structures to penetrate and interact with non-state actors – the ability of the state to elicit co-operation and promote and achieve its development goals. The history of the Asian developmental states tells us that state-society relations need to be anchored in consultative mechanisms such as deliberative councils, where state officials and non-state actors share information, build consensus, and negotiate and renegotiate development objectives and programmes.

It is therefore important to bear the following in mind in thinking of a developmental state:

First, even the best policies will fail in the absence of capable state institutions. And to succeed, capable state institutions have to be led by a purposeful and nationalistic political and administrative leadership that is committed to pursuing a developmentalist agenda. In the absence of a purposeful political leadership, it is near impossible to build a capable administrative leadership and effective bureaucracy able to systematically develop and implement policy tools to realise the developmental objectives set by political leaders. This therefore means that, in thinking of a developmental state, politics and political institutions matter.

Second, the importance of a talented, prestige-laden and professional bureaucracy is a central component that has to be established to ensure that the state has the required technical capacity. In most developmental states, recruitment into the public service is based on open, competitive entrance examinations, promotions are based on merit, and public servants have predictable career paths.

Third, the state has to establish mutually collaborative relations with societal actors. Such relationships are based on shared contributions and sacrifices.

Fourth, all the above have to be in the context of an overarching national goal, based on a country's situational imperatives. The state has to mobilize society to support that goal, through among others, highly visible human capability expansion mechanisms.

3.5 Lessons Learnt

- There is no fixed universal model or blueprint for a developmental state, and ready-made imports of models are likely to fail (Evans). However, there are common institutional attributes that enable developmental states to transform their economies and enhance human capabilities.
- The notion of a developmental state is not an end in itself but a means to an end, and South Africa chose the model to address the triple challenges of poverty, joblessness and inequality.
- The implementation of a developmental state must pay attention to local contexts and local institutional starting points (Evans).
- There is no agreement among scholars and practitioners on which developmental state model is suitable. Therefore, the PSC chose not to enter into these discussions but instead, focus on lessons from countries that are regarded as developmental states and other countries that are not developmental states but which hold useful lessons for South Africa.

PART B: ELEMENTS FOR BUILDING A CAPABLE, CAREER-ORIENTED AND PROFESSIONAL PUBLIC SERVICE

Introduction

In dealing with the attributes of public service in developmental states, the following chapters are structured as follows:

1. Comparative experiences of the attributes of public services in the chosen study countries.
2. An analysis of the attributes of the South African public service.
3. A problem statement and evaluation of the SA public service with regard to these attributes.
4. Recommendations to address problem areas.

In building a capable, career-oriented and professional public service to underpin our capable and developmental state, the PSC has focussed on the following attributes of public service:

1. A values-driven public service.
2. Recruitment.
3. Promotion and career path.
4. Role of performance management.
5. Competencies of public service leadership.
6. Political-administrative interface.
7. Capacitation/training and its funding in the public sector.
8. Role of Public Service Commissions.

CHAPTER 4: A VALUES DRIVEN PUBLIC SERVICE

4.1 South African Constitutional Values and Principles

The context of the Constitutional values outlined in Sections 1, 9, the Bill of Rights, and the public administration values in Section 195 have already been discussed earlier. The Constitution forms the foundation on which to build a values-driven public service.

The South African Constitution specifies a number of values to govern public administration and the public service – section 195(1) of the Constitution. The constitutional requirement of merit is contained in the values: “good human resource management and career development practices must be cultivated” and “public administration must be broadly representative of the South African people, with employment and personnel management practices based on ability, objectivity and fairness”.

A number of other values are listed, namely:

- (a) A high standard of professional ethics must be promoted and maintained.
- (b) Efficient, economic and effective use of resources must be promoted.
- (c) Public administration must be development-oriented.
- (d) Services must be provided impartially, fairly, equitably and without bias.
- (e) People’s needs must be responded to and the public must be encouraged to participate in policy-making.
- (f) Public administration must be accountable.
- (g) Transparency must be fostered by providing the public with timely, accessible and accurate information.

These values are aimed at building a capable public service.

The PSC's work with regard to these values includes:

- Promoting compliance with the values.
- Evaluating the performance of the public service against these values.
- Advising departments on the adjustment of public service processes to achieve excellence (as defined by the values).
- Reporting to Parliament on progress made and how the work of the PSC contributed to better public administration.

The PSC has developed a number of methodologies and products to underpin this work. These include an indicator-based assessment tool to evaluate the performance of departments against the nine values, about 170 reports on the performance of individual departments, and “Consolidated” and “State of the Public Service” reports that evaluate the trends in performance of the departments that have been evaluated. The PSC is continuously renewing these methodologies and products and has embarked on a project to define the values, spell out their dimensions and sub-dimensions and define what good performance under each of the values would constitute. All this can be viewed as interpreting and promoting the values.



4.2 Complexity, Uncertainty, and Rapid Change of the Public Service

Public administration does not prescribe ideal or best practices (or management fads that the NDP's Diagnostic Report warns against). The best public administration and management practice depends on the situation or context and the unique challenge faced by each department. For example, the same structure, system or process cannot be prescribed for an economic policy department that must produce policy solutions to complex problems, as for a home affairs department that must be efficient in routine processes.

The public service faces increased complexity, uncertainty and rapid change. It requires innovation to address this complexity, and capacity to anticipate changes and emerging challenges. Traditional approaches leave government reactive with resultant declining trust in institutions. The emphasis on outcomes, including economic development, requires system-wide results. This requires new approaches to how the system as a whole – including the whole of society, not just the public service – is managed. The public service should also be resilient, providing good basic administration and preserving physical and intellectual assets built up in the past.

The powers and functions of the PSC place it in a unique position to interpret the values in the constitution in order to contribute to the building of a professional and capable public service. To effectively perform its role, the PSC would have to be innovative about its own organisational capacities and work routines.

4.3 The Importance of the Values and Principles

The importance of the values is two-fold: they underline what the public service represents and set out what the public should expect from public administration.

Building a culture of ethical and values-driven leadership of the public service is critical to fighting corruption, greed, impunity and selfishness. Our conflict-riven past enjoined us to emphasise values of openness, transparency, accountability, fairness, responsiveness and the provision of services impartially, fairly, equitably and without bias to all South Africans.

In addition to the above, part of our societal values is “ubuntu”. Judge Mokgoro explains its meaning in the context of constitutional values as:

“... metaphorically, [ubuntu] expresses itself in *umuntu umuntu ngabantu*, describing the significance of group solidarity on survival issues so central to the survival of communities. While it envelops the key values of group solidarity, compassion, respect, human dignity, conformity to basic norms and collective unity, in its fundamental sense it denotes humanity and morality. Its spirit emphasises respect for human dignity, marking a shift from confrontation to conciliation.”²

The history of South Africa and its past discriminated against Africans and dehumanised them. As a mechanism to restore human dignity to everyone, the constitutional court

² In *S v Makwanyane* 1995 3 SA 391 (CC)



recognised that the value of “ubuntu” is essential in rebuilding a transformed and just country.³

Therefore one of the reasons for the PSC emphasis on values is the need for the public service to promote the restoration our common citizenship and humanity. The public service needs to respect the people it serve, and must reinforce their human dignity. This is important for nation building and creating social cohesion.

The constitution also underlines the importance of representativeness as an important value of the public service. The South African Constitution has a transformative mission and this will remain so until substantive equality has been achieved. In a recent Constitutional Court case on employment equity (*South African Police Service v Solidarity obo Barnard* (2014) ZACC 23) the majority judgement said the following:

“ . . . plainly, (the Constitution) has a transformative mission. It hopes to have us re-imagine power relations within society. In so many words, it enjoins us to take active steps to achieve substantive equality, particularly for those who were disadvantaged by past unfair discrimination” (Barnard Case, par 29).

The Constitution therefore mandates affirmative action measures and it asks the public service to balance the right of the individual to fair, objective and equal treatment (section 9 of the Constitution) with affirmative action requirements. The Constitution also makes it clear that efficiency and competence should not be sacrificed at the altar of remedial employment (Barnard Case, par 41).

The central theme and project for the public service is the promotion of the Constitutional values outlined in the Sections 1, 9, the Bill of Rights, and the public administration values in Section 195.

Participants at the Conference also pointed to other values of public service that should complement those in the Constitution. These include:

- Adaptability – public service needs to be adaptable to meet change conditions.
- Trust and honesty – public service have to be trustworthy and honest.
- Ethically driven – public service has to be ethically driven.

It is therefore important that the South African public service clearly understands the Values and Principles as outlined in the Constitution. Mechanisms need to be put in place to achieve this important goal.

4.4 Recommendations

It is recommended that –

- all public servants undergo a module of training on the values-base of public service; and
- the PSC advises the NSG on the curriculum content of such modules.

³ In AZAPO v TRC 1996 4 671 (CC)

CHAPTER 5: RECRUITMENT

One of the major characteristics of public services in developmental states is that they are merit-based. That is, recruitment into the service is based on merit – entrance exams, qualification, talent and capability, etc. This is the case in China, India, Japan, Korea, Malaysia, Mauritius, the Philippines, Singapore, Botswana and Brazil.

5.1 The Nature of Recruitment: A Comparative Perspective in Developmental States

5.1.1 Who appoints?

Ministers are not involved in the appointment of public servants in developmental states – they do not sit on interview panels. This is the responsibility of an independent agency – public service commissions in Malaysia and Mauritius, and career civil servants in countries such as China. In Botswana, interviews are conducted by the Appointment Boards established for each line department.

In developmental states there is limited political influence in appointments, except in China where party membership and loyalty influence appointment. Party members make up 5% of the total population but they hold 80% of the civil service posts (Burns, 2007 cited by Poocharoen and Brillantes, 2013). The Party holds absolute power over cadres because political positions and civil service positions are fused into one, unlike other developmental states such as Japan and Thailand. This enables career mobility between political and administrative positions. Officials of the Communist Party are regarded as bureaucrats, and bureaucrats are referred to as “cadres”.

In Singapore, the ruling party, the People’s Association Party, also exercises considerable leverage in the recruitment of public servants, especially the administrative leadership.

The public services in both China and Singapore can be termed “cadre organisations”. But in both countries, the ruling political parties have ensured that those deployed are qualified. The point therefore is not whether a ruling party deployed its cadres to public service positions but rather whether those deployed are qualified and have the ability to perform the job.

Brazil also offers an interesting contrast as commissioned-position appointments into the *Direcao Assessoramento Superiores* (DAS) system are conducted through discretionary processes by political and administrative leaders of the public service. The DAS system “comprises about 22,000 positions including most of the management and senior management positions and also less senior positions” (OECD, 2010). These discretionary appointments are not part of the “career” civil service and are not permanent positions.

These discretionary appointments allow political leaders to appoint candidates of their own choice, from both inside and outside the public service. Through this, the various political parties that are part of the governing coalition bring their people into government. Appointees to these positions come and go with the political and administrative leadership that appoints them.

There are six ranks in the DAS system, DAS 1 - DAS 6. DAS 1 is the lowest management position – a Division Chief/Head (equivalent to Director in South Africa), while DAS 6 – the Vice Minister (equivalent to a Director-General in South Africa) – is the top management

position in the public service. Although political authority in each ministry and agency makes discretionary appointments into these positions, they are required by law to appoint 75% of DAS 1 to DAS 4 from within the public service. For DAS 4, appointments from outside the public service increase to about 50%. This is higher for DAS 5 and DAS 6.

In practice, 90% of top managers are technocrats appointed from within the public service. Similarly, ministries such as Finance, Trade and Industry, Foreign Affairs, and Planning, and agencies such as the Comptroller-General's Office (CGU) are increasingly being professionalised with appointment of career public servants into the DAS positions.

Consequently, ruling parties influence appointments but the deployment of cadres has not undermined the meritocratic nature of the public service. Even in Brazil where ministers have discretionary powers to appoint those in the DAS categories, the trend is to appoint technocrats, based on experience and qualifications.

Therefore, in most developmental states, political appointments into the bureaucracy are largely minimized. In most of the developmental states, it is only the minister who is a political appointee. All other officials are technocrats; appointments are based on their talents, qualifications and experience. The appointment process is conducted by independent bodies or civil servants – a routine administrative duty. This has powerful positive developmental effects. Because appointments are not made on the basis of political and other primordial considerations, civil servants act authoritatively in the national interest. Their loyalty is to the state and not to political patrons. Because they are not appointed on the basis of political considerations, bureaucrats are supposed to be above politics and they can act in the national interest. Bureaucrats fear being made subservient to political parties or politicians. They therefore jealously guard the principle of non-political appointment into the public service.

5.1.2 Appointment requirements: Education profiles of public servants in developmental states

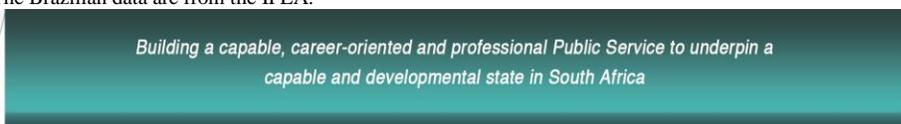
Human Capital Development, which is partly reflected in academic qualifications, has a powerful positive impact on the productivity, efficiency and effectiveness of a workforce and organisations.

Table 2: Educational attributes of public servants in developmental states (%)⁴

| Educational Level | Japan (1987) | Korea 1988) | Brazil (2011) | China 2012) | Malaysia (2013) |
|-------------------|--------------|-------------|---------------|-------------|-----------------|
| Four-year degree | 34.6 | 29.8 | 50.5 | 92 | 50+ |

Table 2 shows the number of public servants in developmental states with four-year degrees. In 2012, 92% public servants in China at the national level had four-year degrees or more. Most (60%) had Master's degrees. In Brazil, an emerging economy like South Africa, 50% of public servants at the federal level had four-year degrees or more. Given the social and economic advances in Japan and Korea, it is likely that the proportion of public servants with four-year degrees will have increased since 1987/88.

⁴ Data in this table are derived from different sources. Those of China and Malaysia are based on interviews by the PSC with top civil servants in both countries. The Brazilian data are from the IPEA.



Educational qualification is a crucial factor for entrance into the bureaucracy. Higher qualifications are even more imperative for top-ranking positions in the public service. As an example, by 1987 in Thailand, "61% of C9 through C11 rank officials had Master's degrees or higher and one-fourth of the serving permanent secretaries held PhDs in their fields of service" (Christensen, 1992). Currently (2014) most top-ranking civil servants in Malaysia and China have a minimum of a Master's degree. Whilst in Botswana entry to the public service required a minimum of a three-year degree with Economics as a major, senior managers hold at least Masters Degrees in Economics and other technically relevant subjects.

The Korean case also illustrates the importance that is attached to educational qualifications. The recent reforms, which resulted in 20% of senior positions (142) being designated as Open Post System (OPS), did not diminish the importance of educational qualifications. Of those appointed through the OPS, 46% and 30% have Master's and Doctor's degrees respectively (Kim, 2003).

5.1.3 Selection method

Entrance examination

Merit is achieved primarily through open, transparent and competitive examinations. The benefits of open competitive examinations cannot be overemphasized. As the chairperson of the Korean Civil Service Commission, Professor Chang-hyun Cho, observed, "Open competitive exams have been playing a significant role in establishing the merit system and professionalism of the Korean government since 1966, when the present form of the open competitive exam began. Thanks to the open competitive exams, civil servants in Korea enjoy legitimacy and pride in their jobs. ... The result of the exam is the only criterion to determine who will work for government" (Cho, no date).

There are a number of reasons for an institutionalised entrance examination as the selection method. As a Brazilian top government official interviewed by the PSC delegation in September 2013 observed, one reason that the government does not rely on interviews as the first and main criterion for recruiting career public servants, is that it is believed that interviews are subjective and that interview panels are likely to be biased and could favour particular applicants for factors other than merit. As a consequence, the Brazilian state resorted to an open, transparent competitive entrance examination as the criterion for selection and appointment. Furthermore, the official argued that results of job interviews are likely to be contested in courts. The entrance examination is used in the selection process because of the belief that it engenders fairness, and that it minimises patron-client relationships in the appointment of public servants. It is fair because everybody takes the same exam.

Examination centrally administered

The entrance examinations in developmental states are generally centrally administered. In countries such as Malaysia and Mauritius, where there are Public Service Commissions (PSCs), the entrance examinations are administered by the PSCs. In China, recruitment into the public service is centralised and administered by the State Administration of Civil Service (SASC) in the Ministry of Human Resources and Social Security (MOHRSS).

In Brazil, the entrance examinations are administered centrally by the Ministry of Planning, Budget and Management, but the exam itself is outsourced to statutory agencies and private sector organisations. The statutory agencies include the National School of Public Administration and the National School for Finance.

Content of exams⁵

In all studied countries applicants are assessed on the following broad areas:

- General Knowledge/Studies (history of the country and the public service, current economic, social and environmental issues and events)
- Aptitude Test (comprehension, logical reasoning, analytical ability, decision-making, problem-solving, basic numeracy and basic interpretation of data)
- Communication in the official language/s (writing skills)

Examinations take the form of multiple-choice questions and written essays. The other aspect of assessment is the Personality Test/interview which assesses candidates' suitability for a career in the public service.

Competitiveness and rigour of exams

The entrance examinations in the public services of developmental states are some of the most competitive, rigorous and thorough. For example, of the 4 million applicants who applied to the Chinese public service, only 160,000 public servants are recruited at all levels each year. This means that only 4% of applicants are eventually recruited. Similarly, in Brazil, for 100 positions advertised, there might be up to 100,000 applicants, meaning one thousand (1,000) applicants to one advertised position.

The recruitment process into the Malaysian public service is similarly highly competitive. In 2013, the PSC of Malaysia received about 130,000 applications for the administrative and diplomatic cadres. Of these, less than half, 68,000, had the minimum qualifications of a four-year degree and were called for the entrance examination. Six thousand (6,000) of these passed the examination and had to go through the competence and interview stages. This means that less than 10% of the candidates passed the entrance examination. Only 23.5%, i.e. 36,105 of the 153,497 candidates who applied for permanent posts were employed in 2012. Similarly, only 16% of candidates for permanent positions in 2013 were subsequently employed. This points to the fact that appointment into the Malaysian public service is done through a highly competitive process. (See table in Annexure A).

Similarly, in July 2014, over 2,000 candidates in Mauritius sat for about 100 entry level positions of the administrative cadre, i.e. the position of Assistant Permanent Secretary, highlighting the competitiveness of the recruitment process.

To illustrate the rigour of the exam, people go for preparatory courses before they sit for the exam. This rigorous process is to enable the state to appoint the best and brightest

⁵ Information received during interviews held during study visits.



in society into the public service in particular and the public sector in general. The recruitment process takes months to complete. In China, it takes nine months, September to June, for a candidate to go through all the various stages of the process.

5.1.4 Prestige of the bureaucracy

An important element of meritocracy is the prestige of the bureaucracy. This is a major factor that contributes to the competency of public services in developmental states. The Japanese, Korean, Singapore as well as the Malaysian bureaucracies were founded on a prestige model. In these countries (and more recently China and Brazil since the Lula administration), there was a considerable degree of administrative elitism in the form of a 'mandarin' class, with the administrative leadership playing a considerable role in policy formulation and management of the development process.

The bureaucracies in these countries have always been treated with respect by the political leadership, business and ordinary citizens. Their prestige is derived from several, but inter-related, factors. First, the bureaucrats are the best talents in their respective nations. In these countries, society as a whole recognises that it is only the best that are appointed. This confers respect and, coupled with their influence not only in government but in society, creates a sense of prestige among bureaucrats, especially among top bureaucrats.

Second, most bureaucrats in developmental states are recruited from the top universities in their respective countries. As an example, the Japanese public service was dominated by graduates of the University of Tokyo, that of Korea from the Seoul National University, and that of Singapore from the National University of Singapore. Two universities, the University of Tokyo and Kyoto University, dominate the higher echelons of the Japanese civil service. Tokyo University alumni hold 89% of the higher-level public service jobs in the Ministry of Finance, 76% in the Ministry of Foreign Affairs, and 66% in the Ministry of Trade and Industry. The University of Tokyo is the largest supplier of bureaucratic elites (Kim, 1992). The situation is not much different in China. A top Chinese official in the SASC in MOHRSS told the South African PSC delegation that most public servants in the country are from the 20 leading universities – all are national universities, with the University of Beijing being most represented in the public service. Similarly, in Brazil, the national universities, foremost among them the University of São Paulo have more of their alumni appointed into the bureaucracies through the open and competitive entrance examination.

Third, the public service is a career of choice in developmental states. Whilst we do not have recent data, the work of Chalmers Johnson (1982) highlights the fact that in Japan, those with first class degrees chose the public service as the career of choice. The same phenomenon is currently being experienced in Brazil – those who passed with first-class chose the public service, partly because the entry level salaries for graduates are higher than those offered in the private sector, and partly because of the prestige that public servants in Brazil enjoy in society.

Due to these factors, the administrative leadership in these countries enjoys a high level of prestige. This engenders a sense of esprit de corps, which in turn promotes cohesiveness in the public service.

5.2 The Nature of Recruitment in South Africa

5.2.1 Key features of recruitment and selection

Since 1994, the recruitment system has been open in the sense that all posts, including promotion posts, are advertised inside and outside the public service. It is not a closed career system with entry only at the entry grade and promotion only from within the ranks of the public service. It is standard practice that promotion posts are advertised outside the public service. The discretion in and the rigour of the selection process is largely in the hands of selection committees.

The process starts with the creation of a post. Before a post is created a job specification is prepared and the job evaluated. The job specification will specify the tasks of the job and the knowledge and skills requirements:

For each post or group of posts, an executing authority (the minister of a department) shall establish a job description and job title that indicate, with appropriate emphasis on service delivery:

- (a) The main objectives of the post or posts in question.*
- (b) The inherent requirements of the job.*
- (c) The requirements for promotion or progression to the next salary range, in accordance with a relevant career path. (Public Service Regulations, Chapter 1, Part III, Section 1.1).*

Specific requirements for specific categories of jobs are laid down for certain occupational categories or in "occupational specific dispensations" or for the middle and senior management service, but in many cases the discretion for setting the job specifications rests with the relevant minister. Determining job specifications, within the broad parameters set by the Minister for Public Service and Administration, has been decentralised to departments.

To assist an executing authority (the relevant minister) in designing a job and/or career path linked to the salary scale, the Minister of Public Service and Administration shall determine –

- (a) a code of remuneration (CORE) for an occupational category; and*
- (b) an occupational classification system.*

For each salary range in a CORE, the Minister may provide advice on:

- (a) the possible job content;*
- (b) the necessary and desirable competencies for the job;*
- (c) indicators of those competencies; and*

- (d) *desirable characteristics for employment and promotion within the occupational category. (Public Service Regulations Chapter 1, Part III, Section I.3 and I.4).*

The job is then advertised. The duties and requirements in the advertisement are derived from the job specification. Posts in the Senior Management Service must be advertised nationwide (Public Service Regulations Chapter 1, Part VII, Section C.2.3). Other posts may be advertised within the department as a minimum but may also be advertised elsewhere in the public service and outside the public service (Public Service Regulations 1/VII/C.2.4). In practice all key posts in the public service are advertised outside the public service.

A selection committee is then constituted and applicants shortlisted and interviewed. The chairperson of a selection committee is an employee. A selection committee shall, where possible, include adequate representation of historically disadvantaged persons (Public Service Regulations 1/VII/D.3). The selection committee makes recommendations on appointments to posts:

The selection committee shall make a recommendation on the suitability of a candidate after considering only –

- (a) *information based on valid methods, criteria or instruments for selection that are free from any bias or discrimination;*
- (b) *the training, skills, competence and knowledge necessary to meet the inherent requirements of the post;*
- (c) *the needs of the department for developing human resources;*
- (d) *the representativeness of the component where the post is located; and*
- (e) *the department's affirmative action programme. (Public Service Regulations 1/VII/D.5).*

After considering the recommendation of the selection committee, the minister of the department, or the person to whom the power of appointment has been delegated, makes the appointment.

5.2.2 Appointment of members of the senior management service

The process for appointment of members of the Senior Management Service is the same as for lower level staff with the addition that competency assessment has been introduced for applicants for posts in the Senior Management Service.

5.2.3 Appointment of Directors-General/Deputy Directors-General and Heads of Department

These appointments follow essentially the same process except that these appointments are also ratified by Cabinet. The power of appointment rests with the President or a Premier of a province, who can delegate to executive authorities (ministers/ members of the provincial executive councils). Ministers/ Members of the Executive Councils on provincial level therefore have a direct role in the appointment of Directors-General (DGs), Deputy Directors-General (DDGs) and other Heads of Department (HoDs). Candidates

for posts of DG and DDG are recommended by a selection panel, which include ministers and deputy ministers. DGs are appointed by the President with the concurrence of the Cabinet while DDGs are appointed by Ministers after concurrence with the Cabinet. Again, all are required to meet knowledge, skills and competence criteria.

5.2.4 Appointments on policy considerations

The South African Constitution does not preclude the appointment of a number of persons on policy considerations (Section 195(4) of the Constitution). Such appointments are made to advise the executive authority (the relevant minister) on the exercise of his/her powers and duties or on the development of policy (Section 12A of the Public Service Act).

Such advisers can be appointed without advertising a post, which means that such a post can be filled without a competitive process. However, appointees must still meet the inherent requirements as stated in the guidelines for the appointment of advisers.

Staff directly supporting a Minister can also be appointed without advertising a post and such staff are appointed on contract and their terms are linked to that of the Minister or a three-year contract.

5.2.5 Who appoints?

The power of appointment in South Africa is assigned by section 3(7) of the Public Service Act to ministers on national level/ members of the executive council on provincial level. Ministers can delegate the power to officers within their departments. The rationale for having this in 1994 was the need to transform the apartheid public service. The question going forward is whether appointment at all levels should remain in the hands of the Executive Authority.

5.2.6 Appointment requirements

Appointment requirements in advertisements are derived from job specifications. Very specific requirements may be set in advertisements but some of the advertisements may not be as clear and specific as required.

Public service training courses are not set as a condition for permanent appointment, though compulsory induction has been introduced (for new public servants).

For Middle and Senior Management Service, the requirement is a three-year degree but in many cases not a specific degree. In the case of technical and professional jobs, specific degrees are required and some technical and professional jobs may also require professional registration. In such cases, the requirements set by professional bodies must also be met.

Table 3 below gives the distribution of educational qualifications of South African public servants.

Table 3: Level of education achieved by public service employees⁶

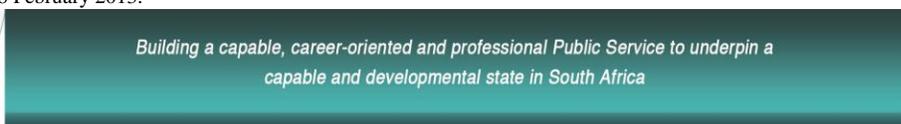
| Education achieved | Number | Percentages |
|--|--------------------|-------------|
| Pre-ABET/Lower than Grade 3 or Std 1 | 4, 902 | 0.4% |
| ABET/Grade 3 or Std 1 | 2, 205 | 0.1% |
| ABET/Grade 5 or Std 3 | 936 | 0.07% |
| ABET/Grade 7 or Std 5 | 2, 532 | 0.2% |
| ABET/Grade 9 or Std 7 | 7, 339 | 0.7% |
| NQF Level 1/Grade 9 or Std 7 | 31, 479 | 3% |
| NQF Level 2 / Grade 10 or Std 8 | 30, 598 | 2.5% |
| NQF Level 3/Grade 11 or Std 9 | 31, 914 | 3% |
| NQF Level 4 Grade 12 or Std 10 | 481, 343 | 40% |
| NQF Level 5/Higher certificate | 92, 182 | 8% |
| NQF Level 6/Diploma/Advanced Certificate | 168, 257 | 14% |
| NQF Level 7/Bachelor degree/Advanced diploma | 289, 031 | 24% |
| NQF Level 8/Honours/Postgraduate Diploma | 39, 107 | 3% |
| NQF Level 9/Master's degree | 8, 010 | 0.66% |
| NQF Level 10/Doctoral degree | 14, 054 | 1.16%% |
| Unknown/unspecified | 29 | 0.002% |
| Total | 1, 203, 918 | 100% |

While entry into the senior management service requires at least an NQF level 6 qualification, the task requirements for such positions are very demanding and cannot be met by any degree/diploma. It seems clear and accepted that a university degree/diploma does not prepare a candidate to readily serve in the public service without additional on-the-job training. The issue is whether the public service and its National School of Government (NSG) will be able to develop and run training courses and programmes that will bridge the gap between theoretical knowledge (acquired from universities) and the practical demands of the public service, as it is done in all the countries visited.

5.2.7 Employment equity

In addition to the advertised requirements, representativeness considerations also play a role in appointments. Representativeness is a specific constitutional and legal requirement. Representativeness considerations and the job requirements are considered together and the one is not prioritised over the other. Representativeness considerations are applied in accordance with the provisions of the Employment Equity Act, Act 55 of 1998, as well as departments' employment equity policies and employment equity plans that must meet the specific legal requirements of the Act. It should not undermine the constitutionally-defined merit principle. Representativeness requirements, and how these are applied are contested and the courts have clarified some of the legal principles. A recent case of the Constitutional Court is pertinent (*South African Police Service v Solidarity obo Barnard [2014] ZACC 23*). The majority judgement “underlined the requirement that beneficiaries of affirmative action must be equal to the task at hand. They

⁶ DPSA PERSAL, 28 February 2013.



must be suitably qualified people in order not to sacrifice efficiency and competence at the altar of remedial employment. The Employment Equity Act sets itself against the hurtful insinuation that affirmative action measures are a refuge for the mediocre or incompetent."

5.2.8 Selection method

The main selection tool is an interview. Selection committees are appointed by the authority with the power of appointment, who is the Minister or the Member of the Executive Council for the department, or the officer to whom the minister has delegated his power of appointment. Selection, after minimum requirements have been met, is not based on rigorously defined objective criteria. The PSC found that departments continue to be faced with significant challenges in the application of recruitment processes and procedures. In particular the PSC found that:

- The majority of departments did not have job descriptions for posts that had been advertised.
- Advertisements for posts were rarely approved prior to their publication.
- Shortlisting criteria were in many instances not documented. There also appeared to be no consistency in the application of scoring systems for shortlisting.
- Potential conflicts of interest of selection committee members in their relationship with candidates were rarely identified (They should be identified, but rarely are).
- There was little evidence of proper record-keeping by departments of the entire selection process.

The PSC concluded that these "deficiencies are of a serious nature and impact negatively on the credibility of the process and its outcome".

In 2009, the PSC found that the major implications in this regard were that:

- The public service fails to place people with the right skills and competencies in the right places.
- The public service is at risk of not delivering on its mandate due to failure to attract/source suitable skills.
- There are areas where there is little or no accountability for ensuring efficient and effective recruitment processes.

In order to make interviews more rigorous, the PSC has published a Toolkit on Recruitment and Selection. The Toolkit requires pre-set questions and pre-set rating scales so that candidates can be scored consistently. The DPSA commissioned research into recruitment and selection best practices in 2000. One of the recommendations was that competency-based recruitment and selection should be adopted (DPSA, 2000). Despite this, large variation can occur in the scores that members of selection committees may award candidates. Since there is no set of objective criteria against which candidates are scored, it is to be expected that large variations would occur; with the implication that one panellist's best candidate is not the next panellist's best candidate.

5.2.9 Competency assessment

Competency assessment has been introduced for members of the senior management service. The competency framework contains generic management competencies and does not replace the functional criteria for senior management service jobs. In other words, the competency assessment is not linked to the task requirements of a specific job or category of jobs. Functional criteria are derived from job specifications and may be set as specific requirements in job advertisements. Competency assessments are used in conjunction with the other processes associated with recruitment, which include interviewing, and not as a single decider on whom to appoint to the post. The testing against the competency framework is done by pre-selected and centrally appointed service providers. However, unlike developmental states, the competency testing is not done by the national Department of Public Service and Administration (not centralised). Also, in South Africa the results of the competency assessments have only been validated for development interventions and not for selection purposes.

5.3 Problem Statement/Evaluation

The recruitment system described above gave rise to the following weaknesses:

The discretion for determining job specifications, the advertised requirements, and the appointment of selection committees rests with Executing Authorities. Job specifications⁷ are not standardised by the DPSA. (PSR 1/III/1) In effect, determining the inherent requirements of a job has been decentralised to departments. Very specific requirements may be set in advertisements but many are not as clear and specific as required.

The criteria and rating scales used by selection committees and the rigour of the process are largely in the hands of selection committees. Selection, after minimum requirements have been met, is not based on rigorously defined objective criteria. Large variation can occur in the scores that members of selection committees may award candidates. Since there is no set of objective criteria against which candidates are scored, it is to be expected that large variations would occur, with the implication that one panellist's best candidate is not the next panellist's best candidate.

Both the above points resulted in a large degree of unevenness with regard to skills in the public service. The decisions on skills requirements, and whether candidates meet them are decentralised rather than tightly regulated by the DPSA. This has unavoidably resulted in inappropriate appointments. In 2009 the PSC found that the major implications in this regard were that the public service fails to place people with the right skills and competencies in the right posts.

If interviews by selection committees are not rigorous enough, better outcomes can be achieved if the pool of candidates that are interviewed are restricted to candidates who have undergone a prescribed training programme and are certified to be able to perform a predetermined scope of work.

⁷ Job specifications include (1) the possible job content; (2) the necessary and desirable competencies for the job; (3) the indicators of those competencies; and (4) desirable characteristics for employment and promotion within the occupational category. PSR 1/III/1.4.



The decentralisation of job specifications allows the flexibility for departments to create and advertise jobs that meet the requirements of specific functions, to achieve specific objectives or to recruit persons with very specific skills that the department may need. Therefore, a balance between central prescription of job requirements for specified occupations to ensure the application of minimum standards of professionalisation across the public service, and allowing discretion to departments to recruit unique skills, should be maintained.

Even if all the inherent requirements of a job or occupation are standardised and prescribed the risk that selection committees will apply such requirements unevenly is very high if an interview is the main selection tool. This is because the right answer to an interview question in the minds of the members of the committee can vary dramatically between members and this increases the risk for poor appointments. It should therefore be considered to introduce entrance examinations where everybody writes the same exam and are scored against the same standard.

Generally, no specific continuous professional development requirements are set either as probation or promotion requirements. Thus, not only are there doubts about the rigour of the selection process but there are also no compulsory prescribed training courses or other compulsory development requirements that candidates must meet after appointment to address skills gaps.

While entry into the senior management service requires at least an NQF level 6 qualification, the task requirements for such positions are very demanding and cannot be met by any degree/diploma. It seems clear and accepted that a university degree/diploma does not prepare a candidate to readily serve in the public service without additional on-the-job training.

In South Africa, an entry examination may unfairly discriminate between candidates because of highly unequal educational backgrounds. Similarly, to set higher educational requirements than the current three-year diploma or bachelor's degree (NQF level 6) may unfairly discriminate between candidates for the same reason. An additional year of study may also exclude many candidates purely for financial reasons. These issues are part of the South African context that should be taken into account in making recommendations on the recruitment and selection processes in the public service.

Professionalising the public service implies that appointments are done on the basis of the inherent requirements of the profession. This means that political office bearers should have no role in appointments except if appointments are made on policy considerations, which are allowed by the Constitution (Section 195(4)). The PSC accepts that policy considerations should play a role at the senior levels (Director-General and Deputy Director-General and other HoDs) and appointment of ministerial advisors and other staff in ministerial offices.

5.4 Recommendations

It is consequently recommended that –



Building a capable, career-oriented and professional Public Service to underpin a capable and developmental state in South Africa



- the current occupational classification system, as exemplified by the Code of Remuneration, introduction of the Middle Management Service (MMS), Senior Management Service and Occupational Specific Dispensations and the HR Connect project, be reviewed with a view to prescribing specific appointment and career progression (see recommendations under Chapter 6 and 10) requirements for different occupations and grades;
- an internship be introduced for occupations that serve as feeders for the MMS. The internship should be structured as follows:
 - The internship should be given an appropriate name. A possible name could be "Public Administration and Management Intern".
 - The internship should prepare a candidate for eventual entry into the MMS, after serving a prescribed period in an occupation that serve as feeder for the MMS.
 - The entry requirement for the internship should be a three-year degree or diploma.
 - During the internship period the intern should receive training and experiential learning in a specified scope of work, after which the intern's proficiency in that scope of work should be certified.
 - During the internship period the intern should register and obtain prescribed postgraduate training or a qualification.
 - During the internship period the intern should serve periods in different departments (rotation between departments) pre-selected on the basis that the departments have world-class processes in a particular function that is part of the scope of work of the internship.
 - The internship should be completed under supervision of a qualified mentor.
 - The internship should be managed by the National School of Government or other suitable coordinating body.
 - After successful introduction of the internship and after the supply of a sufficient number of interns warrants it, entry into the MMS should be restricted to public administration and management interns and occupations that serve as feeders for the MMS, and have been subjected to a comparable training programme.
 - Posts in the MMS should only be advertised outside this pool if candidates are not available from the pool or if a head of department provides reasons why a post needs to be filled from outside the pool.
- the PSC investigates the introduction of an entry exam or other tests for entry into occupations that serve as feeders for the MMS. The PSC's investigation should consider the following:
 - The occupations or grades to which the entry exam or test should apply.
 - The qualification that should be set as the admission requirement for the exam.
 - The preparatory courses for the exam.

- The body that should oversee and administer the exam.
- The content areas of the exam.
- The level or standard of the exam.
- The method or form of the exam (e.g., multiple choice, case study, essays).

CHAPTER 6: PROMOTION AND CAREER PATH – COMPARATIVE PERSPECTIVE IN DEVELOPMENTAL STATES

6.1 Comparative Perspective

In developmental states, such as China, India, Malaysia, Mauritius, Singapore and Japan, public servants have predictable career paths, based on experience and performance. They are appointed on a permanent basis – until retirement. However, Botswana is slightly different as it has both the career option and a newly introduced option of a three-year contract for top public servants.

6.1.1 Appointment until retirement

Career public servants in these countries undergo a range of probation periods: three years in Malaysia and one year in China. Once confirmed, appointment is until retirement, and an appointee can aspire to the highest office in the service or occupational category. Change of governments does not affect the job security of public servants – they are career and professional public servants whose tenures are not linked to a government.

6.1.2 Internal promotion on the basis of seniority and performance

Public servants are promoted through the ranks. Vacancies in the public service, except at entry point, are not open to outsiders. It is a “closed system”, that is, vacancies are filled mainly through internal promotion. There are, however, exceptions. These include China, which opened some posts to outsiders, and Korea where public service reforms in the early 2000s resulted in 20% of the senior positions being designated as Open Post System, that is, open to outsiders. In Brazil, except those in the DAS system (senior management service) and commissioned positions, candidates are hired at the entry level and they move up in their occupational categories as they acquire seniority. Botswana has an open system – all positions are advertised to include outside candidates.

Promotion is based on seniority and performance. In these countries, public servants are required by law to spend a minimum number of years in a position before promotion to the next rank. In Malaysia, it takes between 5 - 8 years for public servants to be promoted from one position to another. Similarly, for the administrative cadre in Mauritius, it takes 8 years to move from one position to another.

Vacant positions are filled from a pool of internal candidates drawn from the immediate rank/grade below. In China, Malaysia, Mauritius and Korea, there are centralized personnel records, including performance appraisals, which make it possible for the agency responsible for promotion to draw up a list of candidates due for promotion from all departments/ministries. Final selection from the list is through interviews or a competitive promotion examination.

6.1.3 Predictable career path

The career paths of public servants are predictable because they don't compete with outsiders for promotion. Predictable career paths for public servants are also not limited to the public service, especially for the bureaucratic elites. Upon retirement, senior and

top bureaucrats from government are able to move to positions in business, business associations, banking, politics, think tanks and State-Owned Enterprises (SOEs). Bureaucrats are not left to fend for themselves, but government makes sure they have a post-retirement career. This is a deliberate policy of government in these states.

6.1.4 Rotation between departments and other agencies

In most developmental states, there is considerable inter-departmental movement. Malaysia is a good example because in the first ten years of their appointment, public servants are transferred from one ministry to another, spending an average of two years in each ministry. The logic is that departments in Malaysia are not autonomous and therefore officers recruited into a particular occupational category are, within their occupational category, transferable to any department. Chinese public servants are also transferable throughout their career. This movement between ministries (and, at times, agencies) enables public servants to gain considerable knowledge and experience of how the government works. This process enables public servants to work across ministries and thus helps to break a culture of “silos” that characterise most bureaucracies.

6.2 Key Features in the Career System in South Africa

6.6.1 Advertisement of posts

In South Africa promotion posts are advertised and anybody, not just career public servants, can apply. Promotion is treated as an appointment and therefore the same requirements as for appointment apply. It is an open system. However, in most cases appointment is permanent, until retirement.

6.6.2 Selection criteria

Typical criteria for selecting candidates for promotion are the following: (In this case applied by the South African Police Service as quoted in *South African Police Service v Solidarity obo Barnard* (2014) ZACC 23):

- (a) Competence based on the inherent requirements of the job or the capacity to acquire within a reasonable time, the ability to do the job.
- (b) Prior learning, training and development.
- (c) Record of previous experience.
- (d) Employment equity in line with the Employment Equity Plan of the relevant business unit.
- (e) Evidence of satisfactory performance.
- (f) Suitability.
- (g) Record of conduct.

6.6.3 Promotion requirements

The promotion requirements are left to departments (decentralised to departments). The discretion for determining these requirements rests with the relevant executing authority, working within the parameters of a Code of Remuneration prescribed by the Minister for

Public Service and Administration. Chapter 1, Part III, Section I.1 and I.4 of the Public Service Regulations determine as follows:

- I.1 For each post or group of posts, an executing authority shall establish a job description and job title that indicate, with appropriate emphasis on service delivery –*
- (a) the main objectives of the post or posts in question;*
 - (b) the inherent requirements of the job; and*
 - (c) the requirements for promotion or progression to the next salary range, in accordance with a relevant career path.*
- I.4 For each salary range in a CORE, the Minister may provide advice on –*
- (a) the possible job content;*
 - (b) the necessary and desirable competencies for the job;*
 - (c) indicators of those competencies; and*
 - (d) desirable characteristics for employment and promotion within the occupational category.*

This has resulted in such requirements being applied inconsistently and not strictly.

In South Africa promotion is in many cases not based on well-specified career paths. This began to change with the introduction of the Middle Management Service (MMS), Senior Management Service (SMS), Occupational Specific Dispensations (OSDs) and the HR Connect project (which specified task, knowledge and skills requirements).

6.6.4 Career building

Building careers is a key mechanism for building and retaining skills. In order to plan and build careers, occupations need to be defined much more tightly, which would include specifying the following:

- The entry requirements.
- Promotion requirements.
- Career progression and succession planning.
- Mobility into and out of the occupation.
- Continued professional development requirements.
- Testing or certifying that a member of the occupation can do a specified list of tasks or scope of work. It would also mean giving the member of the occupation the opportunity to gain experience in the range of tasks of the occupation and to consciously manage the process of building experience.

6.6.5 Capacity assessment

Several assessments of the capacity of the public service have been undertaken over a number of years (DPSA, 2004 to 2008). These assessments looked at capacity in a broad sense and were not specifically skills assessments. Data about skills is not readily available in the South African public service. The capacity assessments revealed weaknesses in relation to the management information contained in the Personnel and Salary System

(PERSAL) (DPSA, 2007). This in itself says something about the public service's attitude towards skills. To address this information gap, a skills data base (HR Connect), which collects data on the task, skills and knowledge proficiency of public servants, has been launched, but an analytical report on the data contained in the data base has not yet been published. The capacity assessments recognised that they did not definitively answer the question whether the public service has the capacity to implement government's socio-economic programmes. They nevertheless concluded that "resources do not present the most serious challenge; what are lacking in some areas are the skills (especially professional skills), systems, co-ordination and institutional arrangements to efficiently and effectively deploy these resources" (DPSA, 2008). The capacity assessments also found a sharp and alarming decrease in the percentage of public servants who have between 5 and 10 years' experience (DPSA, 2008).

In comparison to the practice in developmental states, South Africa therefore needs a much more tightly defined career system. This especially applies to professional and technical staff and categories of staff from whose ranks people are promoted to middle and senior management positions.

6.3 Problem Statement/Evaluation

When posts are created specific attention is not given to the future career of specific occupational categories. Career paths and succession planning are determined largely by the individual who applies for posts to further his/her career. This has led to a high turnover of staff of the rank of Assistant and Deputy Director (levels 9 to 12 – middle management). Staff are not building careers in specific departments, whilst at the same time experiential learning is not structured well enough to enable the transfer of skills from one department to another. People move from one job to the other in the public service, many times on promotion, before becoming proficient in specific tasks. Ministerial directives tried to put a damper on this job-hopping in the public service.

If all posts are advertised outside the public service, the risk of appointing someone not meeting task, knowledge and skills requirements increases. Since key posts are advertised outside the public service, promotion is not restricted to a pool of people with specific experience and qualifications and proficient in specific tasks, knowledge and skills. In any case were such pools of skills not deliberately and systematically built. There is consequently a shortage of professional skills in the public service.

The specification of occupations with regard to task, knowledge and skills requirements was decentralised to departments. This resulted in many cases in inconsistent, inappropriate and inadequate entry and promotion requirements, which resulted in poor appointments and promotions.

6.4 Recommendations

In order to achieve a capable, career-oriented and professional public service in South Africa, the following recommendations are made:

Advertisement of posts

It is recommended that –



- heads of departments should have the discretion to advertise selected posts within the public service only. This means that, besides the entry level, vacancies of selected posts should be filled internally first. In the case of recognised professions/occupations, this should include advertisement outside the public service aimed at candidates from **within** the profession/ occupation.
- the regulation that SMS posts should be advertised nationwide be reconsidered in the light of the above.

Promotion requirements

It is recommended that a minimum number of years of service be set for promotion from one rank to the next. While at a specific rank, an employee should be exposed to a variety of tasks/prescribed scope of work suited for each occupation/rank coupled with continued performance assessment and certification of competence.

Promotion/ entry requirement for the Middle Management Service (MMS) and Senior Management Service (SMS)

With regard to appointment/ promotion to the MMS and SMS, the following options can be considered:

- A promotion exam as a requirement for promotion into the MMS and SMS.

OR

- A prescribed course (or courses) in relevant fields of study, designed by the National School of Government, as a requirement for promotion into the MMS and SMS.

Specification of occupations

It is recommended that all occupations in the Public Service be specified with regard to the following:

- The job content.
- The entry requirements with regard to task, knowledge and skills proficiency.
- Promotion requirements with regard to task, knowledge and skills proficiency.
- Career progression and succession planning.
- Mobility into and out of the occupation.
- Continued professional development requirements.
- Testing or certifying that a member of the occupation can do a specified list of tasks or scope of work. It would also mean giving the member of the occupation the opportunity to gain experience in the range of the tasks of the occupation and to consciously manage the process of building experience.

Occupations that serve as feeder for the MMS and SMS should be prioritised.

The power to specify posts and occupations currently rests with the relevant executing authority (the power has been decentralised to departments). The Minister for Public Service and Administration can only provide advice on such occupational specification – Public Service Regulations Chapter 1, Part III, Section I.1 to 1.5. In the light of the

above recommendation on the specification of occupations, this regulation may have to be reviewed.

The principle should be to recruit and retain the best possible people into key professions/occupations and into public service management without excessively restricting mobility between occupations, and between inside and outside the public service, and remunerate them accordingly.

NOTE

DIRECTIVE ON COMPULSORY CAPACITY DEVELOPMENT, MANDATORY TRAINING DAYS AND MINIMUM ENTRY REQUIREMENTS FOR SENIOR MANAGEMENT SERVICE (Dated 25 November 2014)

The Minister for Public Service and Administration has already started to apply some of the principles and begun to give effect to some of the recommendations in this chapter through the issuing of the above directive.

The Directive provides, inter alia, for the following:

Minimum entry requirements

1. **Minimum qualifications** for entry into SMS position shall be:
 - 1.1 For a Director and Chief Director – an undergraduate qualification (NQF level 7) as recognised by SAQA.
 - 1.2 For a Deputy Director General and Head of Department – an undergraduate qualification (NQF level 7) and a post graduate qualification (NQF level 8) as recognised by SAQA.
- 2 The table below reflects **minimum years of experience** as an entry requirement into the SMS:

| SMS Level | Relevant experience |
|-------------------|---|
| Entry (Level 13) | 5 years of experience at middle/senior managerial level |
| Level 14 | 5 years of experience at a senior managerial level |
| Level 15 | 8-10 years of experience at senior managerial level |
| Level 16 | 8-10 years of experience at a senior managerial level (5 years must be as a member of the SMS in the Public Service) |

Compulsory training programme

- A further requirement to enter into or progress within the SMS will be the successful completion of the Senior Management Leadership Programme with either the National School of Government or a HEI accredited with the NSG.
- A Senior Management Leadership Programme is defined as a 12 to 24 month leadership programme which is recognised and accredited in the terms of the minimum requirements of the NSG. An example of such programme is a Masters in Public Administration.

Selection method

- In order to improve the quality of appointments made at the SMS level, all shortlisted candidates for SMS post must undertake a pre-entry practical exercise as part of the interview process based on the technical and generic requirements of the post.

CHAPTER 7: ROLE OF PERFORMANCE MANAGEMENT

The Performance Management and Development System (PMDS) is probably one of the most contested systems implemented in the South African public service. Fundamentally, to conduct a valid and objective assessment of the performance of individuals constitutes one of the most vexing challenges of human resource management.

7.1 Key Features of the Performance Management System in South Africa

The Senior Management Service (SMS) Performance Management and Development System (the system) is a framework (the broad parameters within which departments must act) issued by the DPSA.⁸ The PMDS is based on assessing performance during and at the end of a year against a performance agreement entered into at the beginning of a performance cycle (i.e. 1 April of each year). It is a framework because the details against which employees are assessed are agreed between an employee and supervisor (and not pre-set by departments themselves). The details that must be filled in are the "Key Result Areas" (KRAs), outputs and standards against which the employee will be assessed. Core Management Criteria (a list of generic management competencies) are included to assess the level of competence of employees. During annual performance assessments staff are scored against the KRAs and standards agreed upon, using a 5-point scale, where 1 and 2 are unacceptable and not fully effective performance, 3 is fully effective and 4 and 5 are significantly above expectation and outstanding. Scores are moderated by committees to ensure that the same standard is applied throughout the department. To justify scores, staff must provide reports and evidence. Decisions on performance rewards, the development of staff and dealing with poor performance are taken on the basis of the assessments. Cash bonuses are awarded only for "significantly above expectation" and "outstanding" results.

7.2 Problem Statement/Evaluation

At the conference (PSC, 2014) the question was raised whether the problems with the system are fundamental (related to the design of the system), or whether the system is just poorly implemented. Participants agreed that the problems were at both levels.

Some of the points below may seem like implementation problems but it cannot be expected that a formal (or technocratic) staff assessment system will solve basic management problems of not setting a clear and unambiguous strategic direction, ambiguity in performance expectations, performance measurement problems at the unit level, poor supervision, and poor accountability for performance.

The distinction between fundamental and implementation problems also raises the question of the approach to fixing the system. When some of the problems are fundamental then it cannot simply be fixed at the implementation level and if a system is implemented when some of the preconditions for its success are not met, then it can do more harm than good.

⁸ For levels 1 to 12 each Executive Authority must determine a PMDS for his/her department. For this purpose the DPSA (2007) has developed a pro-forma Employee Performance Management and Development System (EPMDS) as a framework for voluntary use by departments.



7.2.1 Fundamental problems

Administrative systems should be evaluated against their own objectives. The stated objectives of the PMDS (DPSA, 2007) are to:

- Establish a performance and learning culture in the public service.
- Improve service delivery.
- Ensure that all jobholders know and understand what is expected of them.
- Promote interaction on performance between jobholders and their supervisors.
- Identify, manage and promote jobholders' development needs.
- Evaluate performance fairly and objectively.
- Recognise categories of performance that are fully effective and better.
- Manage categories of performance that are not fully effective and lower.

No well-designed evaluation has been undertaken to test the effectiveness of the system against these objectives. A key question is: To what extent does the system improve service delivery and evaluate performance fairly and objectively? The increasing wave of widespread service delivery protests seems to indicate that performance and service delivery are deteriorating, despite the existence of the PMDS and increased measures to enforce compliance.

Measurement problems

The PMDS assumes that performance can be fully and properly evaluated by objective measures. However, in the public service the assessment of many activities requires careful insight and judgement. But even if the belief in measurement is justified, a scrutiny of performance agreements and work plans shows that the standards mostly do not meet the SMART⁹ requirements. Outputs and target dates may be specified, but quality very seldom. (See Mintzberg, 1996, for a discussion of the differences between the private and public sectors, and different models for management in government.) A similar thought is illustrated in Albert Einstein's quote: "Everything that can be measured is not important [grains of sand in a bucket], and everything that is important cannot be measured [commitment, insight, judgment]).

The system is still much dependent on the subjective judgement of a supervisor and the personal interaction between supervisor and employee. Specifying KRAs, outputs, standards and indicators creates the appearance of scientific measurement, but this is deceiving. Moderating committees are then similarly in the hands of the supervisor and often do not have a solid basis for an assessment.

Available evaluations show that one of the main preconditions for the success of the system, namely objective measures, is often not present. At programme and sub-programme level (organisational unit level), audits by the auditor-general of pre-determined objectives found that performance information is often not useful or accurate. Setting

⁹ Simple, clear and understandable; Measurable; Achievable and agreed between the member and the supervisor; Realistic – within the control of the member, taking account of her/his experience – but challenging; and Time-bound.



performance indicators on organisational unit level is difficult enough. To isolate the contribution of individuals and set standards at the individual level is even more difficult.

Since these are determined between supervisor and subordinate, there is no standardisation of the performance standards against which employees are assessed.

Weak accountability frameworks

A prerequisite for effective performance management is good accountability frameworks. A proper management structure requires that responsibility, (delegated) authority, and accountability should be aligned as much as possible.

Yet the NDP found that in many cases accountability has been eroded: "The absence of a process for consequences management is largely due to the lack of a coherent accountability framework, which links job descriptions and responsibilities, performance management and bureaucratic purpose." (NPC, 2011)

The National Development Plan distinguishes between two main forms of accountability: (1) The standard hierarchical form where officers are accountable to their supervisors and eventually to the head of department, who is accountable to a minister, the minister to the legislature and the legislature to the electorate. (2) A bottom-up form where citizens hold public officials directly accountable at the level where services are delivered. Both these forms should be strengthened. (NDP, p.427.)

The NDP refers to accountability in several chapters. With regard to schools the NDP proposes a framework of "results oriented mutual accountability". Districts should be accountable for supporting schools, schools should be accountable to the education authorities as well as the school community and parents should be accountable for the behaviour, attitude, attendance and work ethic of their children. (NDP, p. 311.)

With regard to the health system, the NDP found that the management structure is centralised and top-down with poor authority and feeble accountability. (NDP, p. 332.) It proposes that an "appropriately specialised, more accountable management model for health service delivery, including revised roles and responsibilities for the national department, provinces, districts and public hospitals" should be defined. (NDP, p. 336.) It also proposes accountability to users: "Governance and management frameworks, from national to local levels, need to be effective, with the emphasis on accountability to users/communities. Centralised guidance, technical support and monitoring should be aligned with decentralised, devolved responsibility and decision-making." (NDP, p. 337.)

Disjuncture between unit and individual performance

There is currently no scrutiny of individual performance assessment against the performance of the organisation/ unit.

Objectives are many times determined through a bottom-up approach instead of top-down with departmental leadership setting the performance expectations. Senior management should set the tone by incorporating key standards and transformation indicators. Weak departmental planning documents lead to poorly formulated performance agreements and performance standards.

Lack or poor day-to-day management of performance by supervisors – including poor supervision, poor people management, and poor operations management – contributes towards failure of formal performance assessment

A distinction should be made between performance management at the organisational unit and individual levels. Performance management is part of the day-to-day operational management process (managing the daily work of units). Day-to-day management of performance takes place in organisational units and carries on without formal individual staff assessment. A key role of the supervisor here is to give feedback on performance, reprimand, motivate, mentor, lead teamwork, use incentives, make his/her own personal contribution to solving problems, and add value to the products produced by the unit. All this has to do with management style, which has a huge impact on the performance of any unit.

Sound supervision, operations management and unit performance management is an absolute prerequisite for effective performance management at the individual level.

At the conference (PSC, 2014), failure of managers to take responsibility for proper performance management was expressed by the dictum: "Managers must manage." Poor day-to-day management of performance includes:

- Lack or poor clarity of objectives from the managers.
- Lack or poor implementation of the system due to poor understanding of the system by the manager and the implementers at the lower level.
- Lack or poor review of individual performance to unlock difficulties that may lead to poor performance. Regular review of performance can't be left to end of year formal staff assessment.
- Quarterly performance assessment is not adhered to.
- Failure of managers to take responsibility for the rating they give to subordinates. Managers tread carefully when rating the performance of subordinates and tend to give higher ratings. They also realise that giving low ratings to subordinates may make it difficult to justify giving themselves a high rating. Allocating a rating of 3 or 4 which is not deserved encourages mediocrity.
- Implementation of formal staff assessment is compliance driven and managers absolve responsibility. Staff assessment is a "by-the-way" responsibility.

In the same vein the NPC concluded that improving staff performance does not require complex systems; it requires clear lines of accountability and engaged managers who seek to understand and overcome the challenges faced by their staff. Performance management can deliver results only if it creates the scope for a case-by-case analysis of the underlying reasons for strong or weak performance. (NPC, 2011)

The management of poor performance is also linked to the PMDS system because this system formally identifies poor performance in order for the procedures of the Incapacity Code to be applied.¹⁰ To identify poor performers, supervisors should be prepared to award scores of 2 on the 5-point rating scale. The definition of a 2 is "the jobholder has

¹⁰ The basic principles are laid down in Chapter 7 (*Misconduct and Incapacity*) of the SMS Handbook and the *Incapacity Code and Procedures for the Public Service*, PSCBC Resolution 10 of 1999.

achieved less than fully effective results against more than half of the performance criteria and indicators as specified in the PA and work plan". Managers often take the road of least resistance and award the average score, which is a 3. In practice the PSC has found a "consistent lack of accountability by managers for managing poor performance and a failure on the side of HRM components to provide the necessary guidance and support. ... The research revealed a lack of will among managers to manage poor performance – despite their ability to articulate the rationale for managing poor performance. There is a failure to follow through by management, which is attributed to a lack of mechanisms for holding managers accountable for fulfilling this role" (PSC, 2007).

Technocratic¹¹ systems do not solve underlying problems

Although the majority of managers felt the performance management system was appropriate, they also felt it did not play a significant role in supporting management processes and was unwieldy. (PSC, 2007.)

The NPC concluded that complex technocratic systems such as the centralised performance management system have been used to focus attention on formal procedures, but those systems are overly complex – administrators do not have the skills to use them and managers do not have the time. The system is poorly understood by supervisors and subordinates alike. This leads to staff demoralisation and disputes rather than enhanced performance. (NPC, 2011)

It is a one-size-fits-all system, which is not appropriate in all contexts

Participants at the conference (PSC, 2014) had divergent views on this. Some felt that the system should be purpose designed for different contexts, whilst others were in favour of setting stronger guidelines and/or norms and standards in order to ensure more uniform application across departments. It is clear that the right balance between prescribing norms and standards and discretion to design appropriate systems for different contexts, should be struck. The PSC is of the view that the PMDS is a framework that allows enough discretion for the detail to be filled in by departments. What is important is that the detail should not be entirely left to be filled in between supervisors and subordinates but that the department also prescribes performance standards for certain occupations.

It is, for instance, questionable whether the system is appropriate for employees at lower levels and their supervisors. These employees and supervisors do not understand the language of KRAs, outputs, standards and indicators. This is not to say that the basic framework of the PMDS is inappropriate for these categories of employees, but that the framework should probably be filled in as a standard for lower level occupations by the departments.

There is a prescribed framework for employees at the SMS level but only a pro-forma framework (not prescribed) for performance management at salary level 1-12. Even though most departments follow the pro-forma framework, it leads to unevenness in implementation of the system. Some participants felt that the pro-forma should be prescribed for employees at Levels 1-12.

¹¹ "Technocratic" is used here in the sense of inappropriate use of measurement scales to replace judgement or process to replace substance.



The incentive system is not congruent with the values of public service

This Discussion Document emphasises values of public service (Chapter 4) – the reward is the intrinsic reward of living these values – and career-orientation (Chapter 6) – the reward is a satisfying career.

The stakes for employees in the system are high because of the link with performance bonuses. There is a perception that the system is manipulated simply as the means to produce the supporting documentation and obtain approval for performance bonuses. Participants at the conference (PSC, 2014) expressed no firm bias towards delinking incentive rewards from the PMDS. Participants rather favoured “diversifying” the system by allocating a portion of the pie for individual incentives, unit/group incentives and strengthening a system of non-monetary incentives. The NDP also favoured incentives at the unit rather than the individual level, e.g., for schools (NDP, p 309).

7.2.2 Implementation problems

Poor compliance with the tenets of the system

The PSC has over a number of years undertaken quite a few compliance studies, testing whether departments comply with the tenets of the system (PSC, 2007-2012). The studies found that Performance Agreements (PAs) often:

- Did not include KRAs.
- Did not integrate the Batho Pele principles in KRAs or the Core Management Criteria.
- Did not include Personal Development Plans.
- Were not concluded by 30 April.
- Did not include work plans.

Often annual appraisals are not done.

The DPSA also found that the PMDS was generally applied incorrectly, inconsistently and unfairly (DPSA, 2008).

If levels of compliance with the system are low and there is a lack of implementation support from Human Resource Management (HRM) components, then the natural reaction is to enforce compliance, provide more support and issue manuals on how to implement the system. This assumes there is little fundamentally wrong with the system or the assumptions underlying it.

With regard to compliance, the tone should be set from the top, and this is clearly not the case as a large proportion of HoDs have not submitted their performance agreements and the number of HoDs who have been evaluated is low and has declined over the last few years. It is also clear from the long list of reports the PSC has published on this matter that compliance has been assessed repeatedly and appeals made to the appropriate authorities to comply.

Poor support from HR components

HR Units provided insufficient assistance and guidance in the implementation of the system. It is moreover a question whether HR units have the technical know-how to advise line management on how to set performance standards.

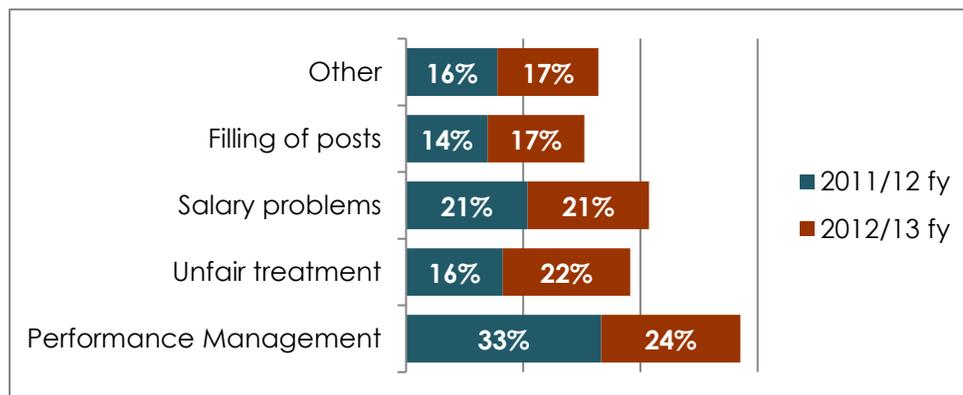
Development interventions agreed to in Personal Development Plans not implemented

Areas of development of the individual are, moreover, not linked to the unit and overall organisational objectives.

The Workplace Skills Plan is developed without consideration of the information in Personal Development Plans.

As a last point, employees are often aggrieved about how the process affects them (PSC, 2012). In 2011/12, 33% of all grievances were about performance assessment, and 24% in 2012/13 – see graph below. Formal grievances probably represent the tip of the iceberg with regard to employees who feel unhappy about the system. If so many employees are unhappy with the outcome of the process, the question is: To what extent is the system seen as fair and objective?

Figure 1: Reasons for grievances



7.3 Conclusion

A system can only be successfully implemented if the preconditions for success are met. Any effort at improving the system should start with addressing the fundamental problems at the unit/ organisational level; especially designing an appropriate management structure and setting clear objectives and performance standards. It is also logical that in places where the preconditions are not present, the question should be asked whether a department should persist with applying individual staff assessment, knowing full well that chances of effective implementation are slim.

7.4 Recommendations

It is recommended that:

- An evaluation of the effectiveness of the system against its own stated objectives be undertaken. Change should be based on a thorough review of the assumptions and effects of the system. A comparative study/ literature review on performance management systems in other countries could be undertaken to draw relevant lessons for South Africa.

- Effective management structures, aligning responsibility, authority and accountability.
- Effective performance management systems at the unit level be designed for a number of prioritised service delivery units, where after the structures/ systems can be reviewed across the public service based on the lessons learnt from the exercise.
- The National School of Government designs supervisory courses for different contexts in the public service.
- Consideration be given to suspend individual staff assessment in contexts where the preconditions for successful implementation of the system are not met.
- The following **options** for changes in the individual staff assessment system are suggested:
 - Much more use should be made of objective external assessment, e.g. of schools and hospitals.
 - Consideration should be given for introducing aspects of 360-degree performance management, especially for the Middle Management System (MMS) and SMS.
 - Simple frameworks for specifying performance standards for selected occupations should be pre-determined by departments and not be left to be filled in between supervisors and employees.
 - Performance appraisal can be done through regular inspections of units rather than through individual staff assessment.
- The nature of incentive and reward in the public service should be fundamentally rethought. Initial reforms could include –
 - complementing, and even replacing, the cash bonus system based on individual staff assessment with rewards for specific results or products and for unit performance; and
 - complementing, or even replacing, cash bonuses with rewards designed around the intrinsic value of the job, such as professional recognition.

The PMDS is a mutual interest matter and changes will have to be negotiated with labour.

CHAPTER 8: COMPETENCIES OF PUBLIC SERVICE LEADERSHIP

Competence is a combination of practical and theoretical knowledge, cognitive skills, behavioural patterns and values, which contribute to superior work performance and individual and organisational effectiveness. Organisational competencies create sustainable competitive advantage through a blend of skills, knowledge, ability, management systems, technologies, procedures and personnel instruments. Literature shows that in some countries, competency frameworks were introduced as part of broader reform or change processes to professionalise the public service. Competency frameworks serve as powerful communication tools that provide a common language and understanding of the behaviours needed to achieve organisational objectives. In South Africa a competency framework was introduced in 2003 in order to assess and develop senior management competencies at the national and provincial levels.

8.1 Overview of Competency Framework from Selected Countries

There is no uniform worldwide competency model or framework for public service leadership. Different authors and countries put emphasis on different competencies for different levels of management. Many competency frameworks contain behavioural competencies and limited attention is given to technical competencies (Op de Beeck & Hondeghe, 2010). A concise overview of competency frameworks from different countries, including South Africa, is presented below.

In Malaysia, public service leaders are expected to possess the following competencies: policy leadership and strategic change; professional judgement and problem solving; executive leadership (including ambition to succeed in life and professionally, and to create and influence boundary-less organisations); branding the nation innovatively within the public and private sector; dialogue leadership (that is, ability to engage and facilitate dialogue at strategic level to influence the development agenda and to resolve conflict); and leadership, power and influence to forge strategic relationships.

In 2001, the Korean government developed the Government Standard Competency Dictionary for the general civil service, including senior officials. The purpose of the competency dictionary is to strengthen government's competitiveness. The dictionary has 19 competencies that are important for the government to achieve its strategic goals.

At the national government level, there are different competency models for different hierarchical ranks. The main target group of competency management is the managerial level, which includes the Senior Civil Service (SCS), Division Managers and Junior Managers. The SCS competency model consisted initially of nine (9) competencies, namely: recognising and understanding potential problems, strategic thinking, results orientation, professionalism, innovative leadership, communication ability, customer-orientation, presentation of vision, and coordination and integration. This changed in 2009 when the competencies were modified and resulted in six (6) competencies.

In Botswana, senior management officers, inclusive of Deputy Directors and Directors and executive leaders, are required to undergo a competency assessment before they can be appointed or promoted. The generic leadership competencies emphasised by the leadership competency framework and the Botswana Public Service College include



leadership; mastering complexity, drive for results and stakeholder engagement. Technical competencies are addressed by the respective ministries.

There are multiple competency frameworks for officials below the senior management level in the United Kingdom (UK), but there is a common framework for the senior civil service (SCS). The competency framework for the SCS consisted of six (6) core competencies. Each of the competencies had a list of effective and ineffective behaviours, which are the criteria used in assessing performance. In 2003 an organisation-wide Professional Skills for Government (PSG) competency framework was developed, and it is divided into four (4) separate but supporting areas, namely: leadership, core skills, professional skills, and broader experience, with civil service leadership qualities at the centre of the framework (Op de Beeck & Hondeghem, 2010). The purpose of the framework is to provide direction for the organisation, to deliver results, to build capacity for the organisation to address current and future challenges, and to act with integrity. The job-specific professional skills component of the PSG competency framework is supported by heads of profession, who set standards for all professions in the civil service. For SCS members and those aspiring to progress to SCS, both depth and breadth of experience are important. Deep professional knowledge is valuable, but as civil servants progress in their civil service career, breadth of experience becomes increasingly important. Such experience is gained within the profession in the civil service and other sectors.

In South Africa, the SMS competency framework was introduced in 2003 and is applicable to the four SMS levels, namely Directors, Chief Directors, DDGs and DGs or HoDs. "The core intention of competency-based assessment is to identify skills gaps of members of the SMS and ensure continuous development through targeted training and development. It also assists in providing an independent scientific analysis of a senior manager's skills profile, so departments are guided in the direction of continuous learning and development" (MPSA, 2011).

The competency framework outlines critical generic competencies that senior managers are expected to possess, instead of technical/functional competencies, which are essential for a specific department or job. The framework lists 11 competencies that are grouped into two categories, namely, Core Generic Leadership and Management Competencies and Process Competencies. The "Core Generic Leadership and Management Competencies describe thought processes that influence behaviours and the functional characteristics that represent what needs to be done by SMS members in demonstration of their leadership and managerial roles." The five Core Competencies are Strategic Capability and Leadership, People Management and Empowerment, Programme and Project Management, Financial Management and Change Management.

Process Competencies exhibit the most useful externally observed set of behaviours that determine how leaders make successful or poor decisions. The five Process Competencies include Knowledge Management, Service Delivery Innovation, Problem Solving and Analysis, Client Orientation and Customer Focus and Communication, while Honesty and Integrity cut across all ten competencies. The framework goes further to outline the behavioural performance indicators for each of the core generic competencies in relation to each of the SMS management levels.



The competency framework is based on the assumption that the functional Key Performance Areas (KPA) for SMS members will be determined by each department, in line with its mandates and strategic objectives. Notwithstanding this, in 2006 the Minister for Public Service and Administration issued a circular to introduce three compulsory KPAs for DGs and HoDs, namely Regional Integration, Integrated Governance and Minimum Information Security System (MISS). In addition, the 8-Principle Action Plan for Promoting Women's Empowerment and Gender Equality within the Public Service Workplace was added in 2010 for DGs and HoDs.

8.2 Lessons from China and Malaysia

8.2.1 China Executive Leadership Academy Pudong (CELAP) and Chinese Academy of Governance (CAG)

CELAP offers training to the senior executives of the public service, members of the party and business as well as international delegates. The core competency training for senior executives focuses on the following:

- Economic development (i.e. ability to mobilise resources, ability to co-ordinate public services and the ability to learn and adapt as situations dictate).
- Values education, political ideology and moral education (what socialism is, awareness-building on the historical and current socio-economic development path adopted by China, cultural needs, why a clean government is needed today, why the people's standards of living need to improve).
- Capacity-building (financial innovation, strategic macro-economics, depending on the official's area of responsibility).
- Leadership (fully understand party documents and government strategy).
- Behaviour-orientation (psychology, leadership styles, addressing the media, grooming, interpersonal skills, how to make a speech and to organise a press conference).

Practical training is conducted in laboratories to demonstrate acquired skills that can be displayed and modelled. Also, experienced party, government, academic and business experts are invited to facilitate training sessions together with CELAP staff. The Academy offers core Public Administration programmes but also physical education programmes like, swimming and table tennis.

8.2.2 Razak School of Government and National Institute of Public Administration (INTAN)

In Malaysia, the Razak School of Government specialises in senior leadership development in line with the competency framework. The following modules are offered:

- Policy Leadership and Strategic Change (lead Policy Action in bringing Change, understand Policy Development in the public service and ability to lead and manage teams).
- Branding Leaders, Branding the Nation (Road Map for Branding Public/Private Service and, Innovation in Public/Private Service, and Networks with Top Leaders in ministries, agencies and private sector).



- Dialogue Leadership (Attributes of Dialogue Leaders, Dialogue Gap Implications to Leaders today and Dynamics of Power, Influence and Conflict).
- Leadership Power & Influence (Various Dimensions of power and Influence, Value of Work Relationships and Effective Delegation).
- The Executive Leadership Series (Personal Leadership/Traits, Personal Ambition to Successful Life and Career goals, Create and influence boundary-less organisation)
- Professional Judgement & Problem-Solving (Ability to manage crises, Empowerment of risk taking & innovative thinking and Engagement & Influencing Stakeholders).

INTAN offers vocational courses in Public Administration to all categories of staff. Its offerings start from a Diploma up to a Master's Degree in Public Administration.

8.3 Competency Qualities of Public Service Leadership in a Developmental State Context

According to Ngcaweni (2012), political and administrative leadership in developmental states has the ability to think strategically, forge and implement a broad development agenda, build developmentalist coalitions, work across government departments, inspire public servants and engage with external stakeholders. In addition, emphasis is placed on political competence; technical skills and competence; discipline and commitment; and trust, honesty and integrity. Many of the competencies cited by Ngcaweni (2012) and Op de Beeck & Hondeghem (2010), such as strategic leadership, mobilisation of society, fostering partnerships among different stakeholders, economic transformation, honesty and service to the people, have also been alluded to in South Africa's National Development Plan (NPC, 2010) and the Strategy and Tactics document of the ANC (2012).

Also, in a study conducted by De Wet (2010), the public service leadership competencies for a developmental state can be classified into five competency dimensions, namely political, economic, social, professional, and the public business dimension. Each competency dimension has several indicators. The indicators include strategy selection and action; transformation of the economy and infrastructure; service delivery innovation; social relations; trust building and cooperation, policy formation and implementation; resource mobilisation; technical competence; accountability; operational effectiveness; human resource management and development; technical and professional skills; honesty; passion for the nation and its citizens; strategic capability and leadership; and communication.

De Wet (2010) critiqued the South African SMS competency framework in line with her five dimensions of competency using a rating scale, and arrived at the conclusion that the competency framework is 27,4% aligned to the competency indicators of the five competency dimensions. In particular, the competency framework scored higher (44%) in public administration competence, followed by 41% in public business competence, and lastly social competence with 36%. In her assessment, the framework scored 0% under economic competence and 8,7% under political competence.



8.4 Problem Statement/Evaluation

A comparison of the South African public service SMS competency framework with the competency frameworks of selected countries and findings from multi-country studies has revealed that the framework is only to a limited degree aligned with the competency requirements for public service leadership in a developmental state. Some of the competencies are implied in the behavioural indicators that form part of the competency framework and are incorporated in other frameworks that are applicable to public service leadership. However, the framework is not comprehensive because it does not cater for many of the identified competency attributes in developmental states.

There are several competencies that are not explicitly stated in the South African public service competency framework. In particular, the political and economic competencies and attributes that are emphasised in the literature on the developmental state are not explicitly stated in the SMS competency framework for South Africa. The lessons gleaned from the PSC's study tours to Malaysia, Mauritius and China revealed that these competencies and attributes are inherent in the seniority of positions and the loyalty and commitment of the appointed leaders to the country.

The SA competency framework does not provide for the technical/ functional competencies that are the requirements to be successful in a specific profession or job.

In order for SA to achieve its developmental objectives, there is a need to determine the organizational culture and the kind of leaders required for a developmental state. This calls for a review of the competency tools. Furthermore, leaders need to be well informed in order to effectively lead their teams and understand the vision, not just recite it and cascade it down to the lower levels. Seniority shouldn't be viewed as monopoly of knowledge. Developmental states require leaders that are bold enough to engage with their staff and allow criticism without personalising issues. Public servants need to understand that their contribution at different levels towards the achievement of government strategic goals. Thus there should be a comprehension of the bigger picture.

8.5 Recommendations

Review of the South African Public Service SMS Competency Framework

It is consequently recommended that:

- The South African Public Service SMS Competency Framework be reviewed in order to incorporate competencies, indicators and behavioural attributes for the following competency dimensions:
 - economic competencies;
 - political competencies; and
 - technical and/or functional competencies.
- Based on a representative sample of assessments, appropriate training programmes to fill competency gaps identified in the SMS group, be designed, and offered by the National School of Government.

CHAPTER 9: POLITICAL-ADMINISTRATIVE INTERFACE

9.1 Selected Countries Insulation in Comparative Perspective in the Study Countries

Insulation is one of the major characteristics of developmental states. “Insularity means that the state is relatively autonomous or free from particularistic interests” (Edigheji, 2007). Consequently, it is able to take independent action without being captured or unduly influenced by such interests. As noted in the conceptual section of this document, this means that political leaders protect senior and top bureaucrats from direct pressures from interest groups; and that there is a clear division of labour between these leaders. A symbiotic relationship exists between the political and administrative leaders. As Johnson (1982 and 1987) aptly captured this relationship, political leaders *reigned* while administrative leaders *ruled*. In this context, political leaders set the broad development agenda (i.e. defined what constituted developmentalism) and the latter devised and deployed the policy tools towards its attainment. In effect, the role of the political leaders concerns the ‘*what*’, and that of the administrative leaders concerns the ‘*how*’. In this context, there exists a shared project between both sets of leaders. This division of labour is such that political leaders treat bureaucrats as professionals who will use their technocratic expertise to devise the policy tools to achieve broad development goals set by the former.

The good working relationship between the political and administrative heads is attributed to a number of factors. First, ministers have no hand in the appointment of Secretaries-General (SGs) and DGs in Malaysia or Permanent Secretaries (PSs) in Mauritius. Their appointments are more an administrative, rather than a political function. In both countries DGs or SGs are career public servants – most have spent not less than 25 years in the civil service. In Malaysia, these top bureaucrats are appointed by the King on the recommendation of the Prime Minister. At best, ministers are consulted informally in the appointment of SGs or DGs to check if a prospective candidate is suitable for them. But even in this instance, the eventual appointee is always chosen from a pool of top career civil servants submitted by the Promotion Board made up of the Chief Secretary to the Government, the DG of the Public Service Department and the SG of the Ministry of Finance. The loyalty of SGs and DGs is first and foremost to the King as custodian of the nation (and not to ministers, who are seen as custodians of the state).

In Mauritius, PSs are appointed by a panel made up of commissioners of the PSC and an official from the office of the Prime Minister. The panel consults informally with the Prime Minister. Appointment of PSs is an administrative function.

In these countries, ministers are rarely catalysts for the dismissal of high-level public servants. Although rare, when there are conflicts between a minister and a SG or DG, the latter is transferred to another department or their parent department, the Public Service Department. The Chief Secretary to the Government and the DG of the Public Service in Malaysia mediate where there are conflicts between DGs and Ministers. Note that the Chief Secretary to Government is the most senior civil servant in the country and therefore commands considerable influence among ministers, DGs and SGs. In similar circum-

stances in Mauritius, an affected PS will be transferred to the Office of Secretary to Cabinet in the Prime Minister's office. The Secretary to Cabinet is always appointed from the ranks of retired PSs. He thus commands respect among incumbent permanent secretaries.

Second, there is a clear division of labour between ministers and top bureaucrats. As a top official of the Implementation Co-ordinating Unit in the Prime Minister's Department of Malaysia puts it, ministers set the strategic direction for their department while SGs and DGs are the movers of policy. The DG of the Malaysian Economic Planning Unit (EPU) also pointed out that her minister has no hand in the approval of development projects, but is only informed of such. This is illustrative of the clear demarcation of roles between the political and administrative leadership of the Malaysian public service. This is not to suggest that political leaders, including ministers, have no policy role. In fact, ministers set the broad development framework, including the national development vision and the five-year national plans. There is buy-in of this broad agenda by top bureaucrats, who then become major actors in the policy process as they devise the policy tools to achieve the set development goals of the political class. In these countries, because ministers have few political appointees (four in Mauritius¹²), top bureaucrats become the de facto advisers to ministers, even on policy issues.

Third, high-level public servants do not sign their performance agreements with ministers. For example, in Malaysia, the SGs and DGs (as members of the administrative and diplomatic cadre) sign their performance agreements with the DG of the Public Service Department (equivalent of the South African Department of Public Service and Administration), who is the second most senior bureaucrat in the country. They have a 360-degree performance system. Thus, results of their performance are not based solely on the assessment of a minister.

In Mauritius, except in ministries where there is a senior chief executive, permanent secretaries sign their performance agreements with the Secretary to Cabinet, who is also Head of Service, and responsible for their transfer. Top civil servants, especially those in the administrative cadre in these countries (including China), are transferred without recourse to ministers.

The above examples are illustrative of the fact that ministers have no role in personnel/human resource issues – appointment, promotion, transfer, discipline and dismissal – a factor that has been critical to the professionalisation of their bureaucracies. These, coupled with the clear division of labour between political and administrative leaders of the civil service, help to reduce tensions between ministers and the administrative leadership of the civil service.

9.2 Other Experiences: OECD Countries

¹² Each minister has four political appointees, namely two special advisers, press attaché and a constituency clerk. The special advisers are appointed with the concurrence of the Prime Minister.



9.2.1 Public service neutrality and responsiveness

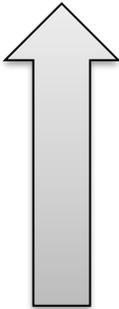
Views on the division of labour between politicians and administrators have been attributed to Max Weber's model of bureaucracy (in Matheson, *et al.*, 2007; Nwasike, 2013). Weber (1980) argued that the division of labour between politicians and bureaucrats would work best when there is a clear distinction between the two parties. According to Weber (1980), administrators are subordinate to politicians and have technical expertise to advise and efficiently execute the decisions of politicians in a manner that is politically neutral.

Reforms introduced by the New Public Management have tried to give public servants management autonomy through agencification and contracting. The contract with the agency tries to spell out the respective responsibilities of the minister and the head of the agency and other arrangements like funding, accountability and reporting arrangements.

However, the view on the neutrality of public servants and a clear division of labour has been challenged on the basis that the "public service is inherently a political creation", and, thus can never be made fully apolitical (Matheson, *et al.*, 2007: 8). By virtue of their role in the implementation of policy, public servants inevitably participate in a political process and need to be responsive to the priorities of political leaders. The "neutral competence" of civil servants is therefore complemented by the somewhat contrasting value of "responsive competence." (Matheson, *et al.*, 2007: 9).

It is clear that a more nuanced model than simply contrasting neutrality and responsiveness is needed. The OECD study (Matheson, *et al.*, 2007: 9) suggests that a test of "supporting the legitimacy of government" could be applied to judge whether relationships at the political-administrative interface are stably balanced. The authors further suggest the following hierarchy of public service behaviours underpinning the legitimacy of government:

Figure 2: Hierarchy of PS behaviours underpinning the legitimacy of government as an institution.

| | | |
|---|---|--|
| <p>Short term significance for government legitimacy</p>  <p>Long term significance for government legitimacy</p> | <p>RESPONSIVE PUBLIC SERVICE</p> | <p>PERFORMING PUBLIC SERVICE</p> |
| | <p>Civil service faithfully executes policies of the day. Legitimacy is supported through responsiveness to political priorities</p> | <p>Meets needs of client groups. Communicates and consults with them. Legitimacy is support through proficiency/quality in service delivery</p> |
| | <p>IMPARTIAL AND INCLUSIVE PUBLIC SERVICE</p> | |
| | <p>Serves interest of all citizens, attends to long-term impart of policies. Whole-of-government interest not subordinated to sectoral interest. Does not burden future generations. Adaptive – takes "hard" resource & organisational decisions when necessary. Legitimacy is supported through visible concern for the collective interest</p> | |
| <p>CONSTITUTIONAL RESPECT AND CONTINUITY</p> | | |
| <p>Constitution and law-abiding in spirit/action. Respect individual and communities. Sense of security maintained. Transparent decision-making. Use of coercive power safe-guarded. Collective interest protected from private gain. Professional civil service under legitimate political direction, ensure policies are carried out consistently and without political bias.</p> | | |

A government is constrained from taking action which jeopardise the legitimacy of future governments.

Legitimacy is supported through stability and maintenance of trust in public institutions.

9.2.2 Role of politicians in senior appointments

In many countries, politicians play different roles in the appointment, promotion and transfer of senior managers, in line with applicable prescripts. This is one of the areas addressed in the OECD study (Matheson, *et al.*, 2007). Cognisant of the varied levels of political involvement in staffing matters, the findings of the study suggest that –

“political influence in staffing matters may work well if there are other checks and balances overseeing functional responsibilities, and may be essential in instances where the public service is not adequately responsive and there are multiple factors and stakeholders that can block policy implementation”.

However, the role of politicians in staffing matters should be based on merit and not patronage (Matheson, *et al.*, 2007; House of Commons, 2007). In addition, public servants should be protected from being misused for partisan purposes.

In South Africa political office bearers (ministers and deputy ministers) sit on selection panels for appointments at the level of Deputy Director-General and Director-General and other heads of department and these appointments are ratified by Cabinet or the provincial executive council. The power of appointment in terms of the Public Service Act, 1994, is in the hands of the Executing Authority (ministers and members of the executive council of a province), who can delegate the authority to a head of department or other official in a department. Ministers only play a direct role in appointments if they have not delegated the power. Even in cases where they have not delegated the power they are advised by selection committees constituted of officials.

Figure 3: Overview of political involvement in staffing

| Country | Appointment | Dismissal | Promotion | Transfer to another position | Performance assessment |
|---------------|-------------|-----------|-----------|------------------------------|------------------------|
| United States | High | High | High | High | High |
| Italy | High | High | High | High | Medium |
| South Africa | High | Medium | High | High | High |
| Mexico | Medium | Medium | High | Medium | Low |
| France | Medium | Medium | Medium | Medium | High |
| Poland | Medium | Medium | Medium | Medium | Medium |
| Belgium | Medium | Medium | Medium | Medium | Medium |
| Sweden | Medium | - | - | - | - |
| New Zealand | Low | Medium | Low | - | Low |
| Korea | Low | Low | Low | Low | Low |
| Denmark | Low | Low | Low | Low | Low |

| | | | | | | |
|-----------------------------------|----------------|------|------|---|-----|---|
| Less political involvement | United Kingdom | None | None | - | Low | - |
|-----------------------------------|----------------|------|------|---|-----|---|

Experience from several countries suggests that even in instances where politicians are involved or not involved in staffing matters, the political-administrative interface can degenerate because of multiple factors such as implementation failures due to technical incompetence, ineffective communication channels and perceptions that senior administrators are actively involved in the activities of the political party or they have career ambitions which threaten the politician's position (Kathyola, 2010; PSC reports on Brazil and Malaysia). There is therefore no conclusive evidence that political involvement in staffing matters destabilises the political-administrative interface or that non-involvement will strengthen it. However, where politicians are not involved in appointments, senior administrators are less vulnerable to the whims of politicians.

9.2.3 Clear division of labour

One should not oversimplify a demarcation between accountability for policy issues and accountability for administrative matters. When something goes wrong in a department it frequently relates to operational and administrative issues (bad appointments, poor procurement decisions, maintenance that was not done, poor service, service providers not paid, the termination of contracts of temporary teachers) and the minister would not be able to tell the public she is not responsible for it. In fact, there are many examples where ministers and government had to intervene to address administrative and operational failures. The same applies to policy matters. Policies/ laws are written in departments and a clear demarcation between the department and the minister with regard to policy matters is not possible.

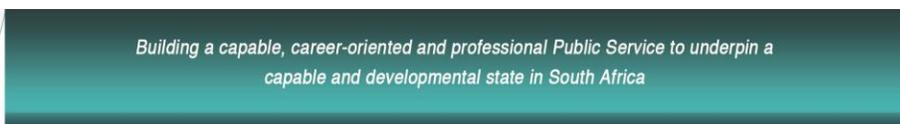
Guidelines like the following are more convenient (though useful) than absolute demarcations:

- Ministers are responsible to ensure delivery on the ruling party's manifesto and HoDs for providing sound, honest, professional and comprehensive advice.
- Ministers have a political responsibility and HoDs a technical responsibility.
- Ministers are responsible for outcomes and HoDs for outputs.
- Political leaders reigned and administrative leaders ruled.
- Political leaders set the broad development agenda and administrative leaders devised the policy tools towards its attainment.
- The role of political leaders concerns the 'what' and administrative leaders the 'how'.

The Weberian model of a clear demarcation is not realistic.

The key message which is reiterated by various authors is that –

“a productive political/administrative interface is key to effective public sector governance and performance, and this can only be achieved in a situation where there is mutual trust and respect between ministers and senior civil servants; where the public service is relatively apolitical and there is minimal political patronage; where ministers



manage their multiple roles effectively and avoid confusing their responsibilities as ministers with those of their constituency responsibilities; and where permanent secretaries realise and acknowledge that ministers only have a short period of time in which they must deliver" (Kathyola, 2010: 59).

9.3 The Political-Administrative Interface in South Africa

9.3.1 Historical context

It is important to locate the challenges at the political administrative interface within a specific historical context to understand how the issues have evolved. The separation of powers and roles in the Public Service Act, 1994, and the Public Finance Management Act, 1999, have its origin in sunset clauses agreed to during the CODESA negotiations. Represented in these negotiations was the then establishment that wanted a complete separation of authority. This would have meant a public service and the Public Service Commission that had certain powers. But from the other side the big question was, but how do we then intervene? How do we intervene in order to be able to achieve affirmative action, appoint the relevant people who understand the philosophy of the new government, etc.? The conclusion was exactly what we have today.

9.3.2 Role clarification

The doctrine of ministerial accountability is well-established in both the Constitution [section 85(2) and 92(2)] and South African public administration practice. Section 85 of the Constitution gives the responsibility for **both** developing and implementing policy to the Executive.

In South Africa the roles of Ministers/MEC and Heads of Department is outlined in various laws.

In terms of Section 3 (5) of the PSA, 1994, EAs have powers and duties regarding the internal organisation of the office or department, organisational structure and the transfer of functions within that office or department; regarding the post establishment of that office or department, including the creation, grading and abolition of posts and the provision for the employment of persons additional to the fixed establishment where the class of work is of a temporary nature and recruitment, appointment, performance management, promotion, transfer, discharge and other career incidents of officers and employees of that office or department, including any other matter which relates to such officers and employees in their individual capacities.

The political-administrative interface is by and large, shaped by the responsibilities and powers of executive authorities as stipulated in the Public Service Act (PSA), 1994, as amended. Section 42 (A) states that the EA may delegate to the head of a department any power conferred on the executive authority by this Act or authorise that head to perform any duty imposed on the executive authority by this Act. The Act allows the EAs to delegate or authorise any person to perform specific duties subject to specific conditions.

In terms of the PFMA, 1999, the role of the HOD as Accounting Officer includes, amongst others:



Building a capable, career-oriented and professional Public Service to underpin a capable and developmental state in South Africa



- Financial and risk management;
- Internal audit under the control and direction of an audit committee;
- Procurement and provisioning in line with applicable prescripts;
- Effective, efficient, economical and transparent use of the resources of the department;
- Prevent unauthorised, irregular and fruitless and wasteful expenditure; and
- Safe-guarding and the maintenance of assets, and the management of liabilities of the department.

In the *Report on the Assessment of the Implementation of the Human Resource and Financial Management Delegations Frameworks (2013)*¹³, the PSC alluded to different perceptions as to whether the allocation of responsibilities by the PSA, 1994, as amended and the PFMA, 1999, complement or contradict each other. Some EAs and HODs were of the view that the PSA and PFMA role allocation is one of the key reasons of conflict between EAs and HODs and this has led to instability in some departments. There were also views that the two pieces of legislation can serve as a basis for enhancing good working relations between EAs and HODs in an environment where HODs and their senior managers are competent and trustworthy and effective delegations are in place.

In previous studies, the PSC had highlighted this view held in certain circles by many HoDs and EAs that there is a serious discrepancy between the authority/responsibility dispensations of the PFMA and the PSA. In the Role Clarification report (2007), the PSC noted that from the perspective of HoDs the assignment of powers relating to human resources and organisational establishment to EAs is problematic in that they form a vital component of the inputs required to deliver outputs¹⁴. It is argued that to enable effective delivery of outputs it would be necessary to confer direct authority over the deployment of financial, human resources and organisational establishment to HoDs. (The authority regarding human resources and organisational establishment can be delegated currently by Executing Authorities but in some cases this is not done.)

9.4 Managing the Career Incidents of HoDs

A strong public service to underpin a developmental state should rely on institutions rather than individuals. Nevertheless, instability at the leadership level can have a destabilising effect on public service departments. It is therefore important how the career incidents of heads of department are handled, and the institutions and conventions put in place to deal with these career incidents need careful consideration.

The power to appoint and deal with the other career incidents of HoDs rests with the President in the case of national departments and with the relevant premier in the case of provincial departments (section 12 of the PSA, 1994). The President has delegated his power to appoint and deal with other career incidents to ministers. The power to deploy

¹³ Public Service Commission. (2013). Report on the Assessment of the Implementation of the Human Resource and Financial Management Delegations Frameworks, 2013.

¹⁴ Public Service Commission. (2007) Report on Role Clarification and Relationships at the Executive Interface.



HoDs to other departments or capacities has not been delegated (section 3.8 of the Executive Protocol on the employment of HoDs and DDGs (2013).

The same criteria with regard to the advertising of posts and selection of the best candidate for posts in the Senior Management Service also apply to posts of HoD. This means that with a few exceptions provided for, posts of HoD must be advertised. (Section 3.13, and 6.1(1) of the Executive Protocol). The principles of open competition and fair selection processes also apply to the filling of posts of HoD (section 3.14 of the Executive Protocol).

A selection committee for the appointment of an HoD is chaired by the relevant minister and includes at least two other ministers and a national HoD (section 7.5(7)(a) of the Executive Protocol). Shortlisting must be done only on the basis of information provided in the application form and the CV. Any information from other sources should not be considered as it may unfairly benefit or disadvantage an applicant in relation to others (section 7.4(4) of the Executive Protocol). The process should be conducted transparently. To be able to demonstrate that the process was fair and transparent, easily accessible written records of the criteria used in selecting interviewees, criteria used in selecting the most suitable candidate and the evaluation of individual candidates should be kept (section 7.2(5) of the Executive Protocol). Interviews should be objective and unbiased (section 7.6(3)(e) of the Executive Protocol).

The selection committee must make a recommendation on the suitability of a candidate after considering only the following:

1. Information based on valid methods, criteria or instruments for selection that are free from any bias or discrimination.
2. The training, skills, competence and knowledge necessary to meet the inherent requirements of the post.
3. The needs of the department for developing human resources.
4. The representativeness of the department as a whole with regard to DDG appointments and HoDs as a group in the appointment of an HoD. (Section 7.7(2) of the Executive Protocol).

The appointment of a HoD or DDG at national level can be effected only after consultation with the Minister of Public Service and Administration and obtaining Cabinet's concurrence/approval (section 7.7(5) of the Executive Protocol). While DDGs at the national level are offered permanent posts, if they successfully complete their probation periods, the term of contract for a DG or HoD is a period not exceeding five years, which may be renewed for further periods of not more than five years at a time (section 12(2) of the PSA). This means that if a serving permanent public servant is appointed as HoD, he/she loses his/her permanent status.

The President may also transfer a HoD and the relevant minister may second or assign the HoD to specific deployments (sections 12(3), 15(3) and 32(1) of the PSA). The HoD group is managed to create a pool of top officials that can be utilised in the best interests of

the public service. The Minister of Public Service and Administration advises the President in this regard.

9.5 Weaknesses in the Current System

The PSC has published a number of reports on the career incidents of heads of department. (PSC, 2007, 2008a, 2008b, 2009). Issues dealt with in these reports include the turnover rate and the evaluation of HoDs.

HoDs in the public service are required to enter into performance agreements (PAs) with their EAs. The PAs of HoDs must be filed with the PSC by June of each year. The overall compliance rate for the submission of PAs of HoDs fluctuated between 44% and 85% between 2009 and 2014. Of great concern was the high turnover rate of HoDs.

A high rate of turnover might negatively affect productivity, service delivery, institutional memory and organisational knowledge. Conversely, the possibility of turnover can reduce complacency, lead to change and innovation and facilitate the displacement of poor performers. Turnover is affected by the contract period: The regulations and related decisions of Cabinet make provision for a contract of five years, followed by renewal for five-year periods. In the past, some DGs/HoDs were given three-year contracts by their respective ministers. There is no limit on the number of periods that a contract can be renewed. The perspective of most current and former HoDs is that the system is problematic as it creates a high level of uncertainty for HoDs. Anxieties relating to future employment possibilities are very high on the agenda of current HoDs. The system tends to discourage internal candidates, as it comes with a high level of uncertainty and there is no security or commitment that they could be redeployed when their term comes to an end. In a 2008 PSC study, 89% of HoDs believed that their security of tenure was directly linked to their relationships with ministers and 61% of HoDs felt that a change in political leadership would result in a change of an HoD.

To strengthen the overall system, the PSC recommended three options (PSC, 2008):

Option 1: Retaining the existing system while strengthening recruitment and selection processes.

Option 2: Incorporating HoDs in the permanent public service.

Option 3: Rotation and the use of career public servants. A rotational system would serve to avoid a situation where permanent public servants are discouraged by the prospect of moving from permanence to a contract arrangement. Within a rotational system, serving public servants would be able to be posted to a different HoD position, where appropriate, or could return to positions previously held prior to their promotion to HoD.

A number of recommendations were also made to ameliorate the impact of HoD turnover.

9.6 A Head of the Public Service

In its "Consultative Report on the Appointment and Management of Head of Department in the Public Service" (2009), the PSC recommended the introduction of a Head of

the Public Service. It also made recommendations for strengthening the current system, including:

1. Increasing the contract period from three to five years;
2. A dispute resolution mechanism in case of tensions between the HoD and the EA; and
3. Strengthening the current system of evaluation of HoDs.

The NDP also emphasised that many of government's best-performing institutions were characterised by their stability of leadership and policy approach. To stabilise the political-administrative interface, the NDP therefore also proposed the creation of a Head of the Public Service with responsibility for managing the career progression of HoDs, including convening panels for recruitment, performance assessment and disciplinary procedures. It also proposed a hybrid approach for top appointments where a selection panel is convened by the PSC and the Head of the Public Service to draw up a shortlist of suitable candidates from which the Minister would select a candidate.

9.7 Problem Statement/Evaluation

There are concerns that the interface in South Africa is dysfunctional and this contributes to, among others, service delivery challenges, high turnover rate of HoDs and well reported administrative, legal and political bungles that come back to haunt government from time to time.

The dominant view on the source of challenges in the political-administrative interface is the contradictions in the legislation. In a Report on Role Clarification and Relationships at the Executive Interface¹⁵, the PSC noted that *"The view is held in certain circles that there is a serious discrepancy between the authority/responsibility dispensations of the Public Finance Management Act, (PFMA) 1999¹⁶ and the PSA, 1994. The PFMA bestows both the accountability and authority for financial management on the accounting officer (HoD) whilst the PSA confers powers regarding human resources and organisational structures on the EAs"*.

The 1998 Presidential Review Commission also noted the following:

*"A weakness in our present system of governance is the uncertainty, even confusion, as to the relative responsibilities of ministers and MECs on the one hand, and senior officials on the other. This became very clear in much of the evidence presented before the Commission. If ministers and MECs act as managers, involving themselves in details of administration, and if senior officials act as politicians, involving themselves in political processes outside their departments, this is to the detriment of their proper and necessary roles. Within the governance of the modern democratic state there is need for both elected and appointed officials with distinct but complementary roles. There is a wealth of international experience, in a variety of differing constitutional contexts, which points to the need for a clear definition of these roles"*¹⁷.

¹⁵ Public Service Commission. 2007. Report on Role Clarification and Relationships at the Executive Interface,

¹⁶ Republic of South Africa. National Treasury. Public Finance Management Act, 1999, as amended.

¹⁷ Republic of South Africa. The Presidency. Presidential Review Commission Report. 1998



The same report proceeded to state that –

“Whilst there appears to be a general appreciation of the distinction between ‘political’ and ‘administrative’ in official circles, the Commission could identify few explicit guidelines regulating the relationship between the political heads of departments (ministers and MECs) and the senior public servants with whom they work on a day-to-day basis. This has led to a number of positive spin-offs but also to serious problems. On the one hand, the relative ambiguity between the roles of political appointees and administrators has created the space in some cases for a high level of interaction and cooperation between them in policy development and management. On the other hand, however, such ambiguity, in certain instances, has led to role confusion, role conflict, and the over-extension of roles. This has been especially the case where elected officials feel that administrators do not satisfactorily carry out their mandate, where personal tensions exist, or where the competency of administrators has been called into question. At the same time, administrative officials have frequently complained about what they see as inappropriate levels of political interference in their day-to-day work. Problems such as these have been evident at all levels of government, although they have been especially pronounced in the provinces, particularly in those where entirely new administrations have had to be established”.

According to the Diagnostic Report by the National Planning Commission (NPC):

“. . . many of government's best performing institutions are characterised by the stability of their leadership and policy approach, but the level of political influence over the day-to-day operations of the Public Service often serves to undermine this stability. Public servants are employees of the state and accountable to elected leaders. The nature of this accountability should be managed in such a way that it does not blur the distinction between political party mandates and the professional, non-partisan obligations of the bureaucracy. It is critical for public servants to forge a collective professional identity and loyalty to the values of the Constitution rather than any political party. Political leaders such as ministers, members of the executive council and mayors will often have a short tenure in office before moving on to their next portfolio, but these changes are likely to be less disruptive if the public service is able to retain a degree of continuity”¹⁸.

There is a concern that the Public Service in South Africa has many challenges of performance and service delivery largely because senior appointments in particular are not based on a system of merit but rather on political considerations. Another concern has been that this system of appointments has resulted in serious instability at the most senior levels in administration.

This concern would therefore suggest that the system of involving political principals in the appointment of HoDs and the Deputy Directors-General has resulted in a situation where political and other considerations tend to supersede experience and capacity when it comes to appointments and redeployments.

¹⁸ National Planning Commission. (2011). National Development Plan 2030.



The NDP 2030 further notes that “a deficit in skills and professionalism affects all elements of the public service. At senior levels, reporting and recruitment structures have allowed for too much political interference in selecting and managing senior staff. The result has been unnecessary turbulence in senior posts, which has undermined the morale of public servants and citizens confidence in the state”.

9.8 Recommendations

Assignment of powers regarding internal organisation of departments and the recruitment, appointment, performance management, transfer, dismissal and other career incidents of employees

- Since the extent of delegation impacts on the relationship between Ministers and HoDs, it is recommended that Section 3(7) of the PSA be amended to assign all powers with regard to the career incidents of public servants below the level of DDG to the HoD. The power of the HoD as the Accounting Officer, as stipulated in the PFMA, must remain with the HoD.

Administrative head of the public service and hybrid approach to top appointments

- To help stabilise the political-administrative interface, it is recommended that the NDP proposal to create an Administrative Head of the Public Service and a hybrid approach to top appointments be implemented. It is noted that this may have legislative and possibly Constitutional implications.
- The powers of the Administrative Head of the Public Service should be restricted to managing the career incidents of HoDs.

Managing relationships at the political-administrative interface

The following interventions and solutions are recommended for managing relationships at the political-administrative interface:

- Clarify the roles and responsibilities of Ministers/politicians and senior administrators through prescripts and guidelines.
- Ensure that roles and responsibilities are discussed and agreed with both parties through orientation and induction and other learning and exchange opportunities for Members of the Executive and HoDs.
- Ensure that both parties agree on goals and interventions in relation to government's strategic objectives and priorities.
- Ensure that both parties agree on planned interventions to build productive and trusting relationships. This should include agreed communication channels, regular briefing and information sharing meetings, a monitoring and evaluation system, and a code of conduct.
- Put in place a system to mediate differences of opinion, conflict and crisis.

These interventions and solutions could be developed by the envisaged head of the public service.

NOTE

DIRECTIVE ON COMPULSORY CAPACITY DEVELOPMENT, MANDATORY TRAINING DAYS AND MINIMUM ENTRY REQUIREMENTS FOR SENIOR MANAGEMENT SERVICE (Dated 25 November 2014)

The Minister for Public Service and Administration has already started to apply some of the principles and begun to give effect to some of the recommendations in this chapter through the issuing of the above directive.

The Directive provides, inter alia, for the following:

Specific Training for Heads of Department

- *Compulsory training for HoDs should constitute the following:*
- *Executive Induction Programme for HODs*
- *Structured exchange/ coaching programme*

CHAPTER 10: CAPACITATION/TRAINING AND ITS FUNDING IN THE PUBLIC SERVICE

In many countries, specific institutions are established to facilitate, manage and coordinate training for civil servants. In developmental states in particular, most of the training is mandatory for people who want to join the public service and for existing employees who want to be considered for promotion.

10.1 Problem Statement

Research points to the fact that many public servants have tertiary qualifications. However, the extent to which pre-service education and training qualifications prepare people for the public sector work environment is questionable given that higher education institutions provide generic and high-level academically oriented programmes. In instances where in-service training programmes are offered to existing public servants through bursaries and other support mechanisms, many of the programmes are generic and not based on a thorough needs analysis. The training offered is largely theoretical and is conducted in a class-room type setting without any follow-up support or on the job coaching. The training is also not compulsory for career progression in the public service. This has led to assertions that university degree and diplomas do not prepare candidates to be proficient in the tasks required of public service occupations.

Weaknesses with the relevance of pre-service education and training necessitate the need for structured induction programmes for new employees and reorientation programmes for existing employees. However, the current funding model for the National School of Government and training funded through SETAs does not allow such generic courses to be offered on a scale commensurate with the need. Additionally, the compulsory induction programme that was introduced in 2012 does not have the capacity to offer induction to all new entrants into the public service.

In spite of challenges with the relevance of some of the in-service education and training programmes, government spends a lot of money on the continuous development of public servants through short courses and full qualification programmes. However, there is no assessment of the impact of such programmes on employee performance and productivity and the overall functionality of the public service.

In the context in which there is a high level of unemployment and a shortage of skills in the country, the public service is also criticised for not playing a critical role in the provision of work-related training for youth and new or unemployed graduates through learnership and internship programmes. Coupled with this is the lack of a comprehensive system that provides information on the skills levels and utilisation of public servants, due to challenges in the implementation of the HR Connect system by the Department of Public Service and Administration (DPSA). The 2014-2018 National Integrated Human Resource Development Plan, amongst others, seeks to address these weakness by transforming the public service and public sector at large into a learning and training space for existing employees, plus youth and unemployed graduates in areas such as engineering, law, accounting and public administration and management.



10.2 Lessons from Developmental States

To support its developmental agenda, China puts emphasis on training and development and attracting human capital. The Civil Service Law and Regulations of the People's Republic of China (no date) provide the legal and administrative basis for training. The training is provided by specialised training institutions such as party schools, administrative colleges, the Cadre College and civil service training centres. The first China Academy of Governance was established in 1994 and in 2005 three more national institutions were established in 3 different areas in China. The training network has been expanded to include over 100 institutions at the provincial level, 5000 at the municipal level and approximately 2300 at the county level. Training is divided into four categories, namely:

- Training for newly recruited public servants that is provided during the probation period;
- Training for officials newly promoted into leadership and supervisory positions;
- Training for public servants who are involved in specialised areas; and
- In-service training for all employees to update officials on key developments in government.

In particular, the China Executive Leadership Academy of Pudong (CELAP) provides executive development and leadership training and the China Academy of Governance (former China National School of Administration) provides vocational training in public administration, employee well-being and general management. In addition, the Academy offers training programmes leading to qualifications in Public Administration. The party schools teach existing employees on the values driving socialism and the conduct expected of party members, including those who are deployed to government institutions. To ensure loyalty and coherence, training for civil servants is paid for by the government.

In Malaysia, there are more than 200 institutions responsible for training at various levels of government. Training for civil servants is managed and coordinated by the Public Service Department, which is also responsible for the management of recruitment, placement and transfer of employees. The National Institute for Public Administration (INTAN) offers vocational training in public administration and the Razak School of Government, which is a private company established by government, focuses on leadership development. Most training programmes are mandatory for confirmation of probation and promotion purposes for all levels. Institution-specific training is coordinated by the relevant departments. All training programmes are designed locally and delivered in collaboration with local and international higher education institutions, and where necessary, experts from the private sector and state-owned entities are invited to train on specific topics. Training for government employees is paid for by government, and private sector people are allowed to attend some of the training programmes at their own cost. The government training institutions are fully fledged campuses with teaching and residential facilities, and some of the courses offered in these institutions are fully fledged qualifications in the area of public administration.



There is a dedicated School of Public Administration in Botswana, whose objectives are to:

- (a) Provide Senior Executives with relevant skills and competencies;
- (b) Provide the public service with relevant administrative skills and competencies;
- (c) Enhance the public service capability to effectively drive and implement the Government reform agenda; and
- (d) Provide action research for public service decision making and professional advisory services to Government ministries and departments.

The School specialises in short-term continuous development programmes and certificate courses in public service induction, public administration and management, leadership development and enrichment. None of the programmes are compulsory or prerequisites for promotion, but processes are underway to make some of the programmes compulsory. Formal qualifications are offered by tertiary institutions. Training programmes for senior executives are aligned to the public service competency framework and work-based training is informed by needs analysis and research studies.

Training programmes are mostly funded by government through the normal budgetary process, but the School also receives minimal funding for specific programmes from donors.

10.3 Training and Development in the Public Service in South Africa

The importance of training and development in the public service is articulated in the Constitution of the Republic, 1996, primary and secondary legislative prescripts, white papers and strategic frameworks, and more recently, the National Development Plan.

10.3.1 Constitutional, legislative and policy frameworks

To give effect to the Constitutional imperative of a “development-oriented, transparent, responsive and broadly representative” public service, the White Paper on the Transformation of the Public Service, 1995, was published. Chapter 13, part 13.3 of the White Paper states that, “government has adopted the view that all public servants, from the most senior to the most junior, require on-going training as an integral part of their professional life. The training of senior and middle management must be linked to the processes and policy-making challenges defined by the RDP and this current White paper.” The White Paper goes on to state that “training programmes would need to be flexible in order to maximise the access of workers to in-service training; this will include access to adult basic education.”

Co-ordination, quality and funding challenges in the implementation of training and development in the public service led to the development of the White Paper on Public Service Training and Education, 1997. The White Paper recommended that training should be co-ordinated and delivered through a combination of centralised and decentralised mechanisms, with norms and standards being set at the central level and training delivered through a combination of decentralised provision by state and non-state providers in a competitive framework. The paper explored various funding options, including

state and donor funding. At departmental level, the White Paper proposed the setting aside of a portion of the allocated budget for training and development.

According to Section 4 (1) and (2) of the Public Service Act, 1994, "there shall be a training institution listed as a national department in Schedule 1. The management and administration of such institution shall be under the control of the Minister". Section 4 (3) of the Public Service Act further states that "such institution - (a) shall provide such training or cause such training to be provided or conduct such examinations or tests or cause such examination or tests to be conducted as the Head of the institute may with the approval of the Minister decide or as may be prescribed as a qualification for the appointment or transfer of persons in or to the public service; (b) may issue diplomas or certificates or cause diplomas or certificates to be issued to persons who have passed such examinations."

Chapter 1, Part IX (A) of the Public Service Regulations, 2001, as amended, states that ". . . employees should have on-going and equitable access to training geared towards achieving an efficient, non-partisan and representative public service. Training should support work performance and career development. It should become increasingly driven by needs, and should be strategically linked to broader human resource management practices and programmes aimed at enhancing employment equity and representativeness." The regulations further require the executing authority to determine the required competencies of and prescribe training for various occupational categories or specific employees in her or his department. The responsibility to identify the generic managerial and leadership training needs of members of the SMS; ensure that standard courses and programmes are developed on the basis of the identified training needs; and evaluate the relevance and value for money of the courses and programmes is specifically assigned to the Minister of Public Service and Administration (Chapter 4, Part VI (A) of the Public Service Regulations, 2001, as amended).

Pursuant to the Public Service Act, 1996, and the Public Service Regulations, 2001, the Minister for Public Service and Administration published the Human Resource Development (HRD) Strategic Framework for the Public Service, 2008. The framework defines human resource development in the public service as "those efforts undertaken by organizations to ensure that employees are well prepared to undertake their responsibilities and grow into viable careers, thereby adding value to the productivity and service of their organizations, the motivation and performance of their peers and the attainment of the overall vision of the developmental state. In doing so, organisations seek to ensure that the right people are prepared at the right place, at the right time and for the right positions to which they can readily contribute." The first pillar of the strategy states that "capacity development initiatives" should focus on '*building human capital for high performance and service delivery*'. The capacity development pillar has eight areas of strategic intervention, including internships and learnerships, which are aimed at providing on-the-job experience for young people and prospective future public servants; strengthening systems for workplace learning; integrated adult basic education and training; leadership and management development; and forging partnerships with Higher Education



and Training Institutions (HETIs) and Technical Vocational Education and Training institutions (TVETs).¹⁹

The National Development Plan (NDP), which was published in 2012, has also put emphasis on the need for a capable, developmental, professional and responsive public service and makes recommendations to address the uneven and poor performance of the public service through the provision of appropriate skills and recruitment of suitably qualified personnel. Training programmes should focus on, among others, management and front-line services to ensure that the service delivered to the citizens of this country is efficient and of good quality. Implementation of the NDP is being taken forward through various initiatives, two of which are outlined below.

The 2014-2018 National Integrated Human Resource Development Plan outlines five outcome-oriented goals which are aligned to, among others, the National Development Plan (NDP) and the National Growth Path (NGP), of which goal number three focuses on a “capable public sector with effective and efficient planning and implementation capabilities (Human Resource Development Council, 2014:9). The key deliverables for this outcome-oriented goal is the “revision of the public service HRD strategies and plans in line with the vision of the NDP for a professional and capable public service” and the need to “turn the public sector into a training space” (Human Resource Development Council, 2014:10).

The Medium Term Strategic Framework (MTSF) for 2014-19 has outlined fourteen strategic outcomes that cut across the various chapters of the NDP. In particular, the role of “an efficient, effective and development oriented public service and an empowered, fair and inclusive citizenship” is dealt with in outcome twelve of the MTSF. Some of the key outputs for this outcome put emphasis on the achievement of “sufficient technical and specialist professional skills” and “increased responsiveness of public servants and accountability to citizens”. The strategic plans of all public service departments are aligned to the MTSF.

10.3.2 Provision and funding of training and development in the public service

In addition to HETIs and TVETs that offer pre-service/under-graduate and post-graduate qualifications and short-term training programmes, there are several institutions that are mandated to offer specific programmes in the public service and/or specific sectors in the public sector. For example, the Department of Justice and Constitutional Development has a Justice College that offers various types of courses for, among others, officials from the department and public service employees from other departments; the Department of Health operates Nursing Colleges; the South African Police Service has a Police College that provides for new recruits and existing officers; and some provincial administrations have training academies. There are also Sector Education and Training Authorities (SETAs) that are responsible for coordinating sector-specific training and development across the public and private sector.

¹⁹ TVET means “those aspects of the educational process involving, in addition to general education, the study of technologies and related sciences and the acquisition of practical skills, attitudes, understanding and knowledge relating to occupation in various sectors of economic life” (www.unesco.org) downloaded 21 October 2014. In South Africa such training is offered by former Further Education and Training (FET) institutions.



The recently established National School of Government (NSG), which replaced the Public Administration, Leadership and Management Academy (PALAMA), is responsible for the provision of education, training and development programmes in the public service. The current and former institution is established in terms of Schedule 1 of the Public Service Act, 1994, as amended. The objective of the NSG is to develop a professional and capable public service for a developmental state. The NSG offerings include a combination of compulsory training programmes for all public service officials, tailor-made programmes based on the needs of various government departments and optional programmes that are necessary for continuous training and development. The NSG is expected to implement the following programmes:

- The Compulsory Induction Programme (CIP), which targets all new public service employees, is aimed at ensuring that all public servants are oriented to the public sector, and to their respective job responsibilities.
- In-service learning and development programmes that give public servants access to continuous quality learning and development that will make an impact on public sector performance and service delivery, targeting administration support staff, management and executive leadership.
- In-service learning and development programmes that are aimed at impacting on public sector performance and service delivery, including Strategy, Planning, Monitoring and Evaluation, Problem Solving and Analysis, Financial Management, Human Resource Development and Communication.

Prior to the establishment of the NSG, PALAMA coordinated the provision of short and medium-term training and development programmes in key targeted areas such as human resource management, labour relations, financial management, ethics and anti-corruption, gender mainstreaming and diversity management. It also coordinated the provision of training for the management and leadership echelon in collaboration with several higher education institutions. Training programmes in these areas included mentoring and coaching, an executive development programme, and an accelerated development programme for middle managers. Within the public service, PALAMA worked closely with provincial training academies and sector-based training providers.

The PALAMA approach to training and development has had mixed results. The major weaknesses of the training approach and programmes included the following:

- Training focused on individual needs instead of building organisational capacity.
- Training offered was fragmented, lacked strategic focus and was not relevant to continuously changing contexts.
- Programmes reached less than 3% of public service employees, and were predominantly focused on management and leadership.
- The outsourcing cost recovery model resulted in a focus on income generation and an escalation of the costs of training, which made PALAMA less competitive when compared to many higher education and training institutions.

Since 2012 until 2014, only one training programme offered by PALAMA/NSG, that is, the Compulsory Induction Programme (CIP, which was introduced in 2012, is mandatory for confirmation of probation. Implementation of the CIP is characterised by challenges such as the shortage of trainers, which makes it difficult for departments and newly appointed employees to comply with the directive. The shortage of trainers has been criticised on the basis that mechanisms have not been put in place to tap into the expertise of existing public service officials and competent former public servants, commissioners and ministers. Apart from the CIP, there are no mandatory programmes for promotion purposes across the public service and many of the programmes offered are not accredited.

This situation is likely to change, following the publication of the *Directive on Compulsory Capacity Development, Mandatory Training Days and Minimum Entry Requirements for Senior Management Service (SMS)*, which was issued by the Minister for Public Service and Administration in November 2014. The directive makes it mandatory for SMS members to:

- Attend generic and technical/professional training for a minimum period of 18 days over a three year period;
- Be in possession of an undergraduate qualification (NQF level 7 – which is a degree) to qualify for entry into the Director and Chief Director positions while the entry requirement for Deputy Director-General and Director-General positions is set an undergraduate qualification (NQF level 7) and a post-graduate qualification (NQF level 8); and
- Have between 5 and 10 years of work experience to be considered for positions into the various SMS levels.

Implementation of the different aspects of the directive will be phased in over a period of three years, starting from April 2015 until April 2017. Implementation of this directive will have implications for existing employees, departments and the NSG.

The weaknesses in the training and development programmes offered by PALAMA/NSG to date has meant that many Public Service employees preferred to obtain their short-term training from accredited public and private HETIs and FETIs/TVETs. This is in addition to pursuing formal qualification studies through higher education institutions, with the financial support of government departments in line with their approved bursary schemes. It is estimated that national and provincial departments spend approximately 2-4 billion rand per annum on employee bursaries for formal qualifications and *ad hoc* funding for short-term training programmes. Most of this money pays for programmes that are offered by public and private FETIs and HETIs. The decentralised model for funding the NSG has also meant that public service institutions such as the NSG compete for resources with private and public TVETs/FETIs and HETIs.

The legislative and regulatory framework to facilitate training and development in the public service in South Africa is in place and continues to evolve. However, coordination of the training offered by various institutions, including HETIs, remains a challenge. Ac-

cording to the Minister of Higher Education and Training, Dr Blade Nzimande, (Developmental State Conference, 13 November 2014) “we have enough resources in the Public Service for education and training to really make a big impact in building this developmental state. The issue is, are we using that maximally?”

10.4 Recommendations

Issues for consideration/ policy options

Informed by the preceding discussion, the proposals outlined below are organised into various categories.

Training programme design, curriculum development and implementation

To ensure that learning and training programmes are appropriately designed and address specific needs, the following should be addressed:

- The NSG, in collaboration with departments, should conduct a thorough needs analysis and skills audit to inform curriculum design for broad public service and sector specific programmes;
- The DPSA should roll out the HR Connect System supported by the State Information Technology Agency (SITA) to all departments;
- The DPSA and all departments should ensure that information on all qualifications and short-medium term training attended is captured on PERSAL;
- The NSG, in collaboration with SETAs, should support departments to develop and implement occupation-specific training (i.e. on-the-job training) for existing employees, youth learnership and interns; Norms and standards for public service training should be set;
- Dedicated capacity in the National School of Government (NSG) should be developed to facilitate and coordinate training;.
- The NSG should work closely with HETIs and FETIs/TVETs to influence their pre-service training and development programmes;
- Put mechanisms in place to make leadership development mandatory and link training with promotion; and
- The NSG should develop and implement a strategy to utilise suitably qualified/competent existing employees and former public servants such as HODs, Commissioners and Ministers as trainers and mentor.

Induction reorientation and continuous capacity building

- The implementation of the Compulsory Induction Programme (CIP) for all newly-recruited employees should be fast-tracked, and should target all levels, from junior entry positions to senior management. This should be done by strengthening partnerships with HETIs, FETIs/TVETs, provincial academies and other public institutions to deliver the induction programmes.

- The NSG should implement the developed re-orientation programme for existing public servants in order to reskill SMS members and all employees at the beginning of every term of the new administration.
- All Public Service departments should, with the support of the NSG, put measures in place to ensure implementation of the Directive on Compulsory Capacity Development, Mandatory Training Days and Minimum Entry Requirements for Senior Management Service (SMS).

Monitoring, evaluation and impact assessment

- The NSG in collaboration with DPME should implement a training programme on transversal monitoring and evaluation, targeting employees at the supervisory, middle and senior management level.
- The NSG, in collaboration with relevant departments and other stakeholders, should put in place a system to review the role and effectiveness and efficiency of training provided through the NSG, provincial academies, and relevant service providers such as accredited public and private TVETs and HETIs.
- The NSG, in collaboration with the DPSA, DHE, and SETAs should assess and clarify the role of the public service in the provision of training to youth and new/unemployed graduates in different fields.

Funding for training

- Review the funding model for the NSG and other public sector training academies to ensure the effective coordination of training in the public service.

NOTE

DIRECTIVE ON COMPULSORY CAPACITY DEVELOPMENT, MANDATORY TRAINING DAYS AND MINIMUM ENTRY REQUIREMENTS FOR SENIOR MANAGEMENT SERVICE (Dated 25 November 2014)

The Minister for Public Service and Administration has already started to apply some of the principles and begun to give effect to some of the recommendations in this chapter through the issuing of the above directive.

The Directive provides, inter alia, for the following:

Compulsory training based on the competency framework as well as technical /professional training

- *Every SMS member must spend a minimum of 18 days on a combination of generic and technical/professional training over a three year performance cycle.*

Compulsory training programme

- *A further requirement to enter into or progress within the SMS will be the successful completion of the Senior Management Leadership Programme with either the National School of Government or a HEI accredited with the NSG.*
- *A Senior Management Leadership Programme is defined as a 12 to 24 month leadership programme which is recognised and accredited in the terms of the minimum requirements of the NSG. An example of such programme is a Masters in Public Administration.*



Building a capable, career-oriented and professional Public Service to underpin a capable and developmental state in South Africa



CHAPTER 11: THE ROLE OF PUBLIC SERVICE COMMISSIONS

In many countries, specific institutions are established to facilitate, manage and coordinate training for civil servants. In developmental states in particular, most of the training is mandatory for people who want to join the public service and for existing employees who want to be considered for promotion.

11.1 Comparative experiences of Public Service Commissions in Developmental States

As noted in the introductory section of this discussion document, developmental states are characterised by competent, professional bureaucrats meritocratically appointed. One of the pillars of most developmental states has been the creation of independent PSCs, also known as Civil Service Commissions (CSC), which are charged with the recruitment of public servants. It is, therefore, important to focus on the legal mandate, roles and functions, and structures of PSCs, and how they contribute to the creation of career-based, professional and competent bureaucracies in developmental states. The history of PSCs exemplifies a rejection of a spoils system, patronage and any recruitment method that is not meritocratic.

The origin of PSCs dates back to Imperial China, about 206 BC. During that period, Imperial examinations based on merit were designed and administered to select public servants. This was believed to have enabled the Chinese Empire to maintain its stability for more than 2000 years. The lessons of the Chinese experience were so compelling that other countries adopted the meritocratic public service system. They subsequently established Civil Service Commissions to oversee personnel practices, including the recruitment of public servants. Therefore recruitment has been one of the key functions of PSCs. PSCs are independent bodies entrusted with the enforcement of the public service law and promotion of public service values. Commissions regulate recruitment to the public service and ensure that the appointment and promotion of bureaucrats is based on merit through a competitive and fair process.

11.1.1 Establishment: Enabling legislation

Except for the CSC of Korea, which was established by an Act of Parliament in 1999, most PSCs in developmental states are constitutionally entrenched as independent bodies. The CSC in Korea is not an independent body. PSCs in India, Malaysia, Mauritius and Singapore, all former British colonies, were established as independent bodies at the dawn of independence.

In contrast, the CSC of Korea evolved from being the central personnel agency to a smaller commission. It was subsequently merged in 2008 and 2013 with other ministries that resulted in the creation of a new ministry, the Ministry of Security and Public Administration (MOSPA).²⁰

²⁰ E-mail response to an enquiry sent to the contact person (An Su-jin) for Personnel Matters in MOSPA dated, 23 July 2013. There is no up-to-date information on what the new role of the re-configured commission is.



China and Brazil currently do not have PSCs. Roles and functions typically performed by PSCs are being performed by the Chinese MOHRSS and the Brazilian Ministry of Planning, Budget and Monitoring.

11.1.2 Roles and functions of PSCs

Except for Korea, the roles and functions of PSCs are prescribed by constitutions in the remaining five countries covered in this section. What follows is a brief description of their roles and functions.

Recruitment, selection and appointment of specified categories of public servants

One of the main responsibilities of these commissions is that of recruiting civil servants.

Except for the CSC of Korea, the commissions have authority to delegate the appointment function of certain categories of public service posts to line departments. Delegations normally follow prescribed standard procedures as determined by each commission. These may include temporary, contractual (such as casual workers in Mauritius) and permanent appointments. For example, the PSC of Malaysia has empowered ministries and federal departments to make appointments, confirm service, and confer pension status of the Support Group job category. Similarly, in Singapore, following the reforms in the 1990s, certain recruitment and promotion authorities of the PSC were transferred to various ministries, departments and statutory boards. "In 1995, the government created personnel boards at different levels with a view of devolving major personnel functions and responsibilities (e.g. appointments and promotions) from the PSC to these personnel boards. The main objectives were to give public sector managers more authority to manage their employees, although the PSC remains in charge of Super Scale Officers (Grade D and above) as well as continued to be responsible for disciplinary matters such as demotion and dismissal" (Haque, 2009).

As noted previously, entrance examinations into the public service are conducted by the PSCs in Singapore, Mauritius, India and Korea before the CSC was merged with a ministry. PSCs in these countries prepare, administer and assess the examinations.

Confirm Service/Probation

In countries where the commissions make appointments, they are also responsible for confirmation of new appointments or promotions. However, in cases where state agencies and line departments are delegated to confirm appointments, the PSC serves as the final appeals board. An example of this is the PSC of Malaysia, which serves as a Board of Appeal for Support Group posts; and a Promotions Appeal Board for promotions to senior positions under the Integrated Service Scheme.

Confer Pension Status

The commissions covered in this section place public servants on the permanent or pensionable establishment (with the exception of CSC of Korea).

Promote public servants

All commissions, except that of Korea, serve as promotion bodies for specified categories of public service jobs, especially top management positions. In instances where such functions are delegated to line departments, commissions serve as final appeals bodies.



For example, in Malaysia and Singapore, the commissions operate as Boards of Promotions. In Singapore, the Commission considers the suitability of candidates for appointment to positions of Chief Executive Officer of statutory boards. It also authorises promotions to Super Scale Grade 7/Grade D and higher positions; these are the top management positions in the bureaucracy.

Approve transfers of public servants

Matters relating to the transfer of public servants between schemes of employment are finalised by the commissions.

Discipline public servants

Commissions in India, Mauritius, Singapore and Malaysia craft disciplinary codes for public servants. They oversee the implementation of codes of conduct. This includes carrying out training programmes on the contents of the codes.

They also investigate cases of disciplinary violations within the respective public services; and mete out appropriate punitive measures. The Commission of Malaysia is both the Disciplinary Authority and the Public Service Disciplinary Board of Appeal to hear cases that stem from delegated disciplinary functions. It is the final appellate body on promotion matters.²¹

11.1.3 Structure

All the PSCs are headed by a chairperson. The number of commissioners varies from country to country: 12 in Malaysia (although it could have up to 30), 5 in Korea and 6 in Singapore.

Key attributes for anyone to be appointed as a member of the PSC include academic qualifications; being well known and respected in the public service; capability; and prior extensive knowledge of administrative procedures, public service rules and regulations; and integrity.

In both Malaysia and Mauritius, PSC commissioners are retired DGs and PSs. In Malaysia, the law forbids all members of the Commission from engaging in any paid employment during their term of office. The rules are even more stringent for the chairperson of the Commission. She is prohibited from holding any public service job after his/her tenure. This rule is applicable to all commissioners in Singapore. Also, no member of a political association or trade union or any of its affiliates is eligible for appointment to the commission of Singapore.

Except in Malaysia, the President/Prime Minister appoints members of the commission. Those of Mauritius are appointed by the President after consulting the Prime Minister and the leader of the opposition party. In contrast, in Malaysia, the King appoints commissioners in consultation with the Prime Minister, while in India, the President appoints commissioners on the advice of the relevant minister.

Terms of office

²¹ The Public Services Promotion Board for the promotion of Chief Secretary to the Government, Director-General of public service, Secretary-General of Treasury, Director-General of Health, Director-General of Public Works and Secretary-General of the Ministry of Foreign Affairs extracted from a Power Point Presentation made to the PSC of South Africa on 21 March 2014.



In India, members of the commission are appointed for a six-year period or until they reach 65 years old. In Korea, the term of office is three years, while in Malaysia it is five years for the chairman and his deputy and three years for the rest of the commission members. In Singapore, members of the commission serve a five-year term of office.

Secretariat of the PSCs

The administration of each commission is the responsibility of a secretariat. Officials of the secretariat are public servants. In Mauritius, the secretariat of the commission is headed by a secretary at the level of PS. Staff of the commission is on secondment from the Ministry of Civil Service and the administrative cadre from the Prime Minister's office. To be sure, staff of the secretariats (including their heads), are career public servants. In the case of Singapore, the President, on the advice of the commission, appoints the secretary to the commission.

11.2 The PSC in South Africa

The South Africa transition, which envisaged a representative public service, required that appointment powers be removed from the PSC since sticking to a career system that mainly appoints from within the ranks of the public service would have prevented a quick transformation of the public service. Representativeness has now largely been achieved and it is a question whether South Africa should move back to an appointment PSC.

The NDP makes a slight move in the direction of an appointment PSC by proposing a hybrid approach to top appointments:

"It would be counterproductive to give the PSC a far-reaching direct role in recruitment, because an overly centralised recruitment system would make it more difficult for departments to recruit their staff and undermine the ability of departmental heads to formulate a strategic direction for their own departments. However, the PSC should play a direct role in the recruitment of the most senior posts.

"A hybrid approach is proposed: A selection panel convened by the chair of the PSC and the administrative head of the public service would draw up a shortlist of suitable candidates for senior posts, from which the political principal would select a candidate. This allows independent oversight to ensure that candidates are suitably qualified, while also ensuring that the final selection is compatible with the priorities of the political principal."

The PSC in South Africa has a much wider role than appointments. Its function of promoting the values governing public service and the fact that it does not have executive powers allows it to stand back and independently evaluate all aspects of public service. This gives it a much broader scope of work than a traditional appointments commission. It can, through this role, have an influence on the shape, professionalism and level of excellence of the public service.

The PSC has the power to give directions on personnel procedures relating to recruitment, transfers, promotions and dismissals. In addition, the PSC has powers and functions to monitor, evaluate and advise on the organisation, administration, personnel procedures

and practices, and the effective and efficient performance of the public service. The PSC is accountable to the National Assembly and the Provincial Legislatures.

11.3 Recommendation

It is recommended that the NDP proposal of a hybrid approach to top appointments be implemented. It is noted that this may have legislative and possibly Constitutional implications.

CHAPTER 12: CONCLUSION

Figure 4: Public Service Transformation Journey



Transformation and administrative reforms are understood to be dynamic and focused processes designed to fundamentally reshape the public service for its appointed role in the democratic South Africa. While some changes may occur in the short to medium term, other administrative reforms are complex, long-term, negotiated and on-going – owing to the dynamic nature of the domestic and international environments (MPSA, 1995).

However, throughout the process of change, what remains an important goal is for the government to continually improve the lives of its people. This can be achieved by a capable and development-oriented public service. It is in this spirit that the PSC has identified a need to reflect on the transformation journey of the past 20 years leading to the vision 2030 stated in the NDP.

At the commencement of the journey, government sets its mission as 'the creation of a people-centred and people-driven public service, which is characterised by equity, quality, timeousness, and a strong code of ethics'. Further, it envisaged a public service driven by the democratic values enshrined in sections 1, 9 and 195 of the Constitution.

The public service is also shaped by research done by constitutional bodies like the PSC, lessons from other developed countries, and other bodies with an interest in the development of the public service. As mentioned in this discussion document, a number of achievements have been made alongside challenges and gaps in implementing the goals, policies, strategies and legislation set to drive the desired change.

In November 2014 the PSC hosted a conference aimed at bringing together all key stakeholders with an interest in the nature of public service and its performance. At this gathering, the PSC shared its initial thoughts on building a capable, career-oriented and professional public service to underpin a capable and developmental state in South Africa. Participants at the conference were largely in agreement with the conclusions, issues for consideration and policy options presented at the conference. The PSC has carefully

considered the inputs of participants and has subsequently revised this Discussion Document.

The PSC will now turn the Discussion Document into a strategic framework containing the PSC's recommendations for the direction of change in the further development of the public service. These recommendations will be further discussed with decision-makers in the Executive, Parliament and senior public servants who have a role in adopting and implementing the recommendations.



REFERENCES

African National Congress (ANC), (2007) *52nd National Conference: Adopted Strategy and Tactics of the ANC*.

Azanian Peoples Organization (AZAPO) and Others v President of the Republic of South Africa and Others (CCT17/96) [1996] ZACC 16; 1996 (8) BCLR 1015; 1996 (4) SA 672 (25 July 1996)

Certification of the Constitution of the Republic of South Africa, 1996 ZACC 26, 1996;1996(4)SA744(cc)

Cho, C. (no date) 'Professional Civil service of Korean Government', *Republic of Korea Civil Service Commission Paper*.

Christensen, S. (1992) 'The Public Policy Process and Political Change in Thailand: A Summary of Observations', *TDRI Quarterly Review*, vol. 7, No. 1, March, pp. 21 – 26.

de Wet, C.H. 2010. *Public Sector Senior Management Competencies required for the South African Democratic, Developmental State*. Master's mini-dissertation. North-West University.

Department of Public Service and Administration (DPSA), (1997) *White Paper on Public Service Training and Education*.

Department of Public Service and Administration (DPSA), (1999) *White Paper on Human Resource Management in the Public Service*.

Department of Public Service and Administration (DPSA), (2004) *Current skills profile and future skills needs of the public sector*.

Department of Public Service and Administration (DPSA), (2007) *Improving the performance of the public service: Lessons from the transformation process*.

Department of Public Service and Administration (DPSA), (2007b) *Review of the capacity assessments*.

Department of Public Service and Administration (DPSA), (2007c) *Employee Performance Management and Development System*.

Department of Public Service and Administration (DPSA), (2008) *HRD Strategic Framework for the Public Service*.

Department of Public Service and Administration (DPSA), (2008) *Human Resource Development and Strategic Framework for the Public Service*.

Department of Public Service and Administration (DPSA), (2013) *Executive Protocol: Principles and Procedures for the Employment of Heads of Department and Deputy Directors-General Nationally*.

Department of Public Service and Administration (DPSA), (no date) *Personnel and Salary Information System*.



References

- Department of Public Service and Administration (DPSA), (2000) *Report on Recruitment and Selection Best Practices*.
- Department of Public Service and Administration (DPSA), (2008) *Transformation and capacity of the public service: Paper prepared by the DPSA for the fifteen year review*.
- Department of Public Service and Administration (DPSA), (2010) *Annual Public Service Women Management Week (23rd – 27th August 2010)*; Circular dated 5 July 2010.
- Department of Public Service and Administration (DPSA), (2011) *Directive on the implementation of competency-based assessments for members of the Senior Management Service (SMS) in the public service*.
- Department of Public Service and Administration (DPSA), (2014) *2011-2013 Statistical Analysis of Competency Assessment Data*.
- Deyo, F.C. (ed.) (no date) *The Political Economy of New Asian Industrialism*, London: Cornell University Press.
- Edigheji, O. (2007a) 'Rethinking South Africa's Developmental Path' *Reflections on the ANC's Policy Conference Discussion document*, pp. 1-214.
- Edigheji, O. 2007. *The State, State-Society Relations and Developing Countries Economic Performance*. PhD dissertation. Norwegian University of Science and Technology.
- Evans, P.B. (2008) 'In search of the 21st century developmental state', *The Potentials for and Challenges of Constructing a Democratic Developmental State in South Africa - Conference Proceedings*, Human Sciences Research Council/Development Bank of Southern Africa International Policy Dialogue Conference, Magaliesberg.
- Haque, S.M. (2009) 'Public Administration and the Public Governance in Singapore', *Public Administration and Public Governance in ASEAN Member Countries and Korea*, pp.246 – 271.
- Hofstee, E. (2006) *Constructing a Good Dissertation: A Practical Guide to Finishing a Master's, MBA or PhD on Schedule*, Sandton: EPE Publishers.
- House of Commons, (2007) *Politics and Administration: Ministers and Civil Servants*, Third Report of Session 2006-07.
- Johnson, C. (1995) 'Japan: Who Governs? The Rise of the Developmental State'.
- Jones, D.S. (2002) 'Recent Reforms in Singapore's Administrative Elite: Responding to the Challenges of a Rapidly Changing Economy and Society', *Asian Journal of Political Science*. vol. 10, no. 2, December, pp. 70 – 93.
- Kathyola J. (2010) 'The political-administrative interface: The key to good public sector governance and effectiveness in Commonwealth Africa', *Commonwealth Good Governance*, pp. 56-59
- Kim, P. S. (2003) 'The Management of Senior Civil Servants in Korea'. Yonsei University Presentation.



References

- Ministry for the Public Service and Administration (MPSA), (1997) *White Paper on the Public Service Training and Education*, Pretoria.
- Ministry for the Public Service and Administration (MPSA), (1997) *White on Human Resource Management*, Pretoria.
- Ministry for the Public Service and Administration (MPSA), (1995) *White Paper on the Transformation of the Public Service*, Pretoria.
- Ministry for the Public Service and Administration (MPSA), (2011) *Senior Management Service Handbook*, Pretoria.
- Ministry of Human Resources and Social Security (MOHRSS), (no date) *State Administration of Civil Service People's Republic of China- Brief Introduction*, Beijing.
- Mintzberg, H. (1996) 'Managing Government, Governing Management', *Harvard Business Review*, May to June 1996.
- National Planning Commission (NPC), (2011) *Institutions and Governance Diagnostic*.
- National Planning Commission (NPC), National Development Plan 2030: Our future – make it work.
- Ngcaweni, B. (2012) 'Will the public service mandarins raise their hands: Unmandated reflections on the renaissance of the bureaucracy in SA', 5th Annual SPMA International Conference on Public Administration and Management, University of Pretoria.
- Organisation for Economic Co-operation and Development (OECD), (2010) *Managing Competencies in Government: State of the Art Practices and Issues at Stake for the Future*, Paris: OECD Publishers.
- Organisation for Economic Co-operation and Development (OECD), (2010) *OECD Reviews of Human Resource Management in Government: Brazil 2010*, OECD Publishing.
- Organisation for Economic Co-operation and Development (OECD), (2007) *OECD Working Papers on Public Governance*, OECD Publishing.
- Park, C. (2003) 'The Reform Initiatives of the Korean Civil Service Commission' Myoung-Ji University Presentation.
- People's Republic of China (no date) 'Brief Introduction, State Administration of Civil Service'
- Poocharoen, O. and Brillantes, A. (2013) 'Meritocracy in Asia Pacific: Status, Issues, and Challenges', *Review of Public Personnel Administration*, 33(2), pp 140 – 163.
- Poocharoen, O. and Lee C. (2013) 'Talent Management in the Public Sector: A Comparative Study of Singapore, Malaysia and Thailand', *Public Management Review*, vol. 00, no. 00, pp. 1 – 23.
- Public Service Commission (PSC) (2012) *Fact Sheet on Grievance Resolution 2011/12*
- Public Service Commission (PSC), (2007) *Report on Role Clarification and Relationships at the Executive Interface*.



References

- Public Service Commission (PSC), (2007) *Report on Senior Management Service Compliance with Performance Agreements in the Eastern Cape Provincial Administration.*
- Public Service Commission (PSC), (2007) *Report on the audit into the granting of performance rewards in the Departments of Education and Social Development at both the national and provincial levels.*
- Public Service Commission (PSC), (2007) *Report on the Management of Poor Performance in the Public Service.*
- Public Service Commission (PSC), (2008) *Report on the Analysis of Performance Agreements as an Effective Performance management Tool.*
- Public Service Commission (PSC), (2008) *Report on the Implementation of the Performance Management and Development System for Senior Managers in the North West Province.*
- Public Service Commission (PSC), (2008) *Report on the Implementation of the Performance Management and Development System for Senior Managers in the Northern Cape Province.*
- Public Service Commission (PSC), (2008a) *A Report on Strategic Issues Emanating from the Evaluation of Head of Department.*
- Public Service Commission (PSC), (2008b) *The Turn-over Rate of Heads of Department and its Implications for the Public Service.*
- Public Service Commission (PSC), (2009) *Assessment of the State of Human Resource Management in the Public Service.*
- Public Service Commission (PSC), (2009a) *Assessment of the State of Human Resource Management in the Public Service.*
- Public Service Commission (PSC), (2009b) *Consultative Report on the Appointment and Management of Heads of Department in the Public Service.*
- Public Service Commission (PSC), (2010) *Report on the Implementation of the Performance Management and Development System for Senior Managers in the Limpopo Province.*
- Public Service Commission (PSC), (2011) *Report on the Implementation of the Performance Management and Development System for Senior Managers in the Western Cape Province.*
- Public Service Commission (PSC), (2012) *Report on the Implementation of the Performance Management and Development System for Senior Managers in the Free State Province.*
- Public Service Commission (PSC), (2013) *Report on the roundtable discussions on the state of human resource, grievance and discipline management in the public service.*
- Public Service Commission (PSC), (unpublished) *Public Service Leadership competence for a Developmental State in South Africa: some preliminary thoughts.*



References

Public Service Commission. (PSC), (2008) *The Payment of Performance Incentives to Heads of Department without Annual Performance Evaluations Conducted*.

Public Service Co-ordinating Bargaining Council (PSCBC), (1999) *Incapacity Code and Procedures for the Public Service*, PSCBC Resolution 10 of 1999.

Ratemo T.J. and Babasaheb (2013) 'The Public Service Commission of Kenya VIS-A-VIS the Union Public Service Commission: A Comparative Study', *GRA - Global Research Analysis*, vol. 2, no. 7, July, pp. 70-71.

Republic of South Africa, Constitution, 1996.

Republic of South Africa, Public Service Act, no. 30 of 1996.

Republic of South Africa, Public Service Regulations of 2001.

Satish, M. (no date) 'Civil Service Reforms', *Centre for Good Governance Presentation*.

South African Police Service v Solidarity obo Barnard (CCT/01/14) [2014]

Su Jin, A. (2013) Re: Information on the Korean Civil Service Commission, e-mail to N.C. Madonda (mpume.madonda4@gmail.com), 23 Jul. [23 Jul 2013]



ANNEXURES



Building a capable, career-oriented and professional Public Service to underpin a capable and developmental state in South Africa



Annexure A: Recruitment

| Country | Methods of appointment into the service | Body that administered the examination | Role of politicians in Appointment | Competitiveness of recruitment |
|------------------|--|---|--|--|
| Botswana | Open Interviews | Competency-based assessments for senior managers. These are handled by individual Ministries assisted by external appointed agencies. | Appointment of Permanent Secretaries is done by the President. | - ²² |
| Brazil | Competitive, transparent, open entrance examination | Examination coordinated by the Ministry of Planning, Budget and Monitoring (actual examination outsourced to both public and private agencies). | Low at entry level but high for senior and top managers. | 0.1% candidates of applicants are eventually recruited. |
| China | Competitive, transparent, open entrance examination | State Administration of Civil Service in the Ministry of Human Resources and Social Security | Low. But as cadre organisation, party membership is a factor in appointment. | Small percentage of those who take exam are recruited (4% yearly) |
| Japan | Competitive, transparent and open entrance examination | Civil Service Commission | Low | 2.5% who took the entrance examination passed in 1977? |
| Korea | Competitive, transparent, open entrance examination | Civil Service Commission (but now merged with a ministry which now handles the examination) | Low | - |
| Malaysia | Competitive, transparent and open entrance examination | Civil Service Commission | Low | 23.5% of applicants for permanent positions were recruited in 2012. |
| Mauritius | Competitive, transparent and open entrance examination only for the Administrative Cadre. Interviews for all other cadres, including technical cadres. | Public Service Commission | Low | In July 2014, only 5% of all applications for entry level position of administrative cadre were going to be recruited. |
| Singapore | Competitive, transparent and open entrance Examination | Public Service Commission | Low | - |

²² No information received.



Numbers of applications, shortlisted candidates, candidates who attended interviews and recruitment for permanent and temporary positions in the Malaysian public service, 2012 - 2013.

| Year | Status | Applications | Number of Candidates | | |
|------|-----------|--------------|----------------------|-------------------------|-----------|
| | | | Candidates | who attended interviews | recruited |
| 2012 | Permanent | 1,074,647 | 153,497 | 116,963 | 36,105 |
| | Contract | 11,230 | 11,230 | 11,230 | 11,230 |
| | Total | 1,085,877 | 164,727 | 128,193 | 47,335 |
| 2013 | Permanent | 2,098,736 | 241,511 | 163,162 | 38,659 |
| | Contract | 21,400 | 21,400 | 21,400 | 21,400 |
| | Total | 2,120,136 | 262,911 | 184,562 | 60,059 |

Source: Public Service Commission, Malaysia, 2013

This shows that 23.5%, i.e. 36,105 of the 153,497 candidates who applied for permanent posts were employed in 2012. Similarly, only 16% of candidates for permanent positions in 2013 were subsequently employed. These developments indicate that appointment into the Malaysian public service is done through a highly competitive process.

Annexure B: Career path and promotion

| Country | Tenure (career service) | Entry into the Service | Methods of Promotion | Criteria for Promotion |
|------------------|------------------------------|--|---|---|
| Botswana | Dual process | Open system (All positions are advertised to include outside candidates) | Interviews and focus is on lower levels. Externals are only sourced when internal candidates do not qualify | Performance and qualifications |
| Brazil | Appointment until retirement | Closed system for schemes except those in the DAS system | Interviews | Within schemes: qualifications, performance and further training. |
| China | Appointment until retirement | Mostly closed system but some positioned filled open to those outside the service. | Interviews and promotion examinations | Seniority, qualifications, performance and training |
| Japan | Appointment until retirement | Closed system (promotion through the ranks) | Interviews and promotion examinations | Seniority, qualifications, performance and further training |
| Korea | Appointment until retirement | Closed system (promotion through the ranks) but recently 20% of top management positions were opened to outsiders. But even these positions were filled mostly by career civil servants. | Interviews and promotion examinations. | Seniority, qualifications, performance and training. Lately, more emphasis is on performance. |
| Malaysia | Appointment until retirement | Closed system. Promotion through the ranks. | Interviews and promotion examinations | Seniority, qualifications, further training and performance. |
| Mauritius | Appointment until retirement | Promotion through the ranks. However, existing bureaucrats in other schemes that want to join the administrative cadre have to take entrance examination. , | Interviews | Seniority, qualifications, training and performance. |
| Singapore | Appointment until retirement | Mostly closed system. | Interviews and promotion examinations. | Seniority, qualifications, training and performance. |



Building a capable, career-oriented and professional Public Service to underpin a capable and developmental state in South Africa



Annexure C: Political-administrative interface

| Country | Clear Division of Labour between Ministers and High-Level Bureaucrats | Appointments of High-Level Bureaucrats | Supervising Authority of high-level bureaucrats. | Management of Performance of high-level bureaucrats |
|-----------------|---|---|--|--|
| Botswana | The National Development Plan (NDP) sets out the development agenda and Permanent Secretaries implement. | Deputy Permanent Secretaries are appointed by the Head of the Public Service. | - | - |
| Brazil | - | Ministers have discretionary power over high-level bureaucrats. But there are rules that limits the % they can appoint from outside career civil servants. | - | - |
| China | Communist Party defines the broad thrust of development agenda and deploys party cadres to high level administrative posts to implement them. | Communist Party deploys cadres to high level administrative positions. | - | - |
| Japan | Ministers set broad development agenda while high bureaucrats design policy tools to achieve them. | Career civil servants appointed as high level bureaucrats. Ministers play limited role in their appointment. | - | - |
| Korea | Ministers set broad development agenda while high-level bureaucrats design policy instruments to achieve the former. | Mostly career civil servants appointed into high level administrative positions. Ministers have limited role in their appointment. | - | - |
| Malaysia | Ministers set broad development agenda while high level bureaucrats design policy tools to achieve the former. | Only career civil servants appointed as high level bureaucrats. Ministers play limited role. Appointment panels made up of the wise men through the PSC. Ministers might be consulted informally. | DGs and SGs reports to DG of PSD of Chief Government Secretary, who is also Head of Service. | Directors-General and Secretary Generals sign their performance agreements with the most senior officials in their scheme of service. As example, DGs and Secretary-Generals in the Administrative and Diplomatic cadre sign their performance |

| Country | Clear Division of Labour between Ministers and High-Level Bureaucrats | Appointments of High-Level Bureaucrats | Supervising Authority of high-level bureaucrats. | Management of Performance of high-level bureaucrats |
|------------------|---|---|--|--|
| | | | | agreements with the DG of the Public Service Department (PSD). |
| Mauritius | Ministers set broad policy agenda while high level bureaucrats design policy tools to achieve the former. | Permanent Secretaries appointed by panels of PSC Commissioners, representatives of the office of the Prime Minister and Secretary to Cabinet. | Permanent Secretaries reports to Cabinet Secretary (except in ministries with Senior Chief Executive). | Permanent Secretaries sign their performance agreements with Secretary to Cabinet (except in ministry where he is a Senior Chief Executive). |

Annexure D: Competencies indicator

| Competency dimensions | Indicators (selected) |
|------------------------|---|
| Political | Regulation and transparency; rule of law and social equality; political-administrative interface; strong state structure; organisation constitution; interaction between State and markets; social and economic capital efforts; political ideology and the State; strategy selection and action; typography of South Africa's history and its influence on the future maturation paths of transformation; people matters in politics, and internal and external force-field. |
| Economic | Transformation in industrial sectors; economic achievements; launching high speed economic growth; interaction between State and markets; typography of South Africa's history and its influence on the future; interactive strength, strategy selection and action; global awareness; interaction between states, banks and business; transformation of the economy and infrastructure; conception of industrial policy tools; promotion of industry, commerce and capital liberalisation; industrial and financial conglomerates; and entrance into the global society. |
| Social | Stimulate and encourage interface and discourse; service delivery innovation; engagement in the collective public; inclusion of citizens to agree on the developmental agenda; redress; providing information; openness and transparency; maturation paths of transformation; value for money; setting service standards; social relations; initiators and mobilisers of civil society; ensuring courtesy; re-institute dignity and self-esteem; increasing access; the role of national customs; entrance into the global society; political precursors to enable social equality through economic growth, social capital; trust building and cooperation; diversity management; high quality human capital; improved economic landscape: socio-economic growth; rule of law and social equality; and social inclusivity. |
| Professional | Legislation and policies; legislative framework; annual performance reporting; financial reporting; project and programme performance reporting; change results impact: M & E; anticorruption ethical values; principles and norms; conduct and approach; formulate and implement policies; ability to execute economic policies; strong policy control; skilled and moral; change management; inter-departmental partnerships; results oriented bureaucracy; strengthened administrative, specialised and depersonalised standards; well defined medium term organisational goals to organisational mission; merit based; reform induced efficiency improvement; resource mobilisation; technical competence; insulation and continuity; service delivery innovation; flexibility; accountability; high trust; high discretion; high ambition; honesty; passion for the nation and its citizens; strategic capability and leadership; and communication. |
| Public Business | Public and private sector interaction; information and technological innovation; organisational transformation; autonomous problem solving and decision-making; operational effectiveness; communication; negotiation skills; resilience; resource effectiveness—"more with less"; re-engineer business processes and systems; organisational development; human resource management and development; people management and empowerment; programme and project management; financial management; process and system analysis; technical and professional skills; and innovation. |