



the dpsa

Department:
Public Service and Administration
REPUBLIC OF SOUTH AFRICA

QUESTIONS FOR WRITTEN REPLY FROM THE PORTFOLIO COMMITTEE ON PUBLIC SERVICE AND ADMINISTRATION/PLANNING MONITORING AND EVALUATION, DPSA 4TH QUARTER REPORT OF THE 2019/2020 FINANCIAL YEAR

(26 JUNE 2020)

NO	Question	Responsibility	Response
1.	Service delivery As the report on service delivery improvement plan indicates that there's poor monitoring of the implementation of the plans who is the custodian of the service delivery improvement plan in the public service and what have they done to ensure proper implementation?	Service Delivery	Regulation 38 of the Public Service Regulations, 2016 state that "An Executive Authority shall establish and maintain a service delivery improvement plan aligned to the strategic plan contemplated in regulation 25 of his or her department" and Regulation 9 further states that "The Executive Authority or Head of Department shall submit to the Minister or Director-General:

			<p>Public Service and Administration, as the case may be, information and data on matters referred to in the regulations and shall introduce mechanisms to monitor and evaluate any provision of the Act for reporting to the Minister for Public Service and Administration. It further states that “An Executive Authority may not require or permit a head of department or any other employee to perform, or not to perform, any act in breach of these Regulations”.</p> <p>The custodians of Service Delivery Improvement plans are therefore Executive Authorities and Heads of Departments. To ensure that departments comply in submitting annual SDIP progress reports to DPSA, circulars have been sent out on an annual basis to remind heads of departments of their obligation to submit the SDIP annual reports by 30 June of every year to DPSA. Secondly, sector and cluster-focused SDIP integrated workshops have been organized by DPSA with all sector departments across the public service over the 2018/19 and 2019/20</p>
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			financial years, wherein departments were allowed to discuss the reporting template, assess themselves and make suggestions to the amendment of the reporting template.
NO	Question	Responsibility	Response
2.	According to the central supplier database as at March 2020 the number of public service employees conducting business with organs of the state was 270 (11 in official capacity) what is the department going to do with this information and when will it be? DPSA to provide report on what is being done to deal with the officials?	PAEIDTAU	<p>The DPSA adopted the following policy to prohibit public service employees from conducting business with the State:</p> <ul style="list-style-type: none"> • Regulation 13(c) Public Service Regulations, 2016, and • Section 8 of the Public Administration Management Act, 2014 (PAMA). <p>To support the implementation of regulation 13 (c), the following directives were adopted by the DPSA:</p> <ul style="list-style-type: none"> • On 1 November 2016, the <i>Directive on Other Remunerative Work Outside an Employee's Employment in the Relevant Department as Contemplated in Section 30 of the Public Service Act, 1994</i> came into effect. This

			<p>Directive prohibits public service employees from using the other remunerative work approval process to obtain approval for conducting business with an organ of state.</p> <ul style="list-style-type: none"> • In January 2017, the <i>Directive on Conducting Business with an Organ of State</i> was approved to clarify the definition of an “organ of state”, and to exclude certain activities that are not considered to be conducting business with an organ of state, such as teaching activities at Universities (which are organs of state). However, these exclusions are still to be considered as other remunerative work applications, and must be assessed in terms of Section 30 of the Public Service Act, 1994. <p>The prohibition to conduct business with an organ of state was extended to Special Advisors and public administration employees on 1 April 2019, when the PAMA came into operation. Section 8 makes the conducting of business with the State a criminal offence, as it carries a fine or sentence of</p>
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			<p>a maximum of five years and the possibility of termination of employment.</p> <p>To monitor the implementation of regulation 13 (c) and to provide implementation support to departments, the DPSA undertook the following actions:</p> <ul style="list-style-type: none"> • The Personnel Salary System (PERSAL system) was amended to capture the other remunerative work approval process electronically so as to enable the DPSA to monitor applications by comparing it with data contained on the electronic Financial Disclosure System (eDisclosure system) and the Central Supplier Database (CSD). • National Treasury started from 1 March 2017 to monitor all new registrations of public service employees on the online CSD system, by matching prospective suppliers against the PERSAL system, using an identification number. When a match is obtained, the person is flagged and is then required to provide proof
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			<p>that he/she is not a public service employee, before registration would continue. This database contains the names of all individuals and companies interested in government tender contracts.</p> <p>Since 2017, the DPSA continuously communicated with departments, by identifying employees who are possibly conducting business with the State and to request verification of these employees' employment.</p> <ul style="list-style-type: none"> • In January 2017, the MPSA sent letters to executive authorities to: a) create awareness on regulation 13 (c), b) identify those officials that were registered on the CSD; and c) those who were conducting business with an organ of state. The respective departments were expected to verify the information provided and to submit an implementation report. • On 24 February 2017 a letter (<i>Feedback required on the Implementation of Public Service Regulations, 2016, Regulation 13 (c): Prohibition Regarding Public Service</i>
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			<p><i>Employees Conducting Business with an Organ of State</i>) was issued, requesting all departments to report to the DPSA, by 31 March 2017, those employees who have resigned from the department, or who have resigned from their conflicting interests, and to provide proof of such.</p> <ul style="list-style-type: none"> • A Circular was communicated in June 2017 (<i>EIM 1/2017: Implementation of Regulation 13 (c) of Public Service Regulations, 2016</i>): a) granting extension for departments until 31 July 2017 to submit progress reports on the implementation of regulation 13 (c); b) encouraging departments to submit the names of those employees who continued to conduct business with an organ of state; and c) requesting departments to indicate what steps have been taken against those employees contravening regulation 13 (c). • On 21 November 2017, the DPSA presented a report to Cabinet, based on the reports submitted by departments. Cabinet then
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			<p>recommended that executive authorities monitor the implementation of regulation 13(c) and report back to Minister for the Public Service and Administration (MPSA) by 31 March 2018. The DPSA communicated this request to departments in a letter (<i>Compliance Assessment: Regulation 13(c) of the Public Service Regulations, 2016, Conducting Business with an organ of state</i>) to departments in February 2018.</p> <ul style="list-style-type: none"> • In February 2018, further letters were forwarded to the relevant departments, requesting feedback on steps taken against identified individuals by 31 March 2018. • In September 2018, the DPSA provided a statistical report to Cabinet (based on information received from departments), outlining the status quo pertaining to the implementation of regulation 13(c) as it was at the end of March 2018. • As the responsibility to take disciplinary steps against transgressors and to report such action
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			<p>to the DPSA remains that of departments, the Portfolio Committee requested a name list of individuals and their departments who are non-compliant, so as to enable the Portfolio Committee to play an oversight role to address non-compliance. The DPSA provided this list to the Portfolio Committee in December 2018 and again in January 2019.</p> <ul style="list-style-type: none"> • At the end of April 2019, the DPSA drafted another Statistical Report, by comparing information contained on the CSD with that on PERSAL. This was again presented to the Portfolio Committee in November 2019. • In July 2019, the DPSA issued a Circular (<i>Interpretation of Section 8 of the Public Administration Management Act, 2014 (ACT 11 of 2014): Conducting business with State</i>) to inform departments that section 8 of the Public Administration Management Act, 2014 was operationalised. It was brought under departments' attention that the prohibition to conduct business with the State was extended
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			<p>to include Special Advisors and public administration employees and that contravention of this prohibition was made a crime.</p> <p>Since April 2019, the DPSA engaged the implicated departments in a process to verify the name list of all employees allegedly conducting business with the State, to ensure they were still employed, correctly flagged and in fact conducting business with the State. This verification process delivered the first names of public service employees who are most likely conducting business with the State. These names were handed on 24 June 2019 to the South African Police Service (SAPS) for further investigation and prosecution as it constitutes a crime. This process also cleared some names which were reflected on the list, as they were either found to have resigned or to be representing their department in an official capacity.</p> <p>The following engagements took place between the DPSA and SAPS:</p>
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			<ul style="list-style-type: none"> • On 2 September 2019, SAPS and the DPSA convened a meeting to discuss progress regarding the cases. On 16 October 2019, the DPSA handed the names of 20 more employees to the SAPS. • On 19 February the DPSA and SAPS had another meeting to follow-up on investigations into employees conducting business with the State. SAPS indicated they would require affidavits to be provided for each case in order to start with investigations. • On 6 April 2020 another 40 names were provided to SAPS to investigate, together with a database containing information on all employees possibly conducting business with the State. Affidavits were also attached to the 40 cases provided to SAPS. The names submitted for investigations were selected based on the biggest transactions identified. • The Covid-19 Pandemic had an adverse effect on further engagements with the SAPS. To
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			<p>ensure a continuation of investigations and to establish a nodal point for investigating corruption cases involving public service employees, the MPSA is leading a process to unblock challenges and in June 2020 requested a meeting with the Minister of Police, Minister of Justice, the National Commissioner and National Director for Public Prosecutions.</p> <p>In March 2020, a new Statistical Report was drafted (see attached Annexure A), identifying those employees in National and Provincial Departments possibly conducting business with the State. The DPSA found that 270 employees in National Departments were possibly conducting business with the State. Of these 270 officials, 11 were officially appointed to represent their departments. In Provincial Departments, 798 employees were found to be possibly conducting business with the State.</p> <p>In June 2020, National and Provincial Departments were provided with a new list of employees possibly conducting business with the</p>
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			State. The DPSA requested feedback by 15 July 2020, and for departments to indicate the outcome of investigations into the alleged cases, what disciplinary steps were taken (and if none were taken to explain) and to inform their relevant Executive Authorities that criminal cases are being opened against employees conducting business with the State.
3.	<p>Operational management framework</p> <p>What has been the effects of a majority of Departments having not institutionalized the operations management framework? How can the challenge be addressed?</p>	Service Delivery	<p>Effects of non-institutionalisation of Operations Management Framework (OMF):</p> <ul style="list-style-type: none"> • Departments that do not institutionalise the OMF (amongst others consisting of business processes, standard operating procedures and service standards) are departments that do not implement or sustain the OMF. • Non –institutionalisation also leads to the lack of governance structures to implement the OMF. • This results in none documented business processes; standard operating process and

			<p>service standards in place to ensure efficiency and effectiveness of service delivery</p> <p>Mitigation:</p> <ul style="list-style-type: none"> • An OMF E-Curriculum has been developed in partnership with the NSG to capacitate public servants • Continued advocacy and institutional support from DPSA through virtual platforms • A directive should be issued on the OMF that supports the Public Service Regulations to ensure compliance by all departments
NO	Question	Responsibility	Response
4.	Can't the department increase SMS's members especially women's and persons with disabilities because the percentages are too low	Admin	<p>SMS women 48% as at 31 May 2020 (the deficit of 2% will be focused on when 22 vacancies on SMS level are filled).</p> <p>Persons with disabilities 3.31% as at 31 May 2020 (1,3% above the national target of 2%). The department promotes representivity through the filling of vacancies. Candidature of applicants from designated groups especially in respect of people</p>

			with disabilities receive preference as stated in all advertisements the department places.
NO	Question	Responsibility	Response
5.	On vacant posts that are now in the process of being filled, did the department undergone all the process of filling those vacant positions, and which criteria is used as now facing COViD-19 Pandemic	Admin	The department have followed the required process of grading the vacant posts prior to advertising and advertising was done in newspapers as well as in the Public Service Vacancy Circular. To ensure social distancing, the applications were not delivered to the building, but submitted electronically. The HR unit listed all applications received and the Selection Committee will now be able to conduct shortlisting. Candidates' whose applications do not include certified copies of certificates will not be penalized, as there is an understanding that SAPS was unable to certify documents during COVID-19 lock down levels 5 and 4. Shortlisted candidates will still be required to submit their certificates to be verified by SAQA prior to employment. Social distancing will be observed during the interview process, and may even include virtual interviews if

			shortlisted candidates are from other provinces. The department will ensure consistency throughout each selection process.
NO	Question	Responsibility	Response
6.	How will the Office of Standards and Compliance work in collaboration with the PSC and DPME and not duplicate?	OSC	<p>1. Brief Overview: Legislative & Policy Mandates</p> <p>1.1 Department of Public Service & Administration (DPSA) through the Office of Standards & Compliance (OSC)</p> <p>In terms of the Public Administration Management Act No 11, 2014: Chapter 8, Section 17. (1-4), the core objective of the Office of Standards and Compliance is to ensure compliance with the minimum norms and standards set by the Minister; advise the minister on the execution of his or her duties with regard to (i) the determination of minimum norms and standards contemplated in the Act; and (ii) enforcing compliance with the minimum norms and standards.</p> <p>1.2 Public Service Commission (PSC)</p> <p>The PSC has the constitutionally prescribed function to promote the values and principles</p>

			<p>governing public administration listed in section 195 of the Constitution, in the Public Service. It further monitor and evaluate the organisation and administration of the Public Service and can propose measures to improve the performance of the Public Service. It also provide to Parliament an evaluation of the extent to which the values and principles governing public administration have been complied with in the Public Service. Based on these functions the PSC aims to establish itself as a leader in monitoring and evaluation of the performance of the Public Service.</p> <p>1.3 Department of Planning, Monitoring and Evaluation (DPME)</p> <p>The DPME is a custodian of Monitoring and Evaluation in government, as such the National Evaluation Plan (NEP) sets out the minimum standards for the National Evaluation System (NES) in South Africa. The DPME's NEP 2020-2025 emphasises the institutionalisation of evaluations and sets out the criteria for the</p>
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			<p>strategic selection of evaluations. Alignment of evaluations to government is planning and budget cycle, the mandatory implementation of improvement plans and the implementation of evaluation results in decision-making are key elements of the revised. The 2020-2025 NEP mainly focuses on evaluating the country's progress in attaining the MTSF commitments set to achieve the seven (7) government priorities, amongst them ' A capable, ethical and developmental state"</p> <p>2. How will the Office of Standards and Compliance work in collaboration with the PSC and DPME and not duplicate?</p> <p>2.1 There will be no duplication or overlap in either the setting of minimum norms and standards for public administration and management, monitoring of compliance to the set norms and standards, evaluation of the appropriateness of those norms and standards as well as enforcement of norms and standards as these functions fall solely within</p>
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			<p>the DPSA mandate as prescribed by PAMA, Act 11 of 201.</p> <p>2.2 However, newer iterations of collaborative work may evolve from a compliance-monitoring approach and evaluation and outcomes oriented approach between the DPSA, the DPME and PSC with regards to:</p> <ul style="list-style-type: none"> - evaluation of the appropriateness of the minimum norms and standards Required according to PAM Act Section 17(4)(a) - and the promotion of values and principles referred to in section 195(1) of the Constitution. <p>2.3 The DPSA will institutionalise and promote the OSC through various Prescripts (policies, norms and standards, tools, directives, circulars, frameworks, guidelines. etc.) over the short, medium and long term period;</p> <p>2.4 It is envisaged that the collaborative and or partnership arrangements between PSC, DPSA &</p>
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			DPME, to avoid duplication and overlaps, will be pursued in the 2020/21 Financial Year. The outcomes of which will be achieved through MOU's and MOA's in terms of the different roles and responsibilities to be clarified by the OSC's Compliance Monitoring and Evaluation Policy Position Paper and Framework that is being developed by OSC, which will extensively be consulted with the PSC and the DPME.
NO	Question	Responsibility	Response
7.	How do we deal with the non-compliance with SDIP implementation and do we need SDIPs or Business plans?	Service Delivery	As it has been stated in item no. 1 above, circulars sent to the Heads of Departments and copies sent to SDIP coordinators reminding national and provincial departments of their obligation to submit SDIP annual progress reports to DPSA have been sent out on an annual basis before the end of the first quarter of every financial year. Furthermore, during the 2018/19 and 2019/20 financial years, SDIP sector-focused workshops have been held with all provincial and national departments, to

			enable compliance to the submission of the SDIP annual progress reports to DPSA.
8.	What system is DPSA using to monitor compliance?	OGCIO	<p>The DPSA currently monitors compliance through the following mechanisms:</p> <ul style="list-style-type: none"> • Data driven reports that monitor ICT Expenditure trends across the Public Service • Electronic surveys that periodically check compliance against Governance and other prescripts including e-government.
NO	Question	Responsibility	Response
9.	Is all DPSA workforce back at work in level 3 of Lockdown, if not those who are still at home, how is performance being monitored?	ADMIN	The DPSA workforce are working on rotational basis to ensure workflow and ensuring that less than 50% of staff members are in the office at any specific time. Different components have worked out different ways of rotation of staff. Managers monitor performance of outcomes in their working areas.
10.	How has the supplementary budget and budget cuts affected the department	OCFO	The department will have to re-look at its APP and assess which projects will not be implemented due to these cuts. Some reprioritization will have to be

			applied to achieve certain outputs with less budget.
NO	Question	Responsibility	Response
11.	<p>11.1. What is the progress and output in the discipline Management pool in assisting with disciplinary cases?</p> <p>11.2. A Progress Report on suspensions to be submitted to the committee</p>	PAEIDTAU	<p>11. Training started on 15 June 2020. Thus far, 17 officials have been trained in KZN and 16 in National departments. This training is ongoing. The target is to train 200 officials on investigating and chairing of Disciplinary cases in the public service.</p> <p>12. Due to the COVID-19 Lockdown, no disciplinary hearings were conducted. With returning to work under level 3, disciplinary hearings will resume and progress report will be provided in the 2nd Quarter of reporting.</p> <p>13. A backlog management specialist has been appointed to assist with the management of the disciplinary cases backlog. National and provincial departments have been informed</p>

			accordingly. The project will be rolled out soon.
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