



ANNUAL PERFORMANCE PLAN FOR THE 2021/22 FINANCIAL YEAR

March 2021





Foreword By The **CHAIRPERSON**

The planning cycle for the 2021/2022 financial year commenced at the time the entire country was faced with a deadly pandemic that not only caused a shock to the socio-economic structures of society and well-being of the South African citizens, but also challenged the traditional systems of conducting government business.

The Public Service Commission (PSC) was equally not spared from experiencing the system shock in the manner in which its mandate is executed as a result of the challenges presented by COVID-19 and its impact on our mandate.

The Strategic Planning Session of the PSC was held on 14- 16 October 2020 under the theme “*Towards an effective, efficient, accountable and ethical Public Service*”, which is also aligned to the impact the PSC would like to make as a result of discharging its mandate. The Session paved the way for relooking at some of the impact-driven projects identified in order to be more responsive to the challenges posed by COVID-19 and the impact thereof on the manner in which the Public Service operates. Equally, some of the critical systems and processes utilised by the PSC needed to be re-assessed in order to ensure that the PSC is responsive in the manner it executes its mandate, while aligning its projects to the priorities of government as set out in Priority 1: *A capable, ethical and developmental State* as espoused in the 2020/21- 2024/25 Medium Term Strategic Framework (MTSF).

It is in this regard that the PSC tables its Annual Performance Plan for the 2021/22 financial year.

RK SIZANI
CHAIRPERSON
PUBLIC SERVICE COMMISSION

OFFICIAL SIGN-OFF

It is hereby certified that this Annual Performance Plan 2021/22:

- was developed by the PSC through the assistance of the management of the Office of the PSC under the guidance of Advocate Richard Sizani;
- was prepared in line with the current Strategic Plan of the PSC; and
- takes into account all the relevant policies, legislation and other mandates for which the PSC will endeavour to achieve in 2021/22.



MR Z MOMEKA

Chief Financial Officer and Acting Chief
Director: People Management Practices



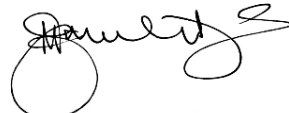
MS L VIVIERS

Chief Operations Officer



MS K SEDIBE

Deputy Director-General: Leadership &
Management Practices



MR M MALATSI

Deputy Director-General: Integrity & Anti-
Corruption



MS I MATHENJWA

OFFICE OF THE PUBLIC SERVICE COMMISSION

Acting Director-General and Accounting Officer

APPROVED BY:



RK SIZANI

PUBLIC SERVICE COMMISSION

Chairperson

LIST OF ACRONYMS

4IR	4 th Industrial Revolution
CFO	Chief Financial Officer
CVPs	Constitutional Values and Principles
DoJCD	Department of Justice and Constitutional Development
DPME	Department of Planning, Monitoring and Evaluation
DPSCA	Department of Public Service and Administration
DPWI	Department of Public Works and Infrastructure
DSDM	District Service Delivery Model
FDF	Financial Disclosure Framework
FISD	Forum for Institutions Supporting Democracy
HoD	Head of Department
IAC	Integrity and Anti-Corruption
IEC	Independent Electoral Commission
IGCMS	Integrated Grievance and Complaints Management System
ISDs	Infrastructure Services Departments
IT	Information Technology
LMP	Leadership and Management Practice
M&E	Monitoring and Evaluation
MMS	Middle Management Service
MoU	Memoranda of Understanding
MPSA	Minister for the Public Service and Administration
MTBPS	Medium Term Budget Policy Statement
MTEF	Medium Term Expenditure Framework
MTSF	Medium Term Strategic Framework
NACH	National Anti-Corruption Hotline
NDP	National Development Plan
NSG	National School of Governance
OPSC	Office of the Public Service Commission
PAIA	Promotion of Access to Information Act
PSC	Public Service Commission
SCOA	Standard Chart of Accounts
SITA	State Information Technology Agency
SMS	Senior Management Service
TID	Technical Indicator Description

TABLE OF CONTENTS

PART A: OUR MANDATE	7
1. CONSTITUTIONAL MANDATE	7
2. LEGISLATIVE AND OTHER MANDATES	8
2.1 Legislative Mandate: PSC Act, 1997	8
2.2 Update to relevant legislative and policy mandates	11
2.3 Update on the Institutional Policies and Strategies over the five year planning period	11
PART B: OUR STRATEGIC FOCUS	17
3. UPDATED SITUATIONAL ANALYSIS	17
3.1 The Strategic Focus of the PSC for the period 2020/21- 2024/2025	17
3.2 Internal environment analysis	17
3.3 External environmental analysis	21
3.4 Recent statistics relevant to the PSC	24
3.5 Relevant stakeholders which contribute to the achievement of the PSC's outcomes	30
PART C: MEASURING OUR PERFORMANCE	31
4. INSTITUTIONAL PERFORMANCE INFORMATION	31
4.2 PROGRAMME 1: ADMINISTRATION	32
4.2.1 Outcomes, Outputs, Performance Indicators and Targets	33
4.2.2 Indicators, Annual and Quarterly Targets	34
4.2.3 Explanation of Planned Performance Over the 5 Year Planning Period	35
4.2.4 Programme Resource Considerations	35
4.3 PROGRAMME 2: LEADERSHIP AND MANAGEMENT PRACTICES	36
4.3.1 Outcomes, Outputs, Performance Indicators and Targets	37
4.3.2 Indicators, Annual and Quarterly Targets	38
4.3.3 Explanation of Planned Performance Over the Medium Term Period	39
4.3.4 Programme Resource Considerations	39
4.4 PROGRAMME 3: MONITORING AND EVALUATION	40
4.4.1 Outcomes, Outputs, Performance Indicators and Targets	41
4.4.2 Indicators, Annual and Quarterly Targets	42
4.4.3 Explanation of Planned Performance over the Medium Term Period	43
4.4.4 Programme Resource Consideration	44
4.5 PROGRAMME 4: INTEGRITY AND ANTI-CORRUPTION	45
4.5.1 Outcomes, Outputs, Performance Indicators and Targets	46
4.5.2 Indicators, Annual and Quarterly Targets	47
4.5.4 Programme Resource Considerations	49
5. UPDATED BROAD RISK AREAS	51
PART D: TECHNICAL INDICATOR DESCRIPTION (TID)	52
ANNEXURE A: ADJUSTMENTS TO THE 2020/21- 2024/25 STRATEGIC PLAN AND 2020/21 ANNUAL PERFORMANCE PLAN OF THE PUBLIC SERVICE COMMISSION	61

LIST OF FIGURES

Figure 1:	Seven priorities adopted by government	11
Figure 2:	Institutional Policies of the PSC	12
Figure 3:	Trends analysis of the number of grievances referred to the PSC over the period 2017/18 to 2019/20	25
Figure 4:	Trends analysis of the management of complaints over the period 2017 to 2020.....	26
Figure 5:	Trends analysis of NACH cases referred by the PSC and closed by departments over the financial years 2017/18 to 2020/21	28
Figure 6:	Relevant stakeholders which contribute to the achievement of the PSC outcomes.....	30

PART A: OUR MANDATE

1. CONSTITUTIONAL MANDATE

The PSC is an independent institution established in terms of Chapter 10 of the Constitution. It derives its mandate from Sections 195 and 196 of the Constitution, 1996¹, which set out the values and principles governing public administration, which should be promoted by the PSC, as well as the powers and functions of the PSC. The PSC is required by the Constitution to exercise its powers and to perform its functions without fear, favour or prejudice. The Constitution links the PSC's independence firmly with its impartiality and no organ of state may interfere with the functioning of the PSC.

The PSC is vested with custodial oversight responsibilities for the Public Service and monitors, evaluates and investigates public administration practices. It also has the power to issue directions regarding compliance with personnel procedures relating to recruitment, transfers, promotions and dismissals. The PSC is accountable to the National Assembly and must at least once per annum report to the National Assembly on its activities and performance, and to the Provincial Legislatures on its activities in a province.

The PSC's powers and functions in terms of the Constitution are set out below:

POWERS AND FUNCTIONS	SECTION OF THE CONSTITUTION
The PSC must exercise its powers and perform its functions without fear, favour or prejudice.	196 (2)
The PSC must promote the values and principles, as set out in Section 195, throughout the Public Service.	196 (4) (a)
The PSC must investigate, monitor and evaluate the organisation, administration and the personnel practices of the Public Service.	196 (4) (b)
The PSC must propose measures to ensure effective and efficient performance within the Public Service.	196 (4) (c)
The PSC must give directions aimed at ensuring that personnel procedures relating to recruitment, transfers, promotions and dismissals comply with the values and principles set out in Section 195.	196 (4) (d)
The PSC must report on its activities and the performance of its functions, including any finding it may make and directions and advice it may give, and provide an evaluation of the extent to which the values and principles set out in Section 195 are complied with.	196 (4) (e)
The PSC may either of its own accord or on receipt of any complaint, a) investigate and evaluate the application of personnel and public administration practices and to report to the relevant executive authority and legislature; b) investigate grievances of employees in the Public Service concerning official acts or omissions and to recommend appropriate remedies; c) monitor and investigate adherence to applicable procedures in the Public Service; and d) advise national and provincial organs of state regarding personnel practices in the Public Service, including those relating to the recruitment, appointment, transfer, discharge and other aspects of the careers of employees in the Public Service.	196 (4) (f)
The PSC must exercise or perform the additional powers or functions prescribed by an Act of Parliament.	196 (4) (g)

¹ The Constitution of the Republic of South Africa, 1996 (promulgated by Proclamation No. 108 of 1996).

POWERS AND FUNCTIONS	SECTION OF THE CONSTITUTION
The PSC is accountable to the National Assembly.	196 (5)
The PSC must report at least once a year to the National Assembly.	196 (6) (a)
The PSC must report at least once a year in respect of its activities in a province, to the legislature of that province.	196 (6) (b)

The PSC has a responsibility to promote the values and principles governing public administration enshrined in the Constitution. The Constitution, in Chapter 1, outlines the fundamental values on which government should build such a transformed Public Service. These values include human dignity, the achievement of equality and the advancement of human rights and freedoms, non-racialism and non-sexism, supremacy of the Constitution and the rule of law, democracy, social justice and equity and respect. The principles in Section 195 of the Constitution are set out below:

VALUES AND PRINCIPLES	SECTION OF THE CONSTITUTION
A high standard of professional ethics must be promoted and maintained.	195 (1) (a)
Efficient, economic and effective use of resources must be promoted.	195 (1) (b)
Public administration must be development-oriented.	195 (1) (c)
Services must be provided impartially, fairly, equitably and without bias.	195 (1) (d)
People's needs must be responded to, and the public must be encouraged to participate in policy-making.	195 (1) (e)
Public administration must be accountable.	195 (1) (f)
Transparency must be fostered by providing the public with timely, accessible and accurate information.	195 (1) (g)
Good human-resource management and career-development practices, to maximise human potential, must be cultivated.	195 (1) (h)
Public administration must be broadly representative of the South African people, with employment and personnel management practices based on ability, objectivity, fairness, and the need to redress the imbalances of the past to achieve broad representation.	195) (i)

2. LEGISLATIVE AND OTHER MANDATES

2.1 Legislative Mandate: PSC Act, 1997

The PSC is a constitutional oversight body, primarily to promote “a high standard of professional ethics in the Public Service”². The PSC operates in terms of the *PSC Act, 1997*³. The Act provides for the regulation of the PSC with regard to:

- a) the constitution of the PSC;
- b) appointment of Commissioners;
- c) designation of the Chairperson and Deputy Chairperson;
- d) conditions of appointment of Commissioners;
- e) removal from office of Commissioners;
- f) functions of the PSC (inspections, inquiries, etc.);
- g) rules according to which the PSC should operate;
- h) the Office of the PSC (OPSC); and
- i) transitional arrangements with regard to service commissions (created under the Interim Constitution).

² Certification of the amended text of the Constitution of the Republic of South Africa, 1996 (Case CCT 37/96, para 142)

³ Republic of South Africa. Public Service Commission Act, 1997 (promulgated by Proclamation No. 46 of 1997)

In terms of the Constitution and other legislation relevant to the PSC, the key responsibilities of the PSC are as follows:

KEY RESPONSIBILITIES	POWERS AND FUNCTIONS	SECTION OF THE LEGISLATION
Access documents and information	Official documents and information as may be necessary for the performance of its functions under the Constitution or the Public Service Act.	PSC Act: 9
Advise	On own accord or on receipt of any complaint, advise national and provincial organs of state regarding personnel practices in the Public Service, including those relating to the recruitment, appointment, transfer, discharge and other aspects of the careers of employees in the Public Service.	Constitution: 196 (4) (f)
Call upon and administer oath/accept affirmation	The PSC may call upon and administer an oath, or accept an affirmation from any person present at an inquiry.	PSC Act: 10 (2) (b)
Conduct inquiry	Conduct an inquiry into any matter authorised by the Constitution or the Public Service Act.	PSC Act: 10 (1)
Consider grievances	Grievances of employees and Heads of Department under certain circumstances.	Public Service Act: 35
Evaluate	Evaluate the organisation, administration and the personnel practices of the Public Service.	Constitution: 196 (4) (b)
	On own accord or on receipt of any complaint, the application of personnel and public administration practices and to report to the relevant executive authority and legislature.	Constitution: 196 (4) (f)
Examine or require a person to act	Any person to produce any book, document or object which may have a bearing on the subject of the inquiry.	PSC Act: 10 (2) (c)
Exercise/perform functions	The additional powers or functions prescribed by an Act of Parliament.	Constitution: 196 (4) (g)
	The powers and the duties entrusted to it by the Constitution, the PSC Act and the Public Service Act.	PSC Act: 8
	Its powers and perform its functions without fear, favour or prejudice.	Constitution: 196 (2)
Inspect	Departments and other organisational components in the Public Service.	PSC Act: 9
Investigate	The organisation, administration and the personnel practices of the Public Service.	Constitution: 196 (4) (b)
	On own accord or on receipt of any complaint, the application of personnel and public administration practices and to report to the relevant executive authority and legislature.	Constitution: 196 (4) (f)
	On own accord or on receipt of any complaint, grievances of employees in the Public Service concerning official acts or omissions and to recommend appropriate remedies.	Constitution: 196 (4) (f)
	On own accord or on receipt of any complaint, adherence to applicable procedures in the Public Service.	Constitution: 196 (4) (f)
	Compliance with the Public Service Act.	Public Service Act: 5 (8) (a)
	Grievances of employees and Heads of Department under certain circumstances.	Public Service Act: 35
Issue directions	Aimed at ensuring that personnel procedures relating to recruitment, transfers, promotions and dismissals comply with the values and principles set out in Section 195.	Constitution: 196 (4) (d)
	Contemplated in Section 196 (4) (d) of the Constitution in order to ensure compliance with the Public Service Act.	Public Service Act: 5 (8) (a)
Keeps register	The Director-General: Office of the Commission shall keep a register of designated employees' interests, who are	Public Service Regulations, 2016,

KEY RESPONSIBILITIES	POWERS AND FUNCTIONS	SECTION OF THE LEGISLATION
Make rules	members of the Senior Management Service (SMS)	Chapter 2
	On the investigation, monitoring and evaluation of those matters to which Section 196 (4) of the Constitution relate.	PSC Act: 11 (a)
	On the powers and duties of the chairperson, deputy chairperson or any other commissioner and the delegation and assignment of any power and duty entrusted to the PSC by the PSC Act, the Constitution or the Public Service Act to provincial commissioners.	PSC Act: 11 (b)
Monitor	On the manner in which meetings of the PSC shall be convened, the procedure to be followed in meetings and the conduct of its business, quorum and the manner in which minutes should be kept.	PSC Act: 11 (c)
	The organisation, administration and the personnel practices of the Public Service.	Constitution: 196 (4) (b)
Promote	On own accord or on receipt of any complaint, adherence to applicable procedures in the Public Service.	Constitution: 196 (4) (f)
Propose measures	Values and principles, as set out in Section 195, throughout the Public Service.	Constitution: 196 (4) (a)
Recommend	Measures to ensure effective and efficient performance within the Public Service.	Constitution: 196 (4) (c)
Report	Appropriate remedies regarding the investigation of grievances of employees in the Public Service.	Constitution: 196 (4) (f)
	That an executive authority acts in terms of a particular provision(s) of the Public Service Act or any other law.	Public Service Act: 35
	On its activities and the performance of its functions, including any finding it may make and directions and advice it may give, and to provide an evaluation of the extent to which the values and principles set out in Section 195 are complied with.	Constitution: 196 (4) (e)
	To the relevant executive authority and legislature on the application of personnel and public administration practices.	Constitution: 196 (4) (f)
	At least once a year to the National Assembly.	Constitution: 196 (6) (a)
	At least once a year in respect of its activities in a province, to the legislature of that province.	Constitution: 196 (6) (b)
	The PSC is responsible for reporting on the level of compliance as well as trends on financial misconduct in the Public Service.	Treasury Regulations: 4.3
	As part of conducting its oversight work, the PSC also reports to Parliament.	
Summons	The accounting officer of a department must, as soon as the disciplinary proceedings (financial misconduct) are completed, report to the executive authority, the Department of Public Service and Administration and the PSC on the outcome, including –	
	(a) the name and rank of the official against whom the proceedings were instituted; (b) the charges, indicating the financial misconduct the official is alleged to have committed; (c) the findings; (d) any sanction imposed on the official; and (e) any further action to be taken against the official, including criminal charges or civil proceedings.	
Summons	Any person who may be able to give information of material	PSC Act:

KEY RESPONSIBILITIES	POWERS AND FUNCTIONS	SECTION OF THE LEGISLATION
Verify	importance concerning the subject matter of the inquiry. The PSC shall verify the interests disclosed by SMS members in terms of the Financial Disclosure Framework	10 (2) (a) Public Service Regulations, 2016, Chapter 2

2.2 Update to relevant legislative and policy mandates

The PSC has been engaged in an institutional practice review process over the past decade to strengthen its service delivery. This has included consideration of the independence required for the PSC to better execute its mandate and confirmation of the scope of its mandate to extend to the more expansive public administration. In support of the organisational shift to a Secretariat and the extension of the PSC mandate, the PSC has prepared Business Case and the draft legislation regarding the transfer of functions. In October 2020, these documents were submitted to the Minister for the Public Service and Administration for further processing.

2.3 Update on the Institutional Policies and Strategies over the five year planning period

2.3.1 Change and Sustained Agenda of the PSC

The PSC will continue to pursue its change and sustained agenda through re-prioritisation of projects to be responsive in the context of a shrinking fiscus and challenges posed by the COVID-19 pandemic. The mode of delivery of its mandate will also be adjusted to ensure compliance with health and safety measures stipulated in the protocols for managing the COVID-19 pandemic in the workplace.

The MTSF 2019-2024 also sets out the interventions and programmes that will advance the seven priorities adopted by government:

Figure 1: Seven priorities adopted by government



The PSC has aligned its projects to the priorities of government as set out in Priority 1: *Building a capable, ethical and developmental State*.

2.3.2 Institutional Policies of the PSC

The institutional policies supporting the PSC's Change and Sustained Agenda as instituted in terms of Section 11 of the PSC Act are the following:

Figure 2: Institutional Policies of the PSC

<p>Governance Rules of the PSC, published in Government Gazette No 38620 of 30 March 2015</p> <ul style="list-style-type: none"> • The Governance Rules have been put in place to ensure the effective functioning of the PSC. These rules, <i>inter alia</i>, define the powers and duties of commissioners; delegations and assignment of powers and duties; and the manner in which the meetings of the PSC must be convened. The Governance Rules are read in conjunction with the other rules and delegations promulgated by the PSC.
<p>Rules for the summoning of witnesses in connection with inquiries and investigations of the Public Service Commission, published in Government Gazette No.23267 dated 28 March 2002</p> <ul style="list-style-type: none"> • The mandate of the PSC to issue summonses is contained in Section 10 read with Section 11 of the PSC Act, 1997, as well as Section 196 (3) of the Constitution of the Republic of South Africa. In order to manage the process in terms of which witnesses can be summonsed, the PSC published rules for the summoning of witnesses during 2002. The rules provide for the process that should be followed when a person is summonsed to appear before an inquiry of the PSC.
<p>Rules on Referral and Investigation of Grievances of Employees in Public Service, published in Government Gazette no 40359 of 21 October 2016</p> <ul style="list-style-type: none"> • The purpose of the Rules is to provide for the procedures and service standards in the investigation of grievances by the PSC, timeframes within which grievances may be referred to or lodged with the PSC and mechanisms of monitoring grievance management by departments. Once the PSC has finalised its investigation, the relevant Executive Authority is informed of its findings and recommendations. The latter is expected to inform the PSC and aggrieved employees about his or her decision based on the PSC's recommendations. The PSC also reports on the outcome of its investigations in respect of grievances to the National Assembly and Provincial Legislatures on at least an annual basis.
<p>PSC Rules on Conducting Investigations, published in Government Gazette No 40552 dated 20 January 2017</p> <ul style="list-style-type: none"> • The purpose of these Rules is to provide for the investigation and evaluation of matters as contemplated in section 196(4) (f) (i), (iii) and (iv) of the Constitution, 1996. It describes the matters that may be investigated and evaluated by the PSC, those matters that will not be investigated, the procedure to be followed before lodging a complaint with the PSC and the information required when lodging a complaint with the PSC.

2.3.3 Updated list of Relevant Court Rulings

The following judgments have helped to clarify the role and functions of the PSC:

CASE	BRIEF SUMMARY
Certification of the Constitution of the Republic of South Africa, 1996 (CCT 23/96) [1996] ZACC 26; 1996 (4) SA 744 (CC); 1996 (10) BCLR 1253 (CC) (6)	With regard to the PSC, the Constitutional Court dealt with the certification of the formulation of the wording of the role and functions of the PSC. It ruled that the independence and impartiality of the PSC shall be provided for and safeguarded in the Constitution.

CASE	BRIEF SUMMARY
<p>September 1996)</p> <p>Ex Parte Chairperson of the Constitutional Assembly: In Re Certification of the Amended Text of the Constitution of the Republic Of South Africa, 1996 (1997 (2) SA 97 (CC))</p>	<p>The Court decided that Section 196 (1) “<i>provides that there shall be a single PSC for the Republic. As a commission it will have joint responsibility for the work that it does. This, and the fact that it consists of 14 members appointed by 10 different legislatures, enhances its independence and makes any individual commissioner less vulnerable to unfair dismissal than the Public Protector and the Auditor-General might be. The dismissal of one of 14 commissioners will not necessarily have a significant impact on the work of the PSC; the removal of the Public Protector or the Auditor-General could have a profound impact on the functioning of that office.</i>”</p> <p>During the proceedings, the Court also dealt with the argument that Section 196 (13) provides that a commissioner appointed by a province may perform the functions of the PSC in that province 'as prescribed by national legislation'. The Court found that “<i>that is so, but it will not relieve the PSC of joint responsibility for the work that it does, nor prevent the 13 remaining commissioners from coming to the support of an individual commissioner wrongly accused of misconduct, incompetence or incapacity.</i>”</p> <p>The Court also held that “<i>The functions of the PSC are materially different to those of the Public Protector and the Auditor-General.... The PSC's primary function is to promote 'a high standard of professional ethics in the Public Service'. While it has important supervisory and watchdog functions, a good deal of its work will be of a routine or advisory nature. A similar distinction is to be found in the IC which affords a lesser protection to the PSC than it does to the Public Protector and the Auditor-General....</i>”</p>
<p>Premier, Western Cape v President of the Republic of South Africa 1999 (3) SA 657 (CC)</p>	<p>Financial independence is a key component of institutional independence and it is for Parliament and not the Executive to determine what funding is available to the PSC to enable it to carry out its constitutional mandate.</p> <p>In addition, the Constitutional Court made clear that the reference in the Constitution to “a public service in the Republic” is intended to mean a Public Service which applies to both national and provincial spheres of government.</p>
<p>Independent Electoral Commission (IEC) v the Langeberg Municipality⁴</p>	<p>The Court confirmed the independence of the IEC as articulated in Section 181 (2) of the Constitution. The Court held that “<i>the very reason the Constitution created the Commission was that it should be and manifestly be seen to be outside government</i>” and “<i>the Commission is accordingly not an organ of state in the national sphere of government</i>”. Given its standing as an Institution Supporting Democracy, as in the case of the IEC, the PSC would therefore also be regarded as an institution outside government.</p>
<p>Macssand v City of Cape Town and Others unreported judgment of the Constitutional Court, [2012] ZACC 7</p>	<p>There will in most instances be no overlap in the functions of the PSC and Institutions Supporting Democracy, established in terms of Chapter 9 of the Constitution. Each of these institutions and the PSC operates independently of each other. There is also nothing preventing the PSC from entering into a MoU with the Institutions Supporting Democracy to regulate how such overlaps will be managed and dealt with, or the broader relationship between such institutions.</p> <p>In a different but analogous context, the Constitutional Court⁵ has</p>

⁴ Independent Electoral Commission v the Langeberg Municipality (as successor to the Stilbaai Municipality). Case CCT 49/00

⁵ Macssand v City of Cape Town and Others unreported judgment of the Constitutional Court, [2012] ZACC 7

CASE	BRIEF SUMMARY
	<p>ruled as follows in relation to the overlap of functions and role between spheres of government: “...these powers are not contained in hermetically sealed compartments, sometimes the exercise of powers by two spheres may result in an overlap. When this happens, neither sphere is intruding into the functional area of another. Each sphere would be exercising power within its own competence. It is in this context that the Constitution obliges these spheres of government to cooperate with one another in mutual trust and good faith, and to co-ordinate actions taken with one another.”</p>
<p>Chirwa v Transnet Ltd and Others 2008 (4) SA 367 (CC) at paragraphs 74-76, (relying on the decision of Institute for Democracy in South Africa and Others v African National Congress and Others 2005 (5) SA 39 (C) (2005 (10) BCLR 995)</p>	<p>It was confirmed that the rights in Section 195 of the Constitution are not justiciable. In other words, while Section 195 of the Constitution provides important interpretative assistance, it does not found a right to bring an action for breach of any the principles. The court held that: “The values enunciated in s 1 of the Constitution are of fundamental importance. They inform and give substance to all the provisions of the Constitution. They do not, however, give rise to discrete and enforceable rights in themselves. This is clear not only from the language of s 1 itself, but also from the way the Constitution is structured and in particular the provisions of Chapter 2, which contains the Bill of Rights ... the same considerations apply to the other sections of the Constitution ... [including] Section 195(1). These sections all have reference to government and the duties of government, inter alia, to be accountable and transparent. ... In any event, these sections do not confer upon the applicants any justiciable rights that they can exercise or protect ... The language and syntax of these provisions are not couched in the form of rights, especially when compared with the clear provisions of Chapter 2. Reliance upon the sections in question for purposes of demonstrating a right is therefore inapposite. ... therefore although Section 195 of the Constitution provides valuable interpretive assistance it does not found a right to bring an action”.</p>
<p>Khumalo and Another v Member of the Executive Council KwaZulu-Natal Education J-CCT10-13A</p>	<p>The formulation and application of requirements for a particular post is a minimum pre-requisite for ensuring the objectivity of the appointment process. Persons who do not meet the requirements for a post in the public sector ought not to be appointed.</p>
<p>Minister of Defence and Military Veterans v Motau and Others [2014] ZACC 18</p>	<p>The Constitutional Court in this matter found that the implementation of legislation constitutes administrative action, except where there is a clear indication that it does not.</p>
<p>Public Protector v Mail & Guardian Ltd and Others 2011 (4) SA 420 (SCA) at paras 21-22</p>	<p>In considering what a proper investigation entails, the Supreme Court of Appeal in the above case held in as follows:</p> <p>“...the investigation must have been conducted with an open and enquiring mind. An investigation that is not conducted with an open and enquiring mind is no investigation at all. That is the benchmark against which I have assessed the investigation in this case. I think that it is necessary to say something about what I mean by an open and enquiring mind. That state of mind is one that is open to all possibilities and reflects upon whether the truth has been told. It is not one that is unduly suspicious but it is also not one that is unduly believing. It asks whether the pieces that have been presented fit into place. If at first they do not then it asks questions and seeks out information until they do. It is also not a state of mind that remains static. If the pieces remain out of place after further enquiry then it might progress to being a suspicious mind. And if the pieces still do not fit then it might progress to conviction that there is deceit. How it progresses will vary with the exigencies of the particular case. One question might lead to another and that question to yet another, and so it might go on. But whatever the state of mind that is finally reached, it must always start out as one that is open and enquiring.”</p>

CASE	BRIEF SUMMARY
	<p>While the above case was decided in relation to the office of the Public Protector, the scope and meaning of “an investigation” as defined above applies equally, in our view to an investigation carried out by the PSC.</p> <p>In addition to the above, the court held that <i>“His or her mandate is an investigatory one, requiring pro-action in appropriate circumstances. Although the Public Protector may act upon complaints that are made, he or she may also take the initiative to commence an enquiry, and on no more than “information that has come to his or her knowledge” of maladministration, malfeasance or impropriety in public life... But although the conduct that may be investigated is circumscribed I think it is important to bear in mind that there is no circumscription of the persons from whom and the bodies from which information may be sought in the course of an investigation. The Act confers upon the Public Protector sweeping powers to discover information from any person at all. He or she may call for explanations, on oath or otherwise, from any person, he or she may require any person to appear for examination, he or she may call for the production of documents by any person and premises may be searched and material seized upon a warrant issued by a judicial officer. Those powers emphasise once again that the Public Protector has a pro-active function. He or she is expected not to sit back and wait for proof where there are allegations of malfeasance but is enjoined to actively discover the truth”.</i>(At paras 9-11)</p> <p>The PSC also has the power to perform functions of its own accord and in this regard, some level of pro-activity is required of the PSC. In line with Section 197 (1) of the Constitution, Section 10 of the PSA Act provides the PSC with tools to be used during the course of an investigation, such as the power to summons a person to an inquiry for the person concerned to give information to the inquiry and/or to produce documents. The person so summoned can also be examined under oath.</p>
SABC v DA (393/2015) [2015] ZASCA 156 (8 October 2015)	A person is not entitled to simply ignore the findings, decision or remedial action taken by the Public Protector. Moreover, an individual or body affected by any finding, decision or remedial action taken by the Public Protector is not entitled to embark on a parallel investigation process to that of the Public Protector and adopt the position that the outcome of that parallel process trumps the findings, decision or remedial action taken by the Public Protector.
Economic Freedom Fighters v The Speaker of the National Assembly and Others and Democratic Alliance v the Speaker of the National Assembly and Others (CCT 143/15 and CCT 171/15)	The court further highlighted the Constitutional obligation on the National Assembly in terms of sections 42(3) and 55(2) of the Constitution read with section 8(2) (b) (iii) of the Public Protector Act, 1994 (and section 181(3) of the Constitution) to provide for an oversight mechanism “to facilitate compliance with the remedial action” of the Public Protector.
Minister of Home Affairs and Another v Public Protector of the Republic of South Africa (308/2017) [2018] ZASCA 15; [2018] 2 All SA 311 (SCA); 2018 (3) SA 380 (SCA) (15 March 2018)	The constitutional and statutory powers and functions vested in the Public Protector to investigate, report on and remedy maladministration are not administrative in nature and so are not reviewable in terms of section 6 of the Promotion of Administrative Justice Act 3 of 2000. This being so, the Public Protector’s exercise of her core powers and functions is reviewable on the basis of the principle of legality that stems from the founding constitutional value of the rule of law.
Sun International Management	An employee claiming they ought to have been appointed to the

CASE	BRIEF SUMMARY
(Pty) Ltd v Commission for Conciliation, Mediation and Arbitration and Others (LC) (unreported case no JR939/2014, 18-11-2016) (Lagrange J) delivered on 18 November 2016	position applied for, bears the onus to establish that 'but for' the employer's unfair conduct, they would have been appointed.
Mamphe Daniel Msiza v Advocate Terry Motau SC (N.O), The Prudential Authority of South, and The South African Reserve Bank. Case Number 78587/2018 delivered on 11 August 2020	<p>The Applicant challenged the report on the basis that his name was mentioned in the report and an insinuation made as a wrongdoer in the subheading "the Commissions and bribes paid" and the first respondent, in his interview with Steven Grootes confirmed that the applicant was implicated.</p> <p>The Court ruled that the first respondent failure to afford the applicant the right to procedural fairness (Audi) prior to the release of the report titled "The Great Bank Heist" is unlawful and unconstitutional and violated the applicant's right in terms of section 34 of the Constitution. The adverse findings, remarks and conclusions by the first respondent in the report in paragraphs 72, 73, 80 and 90 are reviewed and set aside.</p>

PART B: OUR STRATEGIC FOCUS

3. UPDATED SITUATIONAL ANALYSIS

The Covid-19 pandemic has changed the world and the planning context, as we knew it. Never in the history of South African democracy has government been under so much pressure to contain the pandemic while equally striving to meet its socio-economic obligations to the citizens. To compound the problem, the pandemic affected the country at the time the South African economy experienced a technical recession, further complicated by the Moody's downgrade of the economy, making early and fast recovery very challenging. Thus, the ripple effects of the pandemic has the potential to setback the socio-economic gains made since the dawn of democracy.

3.1 The Strategic Focus of the PSC for the period 2020/21- 2024/2025

The strategic focus of the PSC over the next five years is, just like all organs of state, focused on the effective execution of its mandate and the implementation of the MTSF of government which is informed by the NDP. The PSC's strategic focus will be to contribute to "*Building a capable, ethical and developmental State*" as espoused in Priority 1 of the MTSF. Various strategic intervention projects have been identified and mechanisms to operationalise these projects have been developed for the progressive realisation of this.

3.2 Internal environment analysis

Precarious financial position of the PSC

As a consequence of the fiscal and economic forecasts for the current fiscal year due to the pandemic, large-scale reprioritization of state resources was necessitated. This resulted in a significant reduction in the PSC's budget. The impact of COVID-19 and the reduced budget necessitated to adjust the Annual Performance Plan for the 2020/21 financial year and reprioritize the targets for 2021/22 financial year. However, the PSC still needs to be very frugal with budget expenditure, given the budget constraints and find creative ways to execute its mandate.

The PSC was allocated a budget of R297.6 million for the 2020/21 financial year. Subsequent to that, there was a reduction of R10 million through the Special Adjustment Budget that was tabled in Parliament in June 2020 and R13.8 million reduction on Compensation of employees that was implemented during the Adjustment Estimates of National Expenditure budget process. The budget of the PSC was reduced to R273.8 million with effect from October 2020. The larger part of the Goods and Services budget is trapped on mandatory costs, such as rental for office accommodation, property payments, internal and external audit costs, communications, SITA, and other operational costs. There is, therefore, limited room for the PSC to effect the budget cuts as instructed by National Treasury.

Although National Treasury indicated to the PSC that the budget would be reduced by 5.7% in 2021/22 and 8.5% in 2022/23, the actual budget reduction that was effected is 11.64% and 15.51% respectively. This represents double of the budget cuts for the PSC. These budget reductions with double figures will be devastating for the two subsequent financial years over the MTEF period which will severely hamper performance and service delivery.

The challenges faced by Institutions Supporting Democracy due to the budget cuts were also discussed at a special meeting of the FISC in September 2020, and it was agreed that a letter will be addressed to the Speaker and Deputy Speaker of the National Assembly to seek an audience to discuss the proposed budget cuts and the devastating impact thereof on the ability of ISDs to perform their Constitutionally mandated functions.

Vacancies of Commissioners and the impact on the implementation of the PSC mandate

Five commissioners of the PSC at national level are appointed by the President in terms of section 196(7)(a) of the Constitution, following the approval of the National Assembly after a public notice process and a recommendation by a committee of the National Assembly. One commissioner for each province is appointed by the President in terms of section 196(7) (b) of the Constitution, following a nomination by the Premier of the province after a public notice process and a recommendation by a committee of the provincial legislature and approved by that legislature. The PSC plays no role in the appointment of Commissioners.

As at February 2021, the PSC had four vacancies of Commissioner. These posts have been vacant from:

- a) One posts at national level vacant from 25 April 2019
- b) Three posts at provincial level:
 - Mpumalanga, vacant from 1 April 2019;
 - KwaZulu-Natal with effect from 1 September 2019; and
 - Limpopo, vacant from 24 August 2020.

Some of the vacancies have been vacant for extended periods. The vacancies impact negatively on the operations of the PSC, as Commissioners are closely involved in the implementation of the mandate of the PSC in departments, such as the investigation of grievances and complaints, management of NACH cases, conducting inspections, etc.

Internal human resource capacity

For the past four years, the OPSC has been operating at an average vacancy rate of 6.4%. In the current financial year, the vacancy rate at the Middle Management Service (MMS) level is the highest at 8%, followed by the SMS at 6%. The post of Deputy Director-General: Corporate Services was abolished in March 2019 and two posts of Chief Director: Chief Financial Officer (CFO) and Chief Director: Personnel Management Practice was created, upon advice from the MPSA. This split is also in harmony with the National Treasury issued CFO Handbook, which among others advises departments on how to constitute the Office of the CFO and how the CFO must relate with the Accounting Officer.

A major challenge for the PSC remains the human resources capacity in respect of the number of employees, as well as specialist skills covering the wide mandate of the PSC. The PSC is currently implementing a programme aimed at improving the mediation skills of Commissioners and selected employees to enhance our ability to effectively deal with grievances and complaints and ensure more speedy resolution. To save costs, the PSC's training interventions are implemented through its Memoranda of Understanding with institutions of higher learning.

The Department of Public Service and Administration (DPSA), Department of Performance

Monitoring and Evaluation (DPME) and National Treasury have an extensive list of compliance requirements in relation to Human Resources Management, Planning, Skills, Employment Equity, Promotion of Access to Information, Monitoring and Reporting, Information Communication Technology, Risk and Ethics management, Legal Services, etc. The red-tape associated with these requirements has a negative impact on existing capacity. The Forum for South African Directors-General also took issue with compliance and reporting requirements from various bodies.

For example, society has become more litigious and the risk of legal action has increased. The PSC is now being legally challenged regarding our recommendations, directions and advice, while our Litigation and Legal Services Directorate only consists of two posts.

COVID-19 has also put additional strain on our cleaning staff, and there is no scope to appoint additional staff to meet the added health and safety requirements. The PSC has at various fora expressed a concern that the Public Service has created a compliance-based environment, resulting in compliance fatigue, as opposed to a value-based paradigm.

In the area of Information and Communication Technology, the PSC is making use of savings to enhance the required human resource capacity, as without this capacity the PSC will not be able to utilise its automated systems. However, COVID-19 posed a significant challenge to the PSC in relation to the need to create the technological conditions, in a short period, to get most of our employees working remotely and for our managers, as leaders to quickly adapt to managing a remote workforce and ensure productivity. COVID-19 has exposed the PSC as lagging far behind the level required in embracing the 4th Industrial Revolution (4IR). Unfortunately, no financial and human resources are available to address this serious challenge.

Challenges brought about by COVID-19

The challenges brought about by COVID-19, coupled with the need to ensure compliance with continuously updated COVID-19 regulations, have necessitated changes to how the PSC works and engages with stakeholders. In particular, the PSC is now placing reliance on technology supported engagements with stakeholders as part of its research and investigation processes while also reviewing its research methodologies to minimise contact. Although these mechanisms have great potential to fast track the adoption of 4IR, their deployment is still at its infancy and the supporting infrastructure in many government departments remains weak and unstable, thus necessitating the need for both infrastructure support, including review of human resource, asset management and communication and Information Technology (IT) policies, and capacity development for many employees.

Notwithstanding the above, the core of the PSC's mandate is rooted in the promotion and evaluation of the constitutional values and principles (CVPs). For this purpose, the PSC employs a participatory and interactive approach with its stakeholders and key role players in public administration towards seeking practical solutions to improve service delivery. It is worth mentioning that there has been a definite impact on the work of the PSC, especially on the methodologies the PSC implements to promote the CVPs, evaluate the effectiveness and efficiency of service delivery models implemented by government and in reporting on departments' implementation of the CVPs. The pandemic has caused the PSC to rely more heavily on technology and secondary data and has provided it with the opportunity to collaborate much closer with the centre of government departments. The PSC is taking stock of innovative service delivery models implemented by government locally and globally during the pandemic and strengthen

efforts to advise departments on such good practice (pockets of excellence). In its efforts to mainstream the CVPs in government, the PSC is using alternative mechanisms to engage departments and citizens on the receiving end through publishing opinion pieces and inviting discussion of its work around the CVPs through webinars and other technological or social platforms.

Improvement of organisational performance

The PSC has placed emphasis on the improvement of organisational performance, doing more with less through various efficiencies, and improving on its audit outcomes. Significantly, the PSC achieved an unqualified audit outcome opinion in the 2019/20 financial year. During the past few years, much emphasis was placed in improving the turnaround time in dealing with grievances and public administration investigations through the review of standard operating procedures. Another reason for the unqualified audit outcome opinion is ascribed to stronger controls, accountability and governance in performance information. The PSC has also made significant efforts to improve the functionality of the Integrated Grievance and Complaints Management System, which is an automated case management system.

Over the past few years, the PSC has reported on the establishment of a Data Warehouse which is aimed at collecting data at a central point from various sources to enable the PSC to quantitatively analyse Public Service issues and trends. The main advancement last year was that analytical reports could be generated from the Data Warehouse where data is systematically collected in standardised formats for all departments. The reports can either be for a department, a sector or a specific indicator like 30 day payment of invoices. The PSC will over time increase the number of indicators for which data is collected and advance from there to download data from a transversal and other systems to look for patterns and significant trends in the data.

Gender and Disability Mainstreaming

The OPSC annually reviews and submits the Gender and Disability Mainstreaming Programme of Action to the DPSA. The programme looks at the progress recorded against set objectives. An annual meeting was also hosted in October 2020 to discuss the “*The HOD 8 Principle Action Plan for Promoting Women’s Empowerment and Gender Equality within the Public Service Workplace*”. A Sexual Harassment Committee was established in July 2020. The Committee comprises of nine women and five men at SMS and MMS level and aims to promote a safe working environment that is free of sexual harassment. An awareness campaign on Gender Based Violence was implemented through posters on 16 days of Activism against Women and Child Abuse. In addition, training was conducted on Leading Change by Championing Gender Equality in the Workplace.

As at January 2021, the representation of females in the SMS of the OPSC was 51% and at the MMS it was at 47%. Although there is no Public Service wide target for representation at the MMS, the OPSC believes that it can only attain the required target if a strong cohort of middle managers has the requisite skills and capacity to be promoted to the SMS.

Challenges with office accommodation

The PSC has provincial offices in all the provinces, with a small complement of around 10 employees, supporting Provincially Based Commissioners in executing the mandate of the PSC in the provinces. The ergonomics of some provincial offices are not conducive to the occupational health and safety of employees, which is compounded by the additional COVID-19 requirements,

yet the Department of Public Works and Infrastructure (DPWI) has been unresponsive to the PSC's attempts to address these issues. Some of the PSC's offices are also not in all respects compliant with the mandatory Minimum Physical Security Standards, due to a lack of responsiveness of the DPWI/ Landlords and a lack of financial resources.

Broad-based Black Economic Empowerment

The PSC has, since 2018/19, set performance standards in its Annual Performance Plan to measure the appointment of service providers who meet the B-BBEE requirements and have exceeded its target in this regard. When the PSC tabled its Adjusted Annual Performance Plan to Parliament in July 2020, the indicator was adjusted upwards from 10% to 40% Percentage of B-BBEE suppliers appointed to ensure that the PSC promotes the appointment of the B-BBEE suppliers in its procurement. During the period 01 July 2020 to 31 December 2020, percentage of B-BBEE compliant suppliers appointed by the PSC was 55,9%.

3.3 External environmental analysis

Economic impact

COVID-19 has turned the global economy upside down, as economic activity was brought to a near-standstill in many countries. Early estimates predicted that most major economies would lose at least 2.4% of the value of their gross domestic product over 2020, leading economists to reduce their 2020 forecasts of global economic growth down from around 3.0% to 2.4%⁶. However, should COVID-19 outbreaks persist, and restrictions to movement continue or be reintroduced, the global growth could shrink by almost 8% in 2020⁷. During the Supplementary Budget Vote Speech of the Minister of Finance, held in June 2020, Minister Mboweni indicated that the South African economy is expected to contract by 7.2% in 2020⁸. This is the largest contraction in nearly 90 years.

Minister Mboweni indicated that *"Never before has government worked together so closely with the private sector, labour, community and the central bank. Standing as a united people, it is clear we can achieve anything. Government's COVID-19 economic support package directs R500 billion straight at the problem"*.

Impact on service delivery

During the COVID-19 pandemic, many public servants worked under life-threatening circumstances. They were expected to deliver services despite the pandemic, while at the same time suffering its impact, by either being directly infected or having family members who were infected. The cardinal principle of the Public Service is that of continuity. In this regard, the PSC during the initial stages of the national lockdown worked with serviced delivery departments to ensure that services were rendered and the needs of citizens are responded to.

Impact on the operations of the Public Service

The challenges created by COVID-19 have highlighted the importance of leadership across all levels of government. In particular, and in the exception of the health sector, policing and security

⁶ <https://www.statista.com/topics/6139/covid-19-impact-on-the-global-economy/>

⁷ <https://www.worldbank.org/en/news/feature/2020/06/08/the-global-economic-outlook-during-the-covid-19-pandemic-a-changed-world>

⁸ 2020 Supplementary Budget Speech: Tito Titus Mboweni, MP, Minister of Finance. 24 June 2020

as well as social security protection, the introduction on the lockdown has had a negative impact on the operations of many government departments due to the inaccessibility of government officials onsite, traditional structuring of occupations, lack of appropriate tools of the trade and supporting IT systems, as well as supporting skills to facilitate minimum to effective remote working for many employees. It is for this reason that some employees have been generally unproductive and ineffective during the various stages of the lockdown. In addition, the measures put in place to flatten the spread of COVID-19 have highlighted serious weaknesses in our existing Human Resource Management (HRM) as well as Labour Relations frameworks and policies. Such challenges include a lack of systems to manage remote and rotational working arrangements, and the non-flexibility of different parties in dealing with issues of mutual interest during a crisis.

Notwithstanding the weaknesses, the COVID-19 experience has indicated that the Public Service can adopt hybrid modes of working and service delivery, thus reducing the need for daily commuting to the office by all employees whilst also contributing towards reduced traffic, as well as water and electricity consumption at the office. On the contrary, the savings from the employer are likely to result in increased expenses for employees who work from home. In addition, hybrid modes of working highlight possible challenges on issues of employee health and safety for employees and the safety of the employers' assets whilst working from home and commuting with assets such as computers between home and the place of work. These issues necessitate the need to review various Public Service frameworks and policies.

COVID-19 has also brought with it opportunities. For instance, when citizens do not have any recourse where departments are failing them during this difficult time they will turn to the institution that is constitutionally mandated to promote the values of responsiveness, professional ethics, accountability and transparency. The PSC has therefore focused on removing blockages, providing recourse to those citizens and ensuring redress. Already the PSC is inundated with complaints from irate suppliers whose invoices are not timeously paid by government departments, despite services being rendered. Involving small businesses in Public Service procurement is part of government's strategy for job creation, poverty alleviate and growing the economy. Failure by government departments to pay invoices of small businesses can only be viewed as counterproductive to these critical government imperatives.

Ethical leadership and anti-corruption

The NDP Vision 2030 addresses the need for a developmental state that is capable, built on strong leadership, sound policies, skilled managers and workers, accountability and observance of the rule of law. The NDP adds that the capable state cannot materialise by decree, but that it has to be built, brick by brick, institution by institution, and sustained and rejuvenated over time.

This will require a Public Servant that takes pride in the human value of taking personal responsibility for the quality of work, professional conduct, professional decisions and advice. A Public Servant should never say "I was instructed" but should always apply his/her mind (in line with their technical professional expertise) and take reasonable and lawful administrative action. Similarly, an Executive Authority should never say "I was advised". The Life Esidimeni tragedy gave us these two lessons. In this regard, the PSC in October 2020 issued a Circular to all Executive Authorities and Heads of National and Provincial departments regarding unlawful instructions to public servants, wherein it was amongst others emphasized that all instructions to public servants must be lawful. Due to the positive response to the circular, the PSC will in the medium term put emphasis on further disseminating this message.

An ethical leader is essentially someone who sincerely believes in a service ethos – of serving his or her country and fellow citizens. He or she does not enter into the Public Service to become rich or elitist, but to contribute towards the development of all South Africans and to be responsive to their needs. The ideal public servant should live by a service-oriented ethos and strive relentlessly to better other peoples' lives.

Corruption is a major hindrance to good governance in the public sector. As a result, government has tasked business, civil society and public sector to tighten anti-corruption measures as part of a mechanism to prevent and curb corruption. However, it is evident that these mechanisms have not yielded much needed results due to the failure of governance that we have observed in the procurement of Personal Protective Equipment during the COVID-19 pandemic which involved both public servants and the private sector. It is for this reason, that the PSC in October 2020 hosted a Virtual Roundtable, amongst others addressing the a) implementation of the constitutional principle of Efficient, Effective and Economic use of resources in the procurement environment, and b) the challenges experienced during COVID-19 within the procurement environment and the financial implications of these challenges on the fiscus.

Conflict of interest is a major contributor to corruption in our public institutions with the foundation being the abuse of power, which erodes the moral fibre of society. In order to address the challenge of conflict of interest and abuse of power, we need to go back to the basics, such as recruitment processes should be thorough. This means when recruiting and selecting candidates, we need individuals who are acutely aware of their public duty, which is to serve the people of South Africa. The PSC has thus commenced with a study on ethics in recruitment and selection processes in the Public Service.

The PSC has also conducted Ethical Leadership Seminars in collaboration with selected Universities. The seminars create a platform for the citizen to meaningfully participate in the promotion of ethics and to share information on good practice in fighting corruption. It is the PSC's considered view that similar continuous engagement on topical issues centred on the fight against corruption will gradually influence the mind-set shift from a culture of impunity to zero tolerance against corruption.

The National Anti-Corruption Hotline provides a 'one-stop' mechanism for members of the public to report acts of corruption and creates an opportunity for different role-players to cooperate better in receiving and handling allegations of misconduct. Indeed, the NACH has turned out to be a widely used mechanism to report corruption, and the PSC has witnessed an increase in the level of its utilisation. As a result of the enhancement of the NACH through the GCIS and utilisation of Criminal Asset Recovery Account (CARA), the PSC has noted an increase in the reporting of cases. During 2019/2020, 1591 case reports were generated as compared to the previous financial year 2018/2019, 1076 case reports were generated.

Resolutions / recommendations of Parliament

The National Assembly has adopted various resolutions/ recommendations by the Portfolio Committee on Public Service and Administration/ Planning, Monitoring and Evaluation and the Standing Committee on Appropriations for implementation by the PSC in the current financial year, which will impact on the key projects to be undertaken by the PSC in the medium term. These are:

PARLIAMENT RESOLUTIONS/ RECOMMENDATIONS	COMMENT
The PSC should investigate reasons causing delays in closing disciplinary cases in the Public Service as the situation cost government million of Rands, whilst suspended officials are idling at home	<p>The PSC has engaged with the DPSA on the role of the Technical Assistance Unit (TAU) in dealing with such matters and it was confirmed that the TAU is currently monitoring issues related to suspensions and disciplinary matters.</p> <p>The PSC will await a report from the DPSA on the outcome of the process they have initiated in monitoring the management of discipline (which includes suspensions).</p>
Monitoring Government Departments' spending on COVID-19 related activities	The PSC does not have the capability or the infrastructure to monitor government's spending as the function resides with National Treasury. The PSC has received information from the National Treasury on monthly expenditure in relation to the Covid-19 response for all votes/ departments up to November 2020. The information received will be analysed.
To conduct a Study on negligence and the state of the public Health system caused by the health professionals in Hospitals	The PSC has engaged the Department of Health who is investigating the matter to establish what the investigation's terms of reference is to avoid duplication.
Regarding the Framework on Thusong Service Centres, the Committee recommended that service level agreements (SLAs) be signed between the Department of Cooperative Governance and Traditional Affairs (CoGTA), as the policy sponsor of these centres and other relevant transversal departments looking after oversight in the Public Service, as well as those that render services in the centres	The PSC has advised that COGTA, with the assistance of DPSA identifies the relevant departments that render services at Thusong Service Centre. Furthermore, COGTA develops the SLAs for signature with such departments. The DPSA should support COGTA since they have been the custodian of Thusong service centers. This will also assist COGTA as they assume this task.
Undertake a comprehensive research study into the critical skills capacity shortages in all structures of government and report accordingly to Parliament.	The DPSA has confirmed that a toolkit for skills audits has been developed. The DPSA is still preparing to train departments on the implementation of the tool because each department is expected to conduct its own audit and then share the results with the DPSA. Once the implementation process has started, DPSA will be able to share the results with the PSC to enable the PSC to formulate its independent opinion and propose recommendations.
Assess whether those employed with or without the necessary qualifications are able to perform their duties optimally	The PSC will conduct a brief assessment on this matter. Due to capacity constraints, the scope and focus of the assessment is still to be determined.

3.4 Recent statistics relevant to the PSC

Various strategic interventions have been identified and mechanisms to operationalize identified projects to contribute to the attainment of Priority 1.

The development of the PSC's Theory of Change and the identification of the strategic intervention projects have taken into consideration the routine outputs that the PSC delivers on so as to maintain its sustained agenda as informed by its Constitutional and Legislative mandate. These routine outputs are delivered at national and provincial level and also serve as a basis for the baseline information provided in the setting of progressive targets for both the Strategic and Annual Performance Plan for the period 2020/21- 2024/25.

Grievance Management

Section 196(4)(f)(ii) of the Constitution mandates the PSC to investigate grievances of employees in the Public Service concerning official acts or omissions. In terms of fair and sound labour relations practices, all employees in the Public Service have the right to be treated with dignity, equality and fairness. This amongst others implies that grievances of employees should be dealt with in a manner that does not prejudice any employee and affords employees a fair and just opportunity to have their grievance resolved to their satisfaction. The PSC through its mandate, as provided for in section 196(4)(f)(ii) of the Constitution considers grievances of public servants and makes recommendations *“that an Executive Authority acts in terms of a particular provision of the Public Service Act or any other law”*.

The trends analysis in **Figure 3** below shows that the number of grievances referred to the PSC over the period 2017/18 to 2019/20 have marginally increased. By the end of the Third Quarter of the 2020/21 financial year (31 December 2020), 521 grievance case were registered on the database.

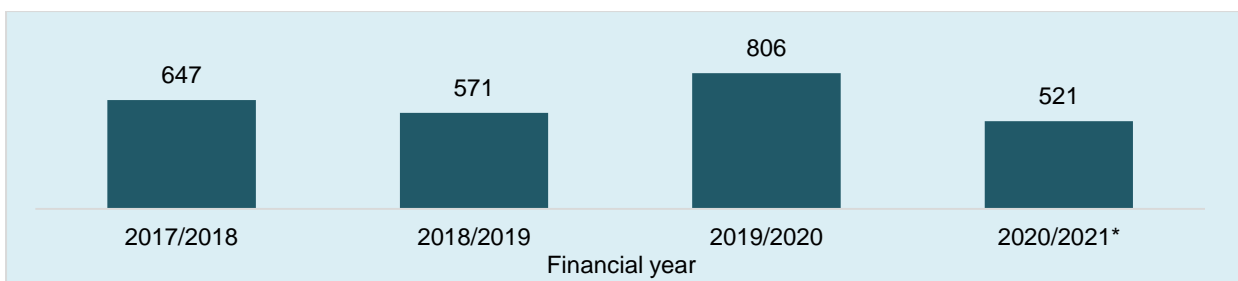


Figure 3: Trends analysis of the number of grievances referred to the PSC over the period 2017/18 to 2020/21 (* 3rd Quarter Information)

The reason for the increase in the number of grievances referred to the PSC may be attributed to increased awareness and impact of the PSC's work as well as a range of proactive strategies adopted by the PSC to educate employees in various areas of human resource management and labour relations. In addition, the PSC has been providing guidance and support to departments in the management of grievances closest to the point of origin through various advocacy sessions, capacity building initiatives, engagements with specific departments and publications. The proactive engagements have contributed towards increased awareness among employees and the internal resolution of grievances by departments and in some instances the withdrawal of grievances by employees once clarity on the implementation of prescripts are provided. In addition, the PSC shares critical information such as case law with departments on key human resource management and labour relations issues to empower departments so they do not repeat similar mistakes. The impact of COVID-19 on labour relations is unpredictable, however, it is anticipated that the number of cases that are referred to the PSC might increase or decrease due to multiple factors, including, a reduction or increases in the number of cases lodged in departments and failure by departments to finalise grievances on time. As such the PSC will monitor trends in this regard on a quarterly basis.

In the next five years, the PSC will continue to investigate grievances that are referred to or lodged with the PSC. The PSC will continue to publish reports and factsheets on grievance management in the Public Service, as well as engage with departments individually and collectively on key topical issues that are identified during the investigation of grievances and the monitoring of grievance trends in the Public Service. In addition, the PSC will implement information sharing

and capacity building sessions in the Public Service in collaboration with the bargaining councils.

Public Administration Investigations

The PSC Rules on Conducting Investigations⁹ have been specifically designed to provide a framework for lodging complaints on public administration matters and for the PSC to investigate the complaints as contemplated in section 196(4)(f)(i), (iii) and (iv) of the Constitution.

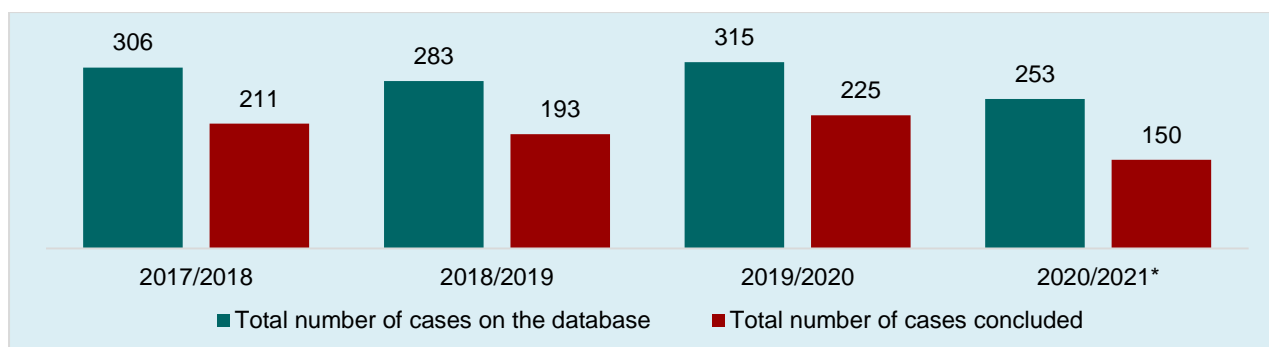


Figure 4: Trends analysis of the management of complaints over the period 2017 to 2020

* 3rd Quarter information

The trends analysis in **Figure 4** above shows an increase in the number of complaints lodged and closed by the PSC over three years. By the end of the Third Quarter of the 2020/21 financial year (31 December 2020), 253 complaints were registered on the database, of which 150 were finalised.

A trend has emerged wherein the scope and complexity of investigations have increased resulting in more resources being assigned to a single investigation at a time and investigations spanning over extended periods. Although departments have expressed a willingness to fund the PSC's investigations, the National Treasury has not supported that the PSC "charge" for its services. The impact of the lack of funding for travel and subsistence for investigators also impedes negatively on the PSC's ability to effectively conduct public administration investigations.

The PSC will continue to conduct investigations on complaints lodged with the PSC over the next five-year strategic planning period. Consistency and uniformity in the handling of complaints will be ensured through the process of reviewing the existing PSC Rules on conducting investigations, and the establishment of standard operating procedures for the handling of complaints lodged with the PSC. The PSC will also continue to conduct own accord investigations as provided for in section 196(4)(f) of the Constitution.

The focus of the PSC in the next five years in respect of investigations will be aimed at achieving the following, among other things:

- a) A responsive, ethical and values driven Public Service, ensuring quality service delivery.
- b) A professional, patriotic, committed and responsive public servant.
- c) Good governance culture and people centred public administration.
- d) An effective accountability framework for the Public Service.
- e) The PSC delivering on its Constitutional mandate effectively and efficiently, among others, conducting investigations on complaints lodged with the PSC.

⁹ PSC Rules on Conducting Investigations, published in Government Gazette No 40552 dated 20 January 2017

Monitoring of service delivery sites

Due to the overall budget reductions, the PSC had to be strategic in the prioritisation of focus areas during the 2019/20 financial year, which resulted in a limited number of service delivery inspections. The PSC conducted unannounced inspections at selected hospitals in the Eastern Cape following media reports on the dire state of the facilities.

As part of the 2019 Public Service Month, the PSC conducted follow-up inspections at selected hospitals in Gauteng, which included a dialogue on the Constitutional Values and Principles, understanding the practical implications on the daily duties of public servants.

Given its mandate to promote the CVPs, and propose measures to ensure effective and efficient performance within the Public Service, the PSC conducted unannounced inspections at schools during 2020/21. These inspections were conducted at selected primary and high schools in eight of the nine provinces during the first two weeks of June 2020 to assess compliance with the minimum health, safety and social distancing requirements in mitigation of Covid-19 during the reopening phase for grades 7s and 12s.

Promotion of constitutional values and principles in the Public Service

The PSC has a constitutional mandate to promote and monitor compliance with constitutional values and principles in the course of the rendering of services to the public and consequently set the following objectives for the CVP programme:

- a) To promote compliance with the CVPs in the Public Service;
- b) To evaluate whether the intention of the public administration values and principles is achieved on an outcome level;
- c) To determine how institutional processes can be changed to make sure that the Public Service is values-driven rather than (only) by law and regulations;
- d) To ensure the contextual application of the principles;
- e) To identify systemic public administration issues, which are currently hampering the development of the Public Service, rather than a list of deficiencies, and make recommendations to change key features of the institution of the Public Service; and
- f) To issue directions where personnel procedures are not adhered to.

The promotion of the constitutional values and principles is aimed at fostering a positive behavioural change in public servants and the Public Service to ensure that services are delivered in a responsive, caring and ethical manner, among other things.

During the 2019/20 financial year, the PSC conducted 58 promotional engagements. These engagements focused on ensuring that the values and principles are understood, adhered to and find expression in public administration and within society. The engagements have affirmed the PSC's view that all public servants and leaders need to be constantly reminded of the CVPs and develop a concern for impact and responsiveness to citizens' needs.

What is more, the PSC in partnership with the SA-EU Dialogue Facility and the University of South Africa (UNISA), hosted a dialogue on a values-driven public sector: building state capacity through professional ethics and integrity. The main objective of the dialogue was to create a platform for knowledge building and experience sharing between like-minded EU and South Africa stakeholders on the critical challenges and opportunities related to strengthening ethics and

integrity in the Public Service and embedding constitutional values.

As a means to promote the CVPs, the PSC developed a Guide on the Constitutional Values and Principles Governing Public Administration, which begins to define what the values and principles mean for the paradigm of public administration practised in South Africa and how practice should change to create a Public Service that really complies with these values and principles.

Due to the impact of COVID19, the Branch had to revise its promotional engagement methodology and subsequently conducted promotions of the CVPs via the media through opinion pieces and media statements and avoid personal contacts.

Management of the Public Sector National Anti-Corruption Hotline

A further mechanism to prevent and combat corruption is the NACH. Government has introduced the NACH for departments, public entities and local government in September 2004 through a Cabinet Decision of 14 August 2003. Cabinet decided that a single Anti-Corruption Hotline for the Public Service should be established to replace all existing anti-corruption hotlines in departments and agencies and that the NACH should be managed by the PSC. The investigation or resolution of NACH cases has been a challenge since its inception, and has been a MTSF commitment for a number of years and departments are expected to resolve 80% of cases lodged with the NACH per quarter. The PSC monitors the resolution of these cases.

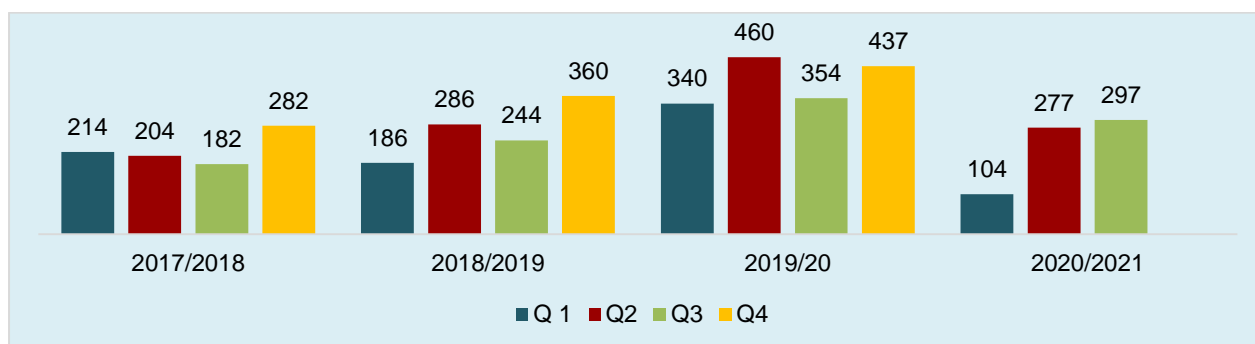


Figure 5: Trends analysis of NACH cases referred by the PSC and closed by departments over the financial years 2017/18 to 2020/21

* 3rd Quarter information

Figure 5 shows the trends analysis of cases of alleged corruption reported to the NACH on a quarterly basis in the 2017/2018-2020/2021 financial years. The figure shows that in the first quarter of 2019/2020 financial year, there was a surge in the number of cases (**340**) compared to 2017/2018 financial year with **214** cases. This is because the PSC embarked on a series of awareness campaigns aimed at extending its footprint in the fight against corruption. There was decline of cases in the first quarter of the 2020/2021 financial year by **104** cases. The decline was due to COVID-19 national lockdown that has affected the smooth operation of the call centre facility, particularly in April 2020.

There was a surge in the number of cases (**460**) in the second quarter of the 2019/2020 financial year compared to 2018/2019 financial year with **286** cases. Notably, in the third and fourth quarters of the 2019/2020 financial year, there was an increase in the number of cases while in the third and fourth quarters of 2017/2018 financial year, there was a decline in the cases reported. This is mainly because the NACH was operating **8** hours per day without full staff complement.

Between 2004 and 2016, the NACH was operational 24 hours a day and was contracted to a third party to receive calls, generate reports and maintain a database management software system until December 2016 and the cost for these services was slightly in excess of R4 million annually. Due to its financial constraints, the PSC introduced in-house management of the NACH in January 2017 in order to reduce costs and to enhance data management security.

The reduction in cases between the 2016/17 and 2018/19 financial years can be ascribed to a number of reasons:

- a) Teething problems experienced with the new Case Management System (CMS).
- b) The NACH Call-Centre is operational five (5) days a week and (8) hours and 30 minutes per day (between 08:00 AM and 16:30 PM). This is due to lack of sufficient funding to appoint adequate employees to man the Call-Centre for longer hours. To deal with the challenge of shorter operating hours, a recording facility is available to allow callers to leave messages after hours and over weekends.
- c) Despite the PSC's intervention, there was no dedicated (ring-fenced) budget for NACH.

During the 2019/2020 financial year, a total of **61 888** incoming calls were received out of which **1591** cases were generated. This number is high as compared to the 2017/2018 and 2018/2019 financial years. This can be attributed to a large volume of calls from members of the public reporting complaints regarding allegations of social grant fraud at SASSA. It needs to be mentioned that SASSA has continued to market the NACH consistently which helped the members of the public to report social grant fraud. All SASSA cases were investigated and are regarded as finalised.

The PSC will continue to manage the NACH as a mechanism to report fraud and corruption in the Public Service. To maximize its utilization in the combating and prevention of corruption, the NACH needs to be operationalized 24 hours a day throughout the year. The access to the NACH by the public and public officials would ensure the realization of the capable, ethical and developmental state through the reporting of fraud and corruption.

The Portfolio Committee on Public Service and Administration directs that the NACH is an essential service and it should remain in the custody of the Public Service Commission.

Management of the Financial Disclosure Framework

In terms of Regulation 18(1) of the Public Service Regulations, 2016, all members of the SMS in the Public Service are required to disclose all their registrable interests annually to their respective Heads of Department (HoDs), by no later than 30 April each year. The MTSF envisages 100% compliance with the disclosure of interests.

In terms of Regulation 21(1)(a) of the Public Service Regulations, 2016, the PSC is required to scrutinise the financial disclosure forms of Members of the SMS. The purpose of the scrutiny is to assess compliance with the requirement to disclose all financial interests and also establish whether the involvement of officials in any activities of the companies could lead to conflicts of interest.

The scrutiny of the financial disclosure forms involves the verification of information provided in the financial disclosure forms against the information contained in the Companies and Intellectual Property Commission Deeds Registry and the National Traffic Information System databases. The

PSC also assesses the extent to which SMS members are engaged in work outside their normal employment in the relevant Departments.

The PSC will continue to conduct scrutiny of the financial disclosure forms of SMS members but will adopt a risk-based approach to do this. Particular focus will be on topical and critical issues prevailing at a particular point in time.

The PSC will also explore the possibility of automating the scrutiny process in line with the 4th IR.

Promotion of professional ethics in the Public Service

In terms of Section 195 of the Constitution of the Republic of South Africa, the PSC is required to promote professional ethics in the Public Service. Given this Constitutional mandate, the PSC would raise ethics awareness through the promotion of Code of Conduct in the Public Service, ethical leadership dialogues and commemoration of international events such as the International Anti-Corruption day.

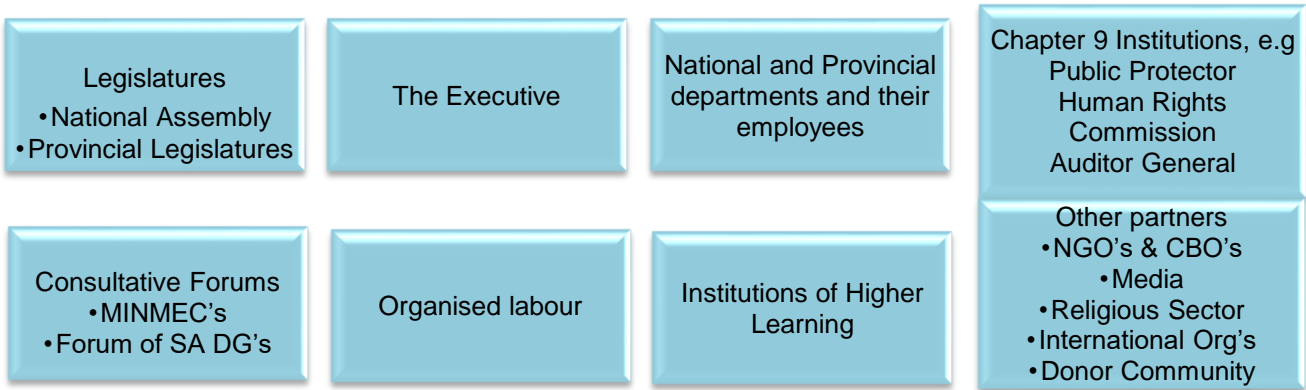
Disciplinary Proceedings on Financial Misconduct

In terms of the Public Finance Management Act, 1999 (PFMA) read in conjunction with the Treasury Regulations, 2002, accounting officers of departments are required to report on the outcome of completed disciplinary proceedings on financial misconduct, to amongst others, the PSC. Given the Constitutional mandate of the PSC, it monitors and evaluates amongst others how departments are managing financial misconduct, which is part of ensuring that the Public Service maintain a high standard of professional ethics.

The PSC will continue to produce on an annual basis an overview of completed disciplinary proceedings in respect of financial misconduct. The overview is aimed at reflecting on actions taken by departments institutionalizing consequence management on cases of financial misconduct.

3.5 Relevant stakeholders which contribute to the achievement of the PSC's outcomes

Figure 6: Relevant stakeholders which contribute to the achievement of the PSC outcomes



PART C: MEASURING OUR PERFORMANCE

4. INSTITUTIONAL PERFORMANCE INFORMATION

In line with the new planning requirements outlined in DPME's Revised Framework for the Strategic and Annual Performance Plans (2019) (FSPAPP), the PSC in 2019 adopted the Theory of Change as its planning methodology in order to map its strategic focus and interventions to the kind of change or desired state of the Public Service it wants to effect in line with its constitutional mandate.

A high-level summary of PSC's Theory of Change for 2020/21- 2024/25 is presented as follows:

Problem Statement

Lack of ethical leadership, accountability and consequence management in the Public Service negatively affects **the professional behaviour** of public servants, thus resulting in **non-responsiveness** of, ineffective and inefficient Public Service, among other things, to deliver services to the public.

Unit of analysis

- **Unprofessional** behaviour of public servants
- **Non-responsiveness** of the public service to deliver services.

Proposed Solution

Unprofessional behaviour of public servants and non-responsiveness of the Public Service will be addressed through the **institutionalisation and promotion of the constitutional values and principles** at an **organisational and individual level**. It is believed that this intervention will have a positive effect on leadership, management and systems in the Public Service thus contributing to a value-driven Public Service that is caring and responsive in the delivery of services to the public.

4.2 PROGRAMME 1: ADMINISTRATION

Purpose: The programme provides overall management of the PSC and centralised support services.

The Programme consists of the following Sub-programmes:



4.2.1 Outcomes, Outputs, Performance Indicators and Targets

Outcomes	Output	Output Indicator	Audited/Actual Performance			Estimated Performance	Medium-Term Targets		
			2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24
A strong & well-functioning PSC	Unqualified audit outcome opinion	Unqualified audit outcome opinion obtained	Unqualified audit outcome opinion	Unqualified audit outcome opinion	Unqualified audit outcome opinion	Unqualified audit outcome opinion	Unqualified audit outcome opinion	Unqualified audit outcome opinion	Unqualified audit outcome opinion
	Percentage of valid invoices paid within 7-14 working days of receipt	Percentage of valid invoices paid within 7-14 working days of receipt by March 2022	New indicator	New indicator	100%	100%	100%	100%	100%
	Promotion of Access to Information Act, Section 15 Notice submitted	Promotion of Access to Information Act, Section 15 Notice submitted to DoJCD by March 2022	New indicator	New indicator	PAIA Section 15 Notice submitted to DoJCD	PAIA Section 15 Notice submitted to DoJCD by March 2021	PAIA Section 15 Notice submitted to DoJCD by March 2022	PAIA Section 15 Notice submitted to DoJCD by March 2023	PAIA Section 15 Notice submitted to DoJCD by March 2024
	Percentage of B-BBEE suppliers appointed	Percentage of B-BBEE suppliers appointed by March 2022	New indicator	New indicator	10%	58%	40%	40%	
	Quarterly bulletins produced	Number of quarterly bulletins produced by March 2022	New indicator	New indicator	4 (New indicator with baseline information)	4	4	4	4

4.2.2 Indicators, Annual and Quarterly Targets

No	Output Indicators	Annual Target 2021/22	Quarterly Targets			
			1 st	2 nd	3 rd	4 th
4.2.2.1	Unqualified audit outcome opinion obtained	Unqualified audit outcome opinion		Unqualified audit outcome opinion		
4.2.2.2	Percentage of valid invoices paid within 7-14 working days of receipt by March 2022	100%	100%	100%	100%	100%
4.2.2.3	Promotion of Access to Information Act, Section 15 Notice submitted to DoJCD by March 2022	Section 15 Notice of PAIA submitted to DoJCD	-	-	-	Section 15 Notice of PAIA submitted to DoJCD by 31 March 2022
4.2.2.4	Percentage of B-BBEE suppliers appointed by March 2022	40%	-	-	-	40%
4.2.2.5	Number of quarterly bulletins produced by March 2022	4	1	1	1	1

4.2.3 Explanation of Planned Performance Over the 5 Year Planning Period

As indicated above, the focused approach by the Presidency in the implementation of Priority 1 through the NDP 5-year Implementation Plan and the Medium Term Strategic has enabled the PSC to identify four Outcomes that would contribute towards building “*A capable, ethical and development state*”. The expected results from these outcomes are behavioural change in the Public Service at institutional and individual level, on which a capable and ethical state dependent.

In order to continuously ensure the effective, efficient and economical use of our resources, the PSC will strive to achieve an unqualified audit. Various mechanisms have been put in place to mitigate and avoid non-compliance to the relevant legislative prescripts such as the Public Finance Management Act, Treasury Regulations and the DPME’s FSPAPP.

The PSC’s involvement in the non-payment of suppliers in the Public Service has created awareness regarding the importance of transparency and ensuring accountability within Government departments. It has thus decided to review its own standards to ensure that valid invoices are paid within 7-14 working days of receipt, especially due to the dire impact on small businesses.

In order to improve the visibility of the PSC bulletin is published on a quarterly basis, together with opinion pieces on topical issues. These publications also aim to communicate the work of the PSC during a particular quarter, generate high-level debate on the public administration issues and serve as an early warning system in relation to public administration practices.

4.2.4 Programme Resource Considerations

Expenditure Estimates

Programme 1	Expenditure Outcomes			Adjusted Appropriation 2020/21 R' 000	Medium-Term Expenditure Estimates		
	2017/18 R' 000	2018/19 R' 000	2019/20 R' 000		2021/22 R' 000	2022/23 R' 000	2023/24 R' 000
PSC	21,809	25,981	20,584	24,543	24,493	24,442	24,202
Office of the DG	13,459	15,008	15,823	14,595	15,618	15,543	15,342
Corporate Services	52,192	63,586	68,411	22,134	28,907	28,962	28,852
Property Management	38,195	25,242	20,901	22,087	24,852	26,379	27,803
Chief Financial Officer	0	0	0	51,278	43,571	41,687	43,337
Total	125,655	129,817	125,719	134,637	137,441	137,013	139,536

This programme carries the bulk of the budget due to the budget of the Chairperson, Deputy Chairperson and 12 nationally and provincially based Commissioners being part of Programme 1. The number of Commissioners is prescribed in section 196 of the Constitution.

Furthermore, the PSC has centralised its support function and as a result, the budget for Administration is high as it includes the budget for centralised support services e.g. accommodation costs, State Information Technology Agency (SITA) services, training, internal audit, operation lease payments, Auditor General’s fees, etc.

4.3 PROGRAMME 2: LEADERSHIP AND MANAGEMENT PRACTICES

Purpose: The programme promotes sound Public Service leadership, human resource management, labour relations and labour practices.

The Programme consists of the following two Sub-programmes:



4.3.1 Outcomes, Outputs, Performance Indicators and Targets

Outcomes	Output	Output Indicator	Audited/Actual Performance			Estimated Performance	Medium-Term Targets		
			2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24
Sound management and leadership practices in the Public Service	Employer employee relations governance improved through investigation on and conclusion of grievances referred to the PSC by EAs and employees in the Public Service	Percentage of grievances finalised within 30 days (for levels 2-12) of receipt of all relevant information	82% (As at 31 March 2018, a total of 654 cases were registered of which 559 (85.5%) were concluded. The 559 concluded cases include 510 for level 1-12, of which 416 (82%) were concluded within 30 days)	80% (As at 31 March 2019, 571 grievances were registered of which 494 (87%) were for level 2-12. Of the 494 cases, 444 (90%) were concluded of which 355 (80%) were concluded within 30 working days of receipt of all relevant information)	84% (As at 31 March 2020, 806 grievances were registered of which 725 (90%) were for level 2-12. Of the 725 cases, 549 (76%) were concluded of which 460 (84%) were concluded within 30 working days of receipt of all relevant information)	60%	65%	70%	80%
		Percentage of grievances finalised within 45 days (for SMS) of receipt of all relevant information	The 559 concluded cases mentioned above include 49 cases for members of the SMS, of which 45 (92%) were concluded within 45 days	95% (Of the 571 cases on the database, 77 (13%) were for SMS members, of which 61 were concluded, with 58 (95%) of 61 being concluded within 45 working days of receipt of all relevant information)	92% (Of the 806 cases, 81 (10%) were for SMS members, of which 61 (75%) were concluded, with 56 (92%) being concluded within 45 working days of receipt of all relevant information)	60%	65%	70%	80%
	Reports on leadership and human resource practices in the Public Service developed	Number of reports developed on leadership and human resource management practices	2 Research reports	2 Research reports	2 Research reports	2 Research reports with specific emphasis on skills development and ethical recruitment practices	2	2	2
	Monitoring the management of grievances and	Number of reports on grievance management and	3	3	3	3	3	3	3

Outcomes	Output	Output Indicator	Audited/Actual Performance			Estimated Performance	Medium-Term Targets		
			2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24
	efficiency of the grievance procedure in the Public Service and provide advice to departments	efficiency of the grievance procedure produced							
	Improved sound labour relations in the Public Service	Number of grievance communicate produced	2 issues of the grievance management communicate	2 issues of the grievance management communicate	2 issues of the grievance management communicate	2 issues of the grievance management communicate	2 issues of the grievance management communicate	2 issues of the grievance management communicate	2 issues of the grievance management communicate

4.3.2 Indicators, Annual and Quarterly Targets

	Output Indicator	Annual Target 2021/22	Quarterly Targets			
			1 st	2 nd	3 rd	4 th
4.3.2.1	Percentage of grievances finalised within 30 days (for levels 2-12) of receipt of all relevant information	65%	10%	30%	50%	65%
4.3.2.2	Percentage of grievances finalised within 45 days (for SMS) of receipt of all relevant information	65%	10%	30%	50%	65%
4.3.2.3	Number of reports developed on leadership and human resource management practices	2	-	-	-	2 Research reports with specific emphasis on skills development and ethical recruitment practices
4.3.2.4	Number of reports on grievance management and efficiency of the grievance procedure produced	3	-	1 Technical brief on 6 monthly reports on departmental grievance resolution	1 Factsheet on trends analysis of grievances	1 Technical brief on 6 monthly reports on departmental grievance resolution
4.3.2.5	Number of grievance communicate produced	2 issues of the grievance management communicate	-	1 issue of the grievance management communicate	-	1 issue of the grievance management communicate

4.3.3 Explanation of Planned Performance Over the Medium Term Period

In line with government initiatives outlined in Priority 6 of the NDP, the PSC will focus on professionalisation of the Public Service through promoting meritocracy and ethical conduct in the areas of HRM and Leadership practices. It is important to note that effective HRM and Leadership practices would contribute towards sound labour relations, employee productivity and organisational performance. The PSC's contribution will be facilitated through research, monitoring and capacity development on key topical issues relating to, among others, ethical practice in the recruitment process and effective discipline management as well as the effective management of continuous employee development.

While research and monitoring are essential, the PSC's focus in the next five years will be on capacitating departments, inclusive of the employees, through advocacy sessions, strategic engagements and workshops. In particular, the latter interventions will enhance employee skills and the overall capabilities of departments to actively address their operational and strategic challenges in order to facilitate service. Furthermore, the PSC will support the establishment of the administrative Head of the Public Service as this is an essential step in professionalising the Public Service and managing the career incidents of HoDs and other senior management service members.

4.3.4 Programme Resource Considerations

Expenditure Estimates

Programme 2	Expenditure Outcomes			Adjusted Appropriation	Medium-Term Expenditure Estimates		
	2017/18 R' 000	2018/19 R' 000	2019/20 R' 000		2021/22 R' 000	2022/23 R' 000	2023/24 R' 000
Labour Relations Improvement	12,349	12,802	15,244	14,655	14,881	14,763	14,526
Leadership and Human Resource Reviews	6,887	7,505	9,195	9,858	9,460	9,390	9,246
Programme Management: LMP	19,748	21,901	24,552	22,305	23,449	23,309	23,000
Total	38,984	42,208	48,991	46,818	47,790	47,462	46,772

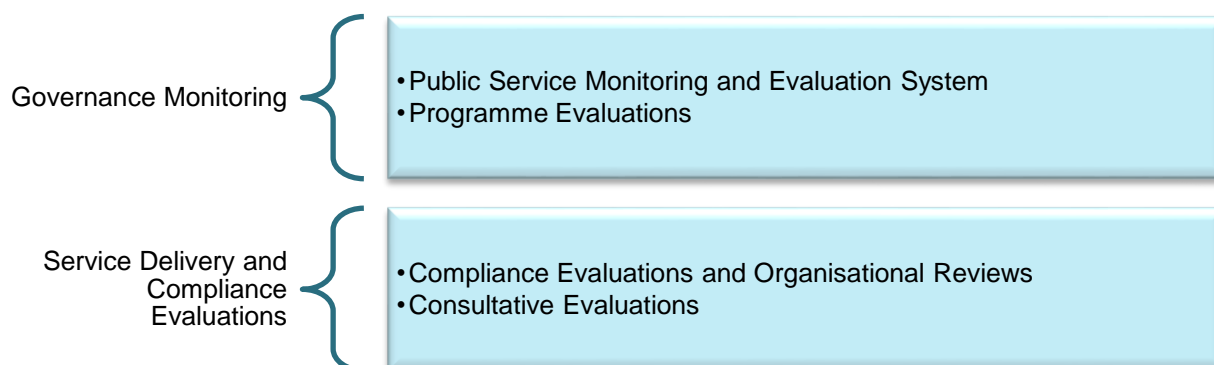
The baseline allocations for Programme 2: LMP over the MTEF period totals R50.12 million, R50.94 million and R46.67 million respectively.

The PSC is a knowledge-based institution and will utilise its current capacity to conduct research. In respect of the investigation of grievances, insufficient funding is available to conduct on-site interviews. The PSC will as far as possible utilise technology-driven solutions to assist with document collection, as well as provide virtual connectivity for interviews. However, not all public servants have access to technology.

4.4 PROGRAMME 3: MONITORING AND EVALUATION

Purpose of the Programme: To improve the functionality of the Public Service through institutional and service delivery evaluations.

The Programme consists of the following two Sub-programmes:



4.4.1 Outcomes, Outputs, Performance Indicators and Targets

Outcome s	Output	Output Indicator	Audited/Actual Performance			Estimated Performance	Medium-Term Targets		
			2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24
An improved service delivery culture in the Public Service	Reports on changed public administration practices	Number of evaluation reports on the impact of changed practice	14	100 quantitative evaluation reports	12 qualitative evaluation reports	25 quantitative evaluation reports	2	2	2
	Reports on the implementation of service standards at selected facilities	Number of inspection reports on the implementation of service standards at selected facilities	<i>New indicator</i>	<i>New indicator</i>	<i>New indicator</i>	8	Inspections at 9 facilities conducted	Recommendations implementation report 9 facilities produced	Report on the service standard (trends at selected facilities) produced
	Approved Section 196 (4)(e) Report produced by 31 March 2022	Number approved of Section 196 (4)(e) Report produced	1	1	1	1	1	1	1
	Reports on selected service delivery processes/ areas in the Public Service	Number of reports on selected service delivery processes/ areas produced	<i>New indicator</i>	<i>New indicator</i>	<i>New indicator</i>	<i>New indicator</i>	1	1	1
	Approved State of the Public Service Report produced by 30 September 2021	Number of approved State of the Public Service Reports produced	<i>New indicator</i>	<i>New indicator</i>	<i>New indicator</i>	<i>New indicator</i>	1	1	1
	CVP Engagements held	Number of CVP promotional engagements held	<i>New indicator</i>	60	58	10	5	5	5

4.4.2 Indicators, Annual and Quarterly Targets

No	Output Indicator	Annual Target 2021/22	Quarterly Targets			
			1 st	2 nd	3 rd	4 th
4.4.2.1	Number of evaluation reports on the impact of changed practice	2	-	-	-	2
4.4.2.2	Number of inspection reports on the implementation of service standards at selected facilities	Inspections at 9 facilities conducted	-	Inspections at 5 facilities conducted	Inspections at 4 facilities conducted	-
4.4.2.3	Number approved of Section 196 (4)(e) Report produced	1	-	-	-	1
4.4.2.4	Number of reports on selected service delivery processes/ areas produced	1				1
4.4.2.5	Number of approved State of the Public Service Reports produced	1	-	1	-	-
4.4.2.6	Number of CVP Engagements held	5	1	2	1	1

4.4.3 Explanation of Planned Performance over the Medium Term Period

Promotion of constitutional values and principles in the Public Service

The PSC has a constitutional mandate to promote and monitor compliance with constitutional values and principles in the course of the rendering of services to the public and consequently set the following objectives for the CVP programme:

- a) To promote compliance with the CVPs in the Public Service;
- b) To evaluate whether the intention of the public administration values and principles is achieved on an outcome level;
- c) To determine how institutional processes can be changed to make sure that the Public Service is values-driven rather than (only) by law and regulations;
- d) To ensure the contextual application of the principles;
- e) To identify systemic public administration issues, which are currently hampering the development of the Public Service, rather than a list of deficiencies, and make recommendations to change key features of the institution of the Public Service; and
- f) To issue directions where personnel procedures are not adhered to.

The promotion of the constitutional values and principles is aimed at fostering a positive behavioural change in public servants and the Public Service to ensure that services are delivered in a responsive, caring and ethical manner, among others.

The aim of evaluating the performance of Public Service departments against the CVPs is to affect a change in public administration processes, so that the public administration and the Public Service better reflect the ideal implied by the CVPs. The form and character of the Public Service should change to make it less internally-focused and more externally-focused – on service delivery and policy-impact. There is a growing consensus on what the problems with the Public Service are, so the approach of the PSC will be less diagnostic (re-emphasising the problems) and more solutions driven – indicating how processes should change. Thus our performance indicator in the APP is now ‘number of processes changed’, rather than number of evaluations conducted. The PSC will only be successful when the positive change has been achieved.

During the past two financial years, the PSC conducted several promotional engagements. These engagements focused on ensuring that the values and principles are understood, adhered to and find expression in public administration and within society. The engagements have affirmed the PSC’s view that all public servants and leaders need to be constantly reminded of the CVPs and develop a concern for impact and responsiveness to citizens’ needs.

What is more, the PSC in partnership with the SA-EU Dialogue Facility and the University of South Africa (UNISA), hosted a dialogue on a values-driven public sector: building state capacity through professional ethics and integrity. The main objective of the dialogue was to create a platform for knowledge building and experience sharing between like-minded EU and South Africa stakeholders on the critical challenges and opportunities related to strengthening ethics and integrity in the Public Service and embedding constitutional values.

As a means to promote the CVPs, the PSC developed a Guide on the Constitutional Values and Principles Governing Public Administration, which begins to define what the values and

principles mean for the paradigm of public administration practised in South Africa and how practice should change to create a Public Service that really complies with these values and principles.

Monitoring of service delivery sites

Given its mandate to promote the CVPs, and propose measures to ensure effective and efficient performance within the Public Service, the PSC conducted unannounced inspections at schools during 2020/21. These inspections were conducted at selected primary and high schools in eight of the nine provinces during the first two weeks of June 2020 to assess compliance with the minimum health, safety and social distancing requirements in mitigation of COVID-19 during the reopening phase for grades 7s and 12s.

Due to the overall budget reductions, the PSC has to be strategic in the prioritisation of focus areas to limit the number of service delivery inspections. Over the medium term, the PSC will explore partnerships with other oversight bodies to facilitate the monitoring of service delivery sites to save costs and possibly extend its footprint. Taking into consideration the social distancing and health requirements due to COVID-19, access to service delivery sites may also be affected.

Service delivery processes/areas

To propose measures to ensure effective and efficient performance within the Public Service during the 2020/21 financial year, the PSC undertook a research study on complaints management within the Public Service to provide practical recommendations for improvements. For the 2021/22 financial year, the PSC will continue with research into a service delivery process/area in the Public Service.

4.4.4 Programme Resource Consideration

Expenditure Estimates

Programme 3	Expenditure Outcomes			Adjusted Appropriation 2020/21 R' 000	Medium-Term Expenditure Estimates		
	2017/18 R' 000	2018/19 R' 000	2019/20 R' 000		2021/22 R' 000	2022/23 R' 000	2023/24 R' 000
Governance Monitoring	7,116	9,755	9,158	10,336	8,758	8,688	8,564
Service Delivery and Compliance Evaluations	6,696	7,889	9,971	11,054	9,113	9,045	8,903
Programme Management: M&E	19,973	21,865	23,184	24,248	24,907	24,778	24,452
Total	33,785	39,509	42,313	45,638	42,778	42,511	41,919

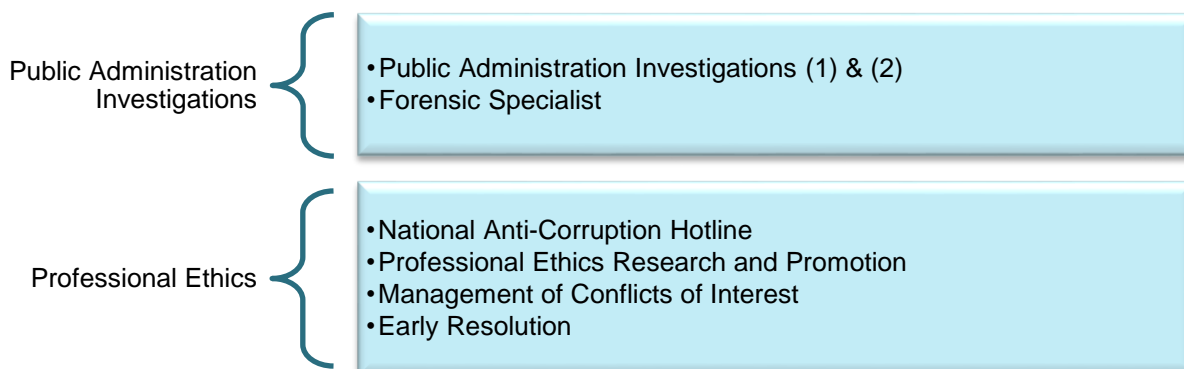
The baseline allocations for programme 3 over the MTEF period totals R42.36 million, R44.17 million and R41.75 million respectively.

The PSC does not have sufficient budget to conduct more inspections on the implementation of service standards, and will thus focus at selected facilities. The possible outputs in this Programme restricted by the discouragement of the appointment contract employees with savings generated through vacancies.

4.5 PROGRAMME 4: INTEGRITY AND ANTI-CORRUPTION

Purpose: The programme is responsible for undertaking public administration investigations, promoting a high standard of professional ethical conduct amongst public servants and contributing to the prevention and combating of corruption.

The Programme consists of the following two Sub-programmes:



4.5.1 Outcomes, Outputs, Performance Indicators and Targets

Outcomes	Output	Output Indicator	Audited/Actual Performance			Estimated Performance	Medium-Term Targets		
			2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24
Sound management and leadership practices in the Public Service	Finalised public administration investigations	Percentage of public administration investigations finalised ¹⁰ within 90 working days upon receipt of all relevant information ¹¹	As at 31 March 2018, there were 306 complaints on the database, of which 211 (69%) were finalized. Of the 211, 46 (22%) were finalised through investigations, of which 38 (83%) were finalised within 90 working days of receipt of all relevant documentation. Of the 211, 165 (78%) cases were finalised as early resolution cases, of which 148 (90%) were finalised within 45 days of receipt of all relevant documentation	87% As at 31 March 2019, there were 283 complaints on the data base of the PSC, of which 193 (68%) were finalized and 90 (32%) were in progress. Of the 193 complaints finalised, 167 (87%) were finalised within 90 working days from the date of receipt of all documents	96% As at 31 March 2020, there were 315 complaints on the database, of which 225 were finalized and 90 were in progress. Of the 225 finalised cases, 216 (96%) were finalised within 3 months of receipt of all relevant documents	50%	60% ¹²	75%	75%
	Report on trends analysis on financial misconduct conducted	Number of overview reports on financial misconduct produced	1	1	1	1	1	1	
	Referral of NACH cases	Percentage of NACH cases referred within 7 days of receipt of case report	99.5% (878 of 882)	99.9% (1 075 of 1 076)	100% (1 591 of 1 591)	80%	80%*	80%	80%
	Report on trends analysis on closure of NACH cases conducted	Number of reports on closure of NACH cases produced	New indicator	1	1	1	1	1	

¹⁰ Cases are concluded through the the delegations to the Provincially Based Commissioners as well as assignment of duties to Commissioners and employees of the OPSC.

¹¹ Cases concluded include cases carried forward from the previous financial year and those received in the year under review.

¹² COVID-19 brings about restrictions, which impacts on the finalisation of investigations.

Outcomes	Output	Output Indicator	Audited/Actual Performance			Estimated Performance	Medium-Term Targets		
			2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24
	Report on trends analysis on Financial Disclosure Framework conducted	Number of reports on Financial Disclosure Framework produced	New indicator	New indicator	1	1	1	1	1
	Research report on professional ethics	Number of research reports on professional ethics produced	New indicator	1 (Assessment of the state of professional ethics & Anti-Corruption measures in the North West Province against predetermined objectives approved in March 2018)	1 (Report on "Assessment of professional ethics in the Public Service" produced in March 2020)	1 (Report on "Assessment of leadership commitment to the promotion of ethics in the Public Service" produced in March 2021)	1	1	1
	Improved professional ethics in the Public Service	Number of articles on the promotion of professional ethics produced	New indicator	New indicator	New indicator	4 articles produced on the promotion of professional ethics	4 articles produced on the promotion of professional ethics	4 articles produced on the promotion of professional ethics	4 articles produced on the promotion of professional ethics

4.5.2 Indicators, Annual and Quarterly Targets

No.	Output Indicator	Annual Target 2021/22	Quarterly Targets			
			1 st	2 nd	3 rd	4 th
4.5.2.1	Percentage of public administration investigations finalised ¹³ within 90 working days upon receipt of all relevant information ¹⁴	60%	15%	25%	40%	60%
4.5.2.2	Number of overview reports on financial misconduct produced	1	-	-	1	-
4.5.2.3	Percentage of NACH cases referred within 7 days of receipt of case report	80%	80%	80%	80%	80%

¹³ Cases are concluded through the delegations to the Provincially Based Commissioners as well as assignment of duties to Commissioners and employees of the OPSC.

¹⁴ Cases concluded include cases carried forward from the previous financial year and those received in the year under review.

No.	Output Indicator	Annual Target 2021/22	Quarterly Targets			
			1 st	2 nd	3 rd	4 th
4.5.2.4	Number of reports on closure of NACH cases produced	1	-	-	-	1
4.5.2.5	Number of reports on Financial Disclosure Framework produced	1	-	-	-	1
4.5.2.6	Number of research reports on professional ethics produced	1	-	-	-	1 Report on "Assessment of leadership commitment to the promotion of ethics in the Public Service" produced in March 2021
4.5.2.7	Number of articles on the promotion of professional ethics produced	4	1 article produced on the promotion of professional ethics	1 article produced on the promotion of professional ethics	1 article produced on the promotion of professional ethics	1 article produced on the promotion of professional ethics

4.5.3 Explanation of Planned Performance over the Medium Term Period

It is believed that a responsive, ethical and values-driven Public Service depends on, among other things, the investigative function of the PSC on public administration malpractices particularly in the areas of irregular appointments and curbing of corruption in government departments. It is against this background that the PSC, through the discharge of its mandate of promoting ethical conduct in the Public Service, will continue to conduct investigations on public administration practices, scrutinize compliance with financial disclosure framework, manage the NACH and conduct investigative research on professional ethics, among other things.

The investigations conducted by the PSC of own accord or on receipt of complaints result in improved and effective administrative practices. Specific outcomes achieved through investigations include-

- The promotion of adherence to the regulatory framework, specifically in the area of personnel and supply chain management practices.
- The implementation of strict control mechanisms in departments are strengthened and risk areas are highlighted.
- Measures are instituted to correct actions or omissions purportedly made in terms of the Public Service Act and Regulations.
- Corrective measures are taken against implicated employees.
- Administrative procedures are revised resulting in improved administrative functioning in the Public Service.

The financial disclosure framework of senior managers in the Public Service is managed by the PSC. The PSC will continue to promote transparency and provide advice to members of the executive to avoid potential conflicts of interest.

A further mechanism to prevent and combat corruption has been the NACH, which is aimed at promoting and encouraging reporting on corrupt practice. A key obstacle faced in the fight against corruption is that individuals are often too intimidated to speak out or “blow the whistle” on corrupt and unlawful activities. The NACH is managed by the PSC and offers anonymous reporting. The PSC will continue to refer cases to departments for further handling and investigation. The PSC will also investigate selected cases reported to the NACH. In order to be responsive to Priority 1: *A capable, ethical and developmental State*, the PSC will conduct an assessment of leadership commitment to the promotion of ethics in the Public Service.

4.5.4 Programme Resource Considerations

Expenditure Estimates

Programme 4	Expenditure Outcomes			Adjusted Appropriation	Medium-Term Expenditure Estimates		
	2017/18 R' 000	2018/19 R' 000	2019/20 R' 000	2020/21 R' 000	2021/22 R' 000	2022/23 R' 000	2023/24 R' 000
Public Administration Investigations	12,574	12,854	15,422	12,480	11,851	11,383	11,391

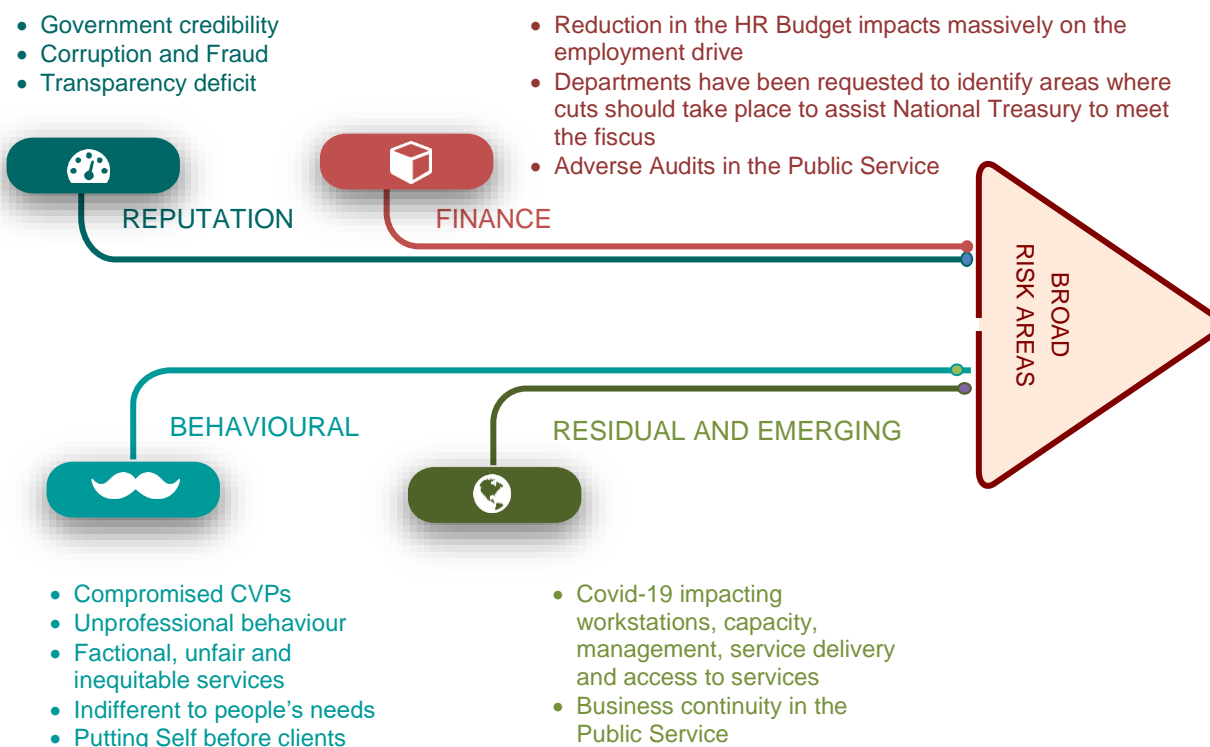
Programme 4	Expenditure Outcomes			Adjusted Appropriation	Medium-Term Expenditure Estimates		
	2017/18 R' 000	2018/19 R' 000	2019/20 R' 000	2020/21 R' 000	2021/22 R' 000	2022/23 R' 000	2023/24 R' 000
Professional Ethics	17,722	18,972	20,368	21,345	20,033	20,089	20,098
Programme Management: IAC	18,665	20,535	21,716	22,604	23,189	21,178	23,105
Total	48,961	52,361	57,506	56,429	55,073	53,190	54,594

The baseline allocations for programme 4 over the MTEF period totals R55.07 million, R53.19 million and R54.59 million respectively.

In respect of the investigation of complaints, insufficient funding is available to conduct on-site interviews. The PSC will as far as possible utilise technology-driven solutions to assist with document collection, as well as provide virtual connectivity for interviews. However, not all public servants have access to technology.

The major resource contribution for this Programme is the scrutiny of financial disclosures and the management of the NACH. The NACH is currently operating five (5) days a week and (8) hours and 30 minutes per day (between 08:00 AM and 16:30 PM). This is due to lack of sufficient funding to appoint adequate employees whose shifts could be staggered to cater for the initial plan of having the Call-Centre operating for 11 hours, and to compensate these officials for overtime work. To deal with the challenge of not being able to operate the NACH Call-Centre for 11 hours per day a recording facility has been installed to allow callers to leave messages after hours and over the weekends. In order to create the posts of Call Centre Agents, the PSC abolished all posts of Administrative Support to Directors in the PSC and transferred these employees to the Call Centre.

5. UPDATED BROAD RISK AREAS



Outcome	Key Risk	Risk Mitigation
An improved service delivery culture in the Public Service	Compromised Constitutional Values and Principles impacting the discharge of duties by public servants	Promotion and institutionalisation of ethical behavior in the Public Service through the institutionalization of CVPs and strengthening mechanisms to support ethical competence of public servants
	Non-cooperation of departments in the execution of the PSC mandate	Enforce cooperation clauses on non-responsiveness, and enhance stakeholder value management
	Extended critical workforce unavailability and compromised critical resources impacting capacity, service delivery and access to service delivery points due to emerging risk events (e.g.Covid-19)	Institutionalise early warnings, emergency or disaster recovery planning, preparedness and quick response in the Public Service to ensure business continuity
Sound leadership practices in the Public Service	Government leadership's credibility deficit in promoting ethical leadership conduct in the Public Service	Conducting structured strategic PSC engagements with leadership at political and administrative level on the values and principles of serving the public interest
A strong & well-functioning PSC	Poorly managed governance structures and lack of monitoring of decisions taken	Monitoring the implementation of the grid of decisions taken by governance structures and escalating outcomes to relevant structures in line with the PSC mandate

PART D: TECHNICAL INDICATOR DESCRIPTION (TID)

PROGRAMME 1: ADMINISTRATION

OUTCOME : A STRONG AND WELL- FUNCTIONING PSC	
Indicator Title	Unqualified audit outcome opinion obtained
Definition	An unqualified audit outcome opinion on financial statements, performance against predetermined objectives and compliance with laws and regulations
Source of data	AG's Audit opinion
Method of calculation/ Assessment	Financial and non-financial information
Means of verification	AG's Audit opinion in Annual Report
Assumptions	The OPSC has internal control systems in place for financial and non-financial information
Disaggregation of Beneficiaries	N/A
Spatial Transformation	N/A
Calculation Type	Non-cumulative
Reporting cycle	Annually
Desired performance	A unqualified audit outcome
Contributing Indicator Responsibility	CFO, COO, D: FM and D: PMR

OUTCOME : A STRONG AND WELL- FUNCTIONING PSC	
Indicator Title	Percentage of valid invoices paid within 7 -14 working days of receipt by March 2022
Definition	To measure the quantity of valid invoices paid within 7 - 14 working days according to the National Treasury Guidelines
Source of data	Register of payments
Method of calculation/ Assessment	The following formula should be used to compute this benchmark: $\frac{A}{B} \times 100$ <p>Where:</p> <ul style="list-style-type: none"> A is the number of valid invoices paid within 30 days B is the number of valid invoices received <p>The invoice is valid once all disputes regarding an invoice are resolved</p>
Means of verification	Exception report on payment of suppliers submitted to Accounting Officer and National Treasury
Assumptions	Suppliers submit valid invoices within stipulated timeframes
Disaggregation of Beneficiaries	N/A
Spatial Transformation	N/A
Calculation type	Cumulative (Year-end)
Reporting cycle	Quarterly and Annual reporting
Desired performance	Maintain payment of valid invoices at 100%
Contributing Indicator Responsibility	CFO and D:FM

OUTCOME : A STRONG AND WELL- FUNCTIONING PSC	
Indicator Title	Promotion of Access to Information Act, Section 15 Notice submitted to DoJCD by March 2022
Definition	To report on the submission of the PAIA Section 15 notice in compliance with PAIA requirements
Source of data	PAIA Manual
Method of calculation/ Assessment	Simple count
Means of verification	Signed submission route form
Assumptions	Full compliance with the requirements of PAIA
Disaggregation of Beneficiaries	N/A
Spatial Transformation	N/A
Calculation type	Non-cumulative
Reporting cycle	Annually

Desired performance	Full compliance with the requirements of PAIA
Contributing Indicator Responsibility	D: Litigation and Legal Services

OUTCOME : A STRONG AND WELL- FUNCTIONING PSC

Indicator Title	Percentage of B-BBEE suppliers appointed by March 2022
Definition	This is a percentage of suppliers who meet the B-BBEE criteria appointed by the PSC
Source of data	Logis
Method of calculation/ Assessment	The following formula should be used to compute this benchmark: $\frac{A}{B} \times 100$ Where: <ul style="list-style-type: none"> A= number suppliers appointed who meet the B-BBEE criteria B= total number of suppliers appointed in the financial year
Means of verification	<ul style="list-style-type: none"> Logis report Central Supplier Database (CSD) B-BBEE report
Assumptions	Compliance with B-BBEE requirements
Disaggregation of Beneficiaries	N/A
Spatial Transformation	N/A
Calculation type	Cumulative (Year End)
Reporting cycle	Quarterly and annual reporting
Desired performance	Improved compliance with B-BBEE
Contributing Indicator Responsibility	CFO

OUTCOME : A STRONG AND WELL- FUNCTIONING PSC

Indicator Title	Number of quarterly bulletins produced by March 2022
Definition	This is a number of bulletins produced at the end of every quarter reflecting some of the activities carried out by the PSC and used as an early warning system in respect of public administration practices
Source of data	Approved quarterly bulletin, based on the activities of the PSC and additional research
Method of calculation/ Assessment	Simple count of bulletins produced
Means of verification	Published quarterly bulletin
Assumptions	Relevant information is sourced and provided by branches as and when needed
Disaggregation of Beneficiaries	N/A
Spatial Transformation	N/A
Calculation type	Cumulative (Year End)
Reporting cycle	Quarterly and Annual reporting
Desired performance	Improved visibility and reputation of PSC
Contributing Indicator Responsibility	D: CIS

PROGRAMME 2: LEADERSHIP AND MANAGEMENT PRACTICES

OUTCOME : SOUND MANAGEMENT AND LEADERSHIP PRACTICES IN THE PUBLIC SERVICE

Indicator Title	Percentage of grievances finalised within 30 days (for levels 2-12) of receipt of all relevant information
Definition	To consider grievances of employees on salary levels 2-12. Salary levels 2-12 refer to all employees employed in the Public Service below SMS level, including employees employed by the services departments (Departments of Police, Defence and Correctional Services), educators, health professionals, those employed in terms of the Occupational Service Dispensation and other unknown categories
Source of data	PSC database of grievances referred by employees or Executive Authorities
Method of calculation/ Assessment	The following formula should be used to compute this benchmark: $\frac{A}{B} \times 100$ Where: <ul style="list-style-type: none"> A is the number of investigations on grievances concluded within 30 working days of receipt of relevant information in terms of the delegations to Provincially Based Commissioners as well as assignment of duties to Commissioners and employees of the OPSC

	<ul style="list-style-type: none"> B is the total number of investigations on grievances concluded in the financial year under review in terms of the delegations to Provincially Based Commissioners as well as assignment of duties to Commissioners and employees of the OPSC <p>For noting: The grievances lodged include those lodged in the year under review and those carried over from previous financial years</p>
Means of verification	<ul style="list-style-type: none"> Electronic copy of database Quarterly statistical report Date on which the last information was received Signed minutes of PSC Panel meetings
Assumptions	Database is maintained continuously
Disaggregation of Beneficiaries	N/A
Spatial Transformation	N/A
Calculation type	Year-end target: Cumulative
Reporting cycle	Quarterly and Annual reporting
Desired performance	Improved turnaround times of resolving grievance cases and that departments resolve their cases internally
Contributing Indicator Responsibility	CD: LRI

OUTCOME : SOUND MANAGEMENT AND LEADERSHIP PRACTICES IN THE PUBLIC SERVICE

Indicator Title	Percentage of grievances finalised within 45 days (for SMS) of receipt of all relevant information
Definition	To consider grievances of members of the SMS, as defined in the SMS Handbook
Source of data	Database of grievances referred by employees or Executive Authorities
Method of calculation/ Assessment	<p>The following formula should be used to compute this benchmark:</p> $\frac{A}{B} \times 100$ <p>Where:</p> <ul style="list-style-type: none"> A is the number of investigations on grievances concluded within 45 working days of receipt of relevant information in terms of the delegations to Provincially Based Commissioners as well as assignment of duties to Commissioners and employees of the OPSC B is the total number of investigations on grievances concluded within the financial year in terms of the delegations to Provincially Based Commissioners as well as assignment of duties to Commissioners and employees of the OPSC <p>For noting: The grievances lodged include those lodged in the year under review and those carried over from previous financial years</p>
Means of verification	<ul style="list-style-type: none"> Electronic copy of database Quarterly statistical report Date on which the last information was received Signed minutes of PSC Panel meetings
Assumptions	Database is maintained continuously
Disaggregation of Beneficiaries	N/A
Spatial Transformation	N/A
Calculation type	Year-end target: Cumulative
Reporting cycle	Quarterly and Annual reporting
Desired performance	Improved turnaround times of resolving grievance cases and that departments resolve their cases internally
Contributing Indicator Responsibility	CD:LRI

OUTCOME : SOUND MANAGEMENT AND LEADERSHIP PRACTICES IN THE PUBLIC SERVICE

Indicator Title	Number of reports developed on leadership and human resource management practices
Definition	This is a report that focuses on strategic human resources and leadership issues in the Public Service
Source of data	Research study

Method of calculation/ Assessment	Simple count of reports developed
Means of verification	Signed submission route form/ Memorandum in terms of the Delegations of Authority or Assignment of Duties and submission
Assumptions	Full cooperation by departments in providing the PSC with relevant information
Disaggregation of Beneficiaries	N/A
Spatial Transformation	N/A
Calculation type	Cumulative
Reporting cycle	Annual Reporting
Desired performance	Improvements in human resources and leadership practices in the public service
Contributing Indicator Responsibility	CD: LHRR

OUTCOME : SOUND MANAGEMENT AND LEADERSHIP PRACTICES IN THE PUBLIC SERVICE

Indicator Title	Number of reports on the grievance management and efficiency of the grievance procedure in the Public Service produced
Definition	This is a report on grievance trends in the Public Service
Source of data	Statistical reports received from departments at national and provincial level
Method of calculation/ Assessment	Simple count of reports produced
Means of verification	Signed submission route form/ Memorandum in terms of the Delegations of Authority or Assignment of Duties and submission
Assumptions	Record of trends is forwarded by the departments to the PSC within the timeframe set by the PSC
Disaggregation of Beneficiaries	N/A
Spatial Transformation	N/A
Calculation type	Cumulative
Reporting cycle	Quarterly and Annual Reporting
Desired performance	Grievance trends in the Public Service are identified and where required relevant stakeholders are engaged to address gaps/ challenges
Contributing Indicator Responsibility	CD: LRI

OUTCOME : SOUND LEADERSHIP AND ETHICAL PRACTICES IN THE PUBLIC SERVICE

Indicator Title	Number of grievance communiques produced
Definition	These are electronic communiques on grievance management and the improvement of labour relations in the Public Service
Source of data	Research study
Method of calculation/ Assessment	Simple count of communiques produced
Means of verification	Signed submission route form/ Memorandum in terms of the Delegations of Authority or Assignment of Duties and submission
Assumptions	Data is available for compilation of the communique
Disaggregation of Beneficiaries	N/A
Spatial Transformation	N/A
Calculation type	Cumulative
Reporting cycle	Quarterly and Annual Reporting
Desired performance	Serves as a platform for Labour Relations practitioners in the Public Service and other stakeholders to share information on labour relations
Contributing Indicator Responsibility	CD: LRI

PROGRAMME 3: MONITORING AND EVALUATION

OUTCOME : AN IMPROVED SERVICE DELIVERY CULTURE IN THE PUBLIC SERVICE

Indicator Title	Number of evaluation reports on the impact of changed practice
Definition	Evaluation report on implementation and impact of PSC advice
Source of data	Research study
Method of calculation/ Assessment	Simple count of reports produced
Means of verification	Signed submission route form/ Memorandum in terms of the Delegations of Authority or Assignment of Duties and submission
Assumptions	Departmental compliance with the CVP assessments

Disaggregation of Beneficiaries	N/A
Spatial Transformation	N/A
Calculation type	Cumulative
Reporting cycle	Annual Reporting
Desired performance	Substantive implementation of PSC advice
Contributing Indicator Responsibility	CD: Governance Monitoring

OUTCOME: AN IMPROVED SERVICE DELIVERY CULTURE IN THE PUBLIC SERVICE

Indicator Title	Number of inspection reports on the implementation of service standards at selected facilities
Definition	These are reports on inspections aimed at unlocking service delivery bottlenecks
Source of data	Physical inspections conducted
Method of calculation/ Assessment	Simple count of reports produced
Means of verification	Signed submission route form/ Memorandum in terms of the Delegations of Authority or Assignment of Duties and submission
Assumptions	Bottlenecks in the Public Service are identified and addressed on the spot
Disaggregation of Beneficiaries	N/A
Spatial Transformation	N/A
Calculation type	Cumulative (Year-end)
Reporting cycle	Quarterly and Annual Reporting
Desired performance	Promote compliance of departments with CVPs
Contributing Indicator Responsibility	CD: Service Delivery and Compliance Evaluation

OUTCOME : AN IMPROVED SERVICE DELIVERY CULTURE IN THE PUBLIC SERVICE

Indicator Title	Number of approved Section 196 (4)(e) Report produced
Definition	This is a report that reflects the performance of the Public Service including compliance with constitutional values and principles
Source of data	Data Warehouse and inputs from Branches within the OPSC
Method of calculation/ Assessment	Simple count or report produced
Means of verification	Signed submission route form/ Memorandum in terms of the Delegations of Authority or Assignment of Duties and submission
Assumptions	Improved performance in the delivery of services by the Public Service
Disaggregation of Beneficiaries	N/A
Spatial Transformation	N/A
Calculation type	Non-Cumulative
Reporting cycle	Annual Reporting
Desired performance	Promote compliance of departments with CVPs
Contributing Indicator Responsibility	CD: Governance Monitoring

OUTCOME : AN IMPROVED SERVICE DELIVERY CULTURE IN THE PUBLIC SERVICE

Indicator Title	Number of reports on selected service delivery processes/ areas produced
Definition	This is an assessment report on the functionality of a service delivery process in the Public Service
Source of data	Research study
Method of calculation/ Assessment	Simple count of report produced
Means of verification	Signed submission route form/ Memorandum in terms of the Delegations of Authority or Assignment of Duties and submission
Assumptions	Improved performance in the delivery of services by the Public Service
Disaggregation of Beneficiaries	N/A
Spatial Transformation	N/A
Calculation type	Non-Cumulative
Reporting cycle	Annual Reporting
Desired performance	Promote compliance of departments with CVPs
Contributing Indicator Responsibility	CD: Service Delivery and Compliance Evaluations

OUTCOME : AN IMPROVED SERVICE DELIVERY CULTURE IN THE PUBLIC SERVICE	
Indicator Title	Number of approved State of the Public Service Reports produced
Definition	Approved submission route form and report
Source of data	Research study
Method of calculation/ Assessment	Simple count of report produced
Means of verification	Signed submission route form/ Memorandum in terms of the Delegations of Authority or Assignment of Duties and submission
Assumptions	N/A
Disaggregation of Beneficiaries	N/A
Spatial Transformation	Promote compliance of departments with CVPs
Calculation type	Non-Cumulative
Reporting cycle	Annual Reporting
Desired performance	To provide an evaluation of the state of the Public Service
Contributing Indicator Responsibility	CD: Governance Monitoring

OUTCOME : AN IMPROVED SERVICE DELIVERY CULTURE IN THE PUBLIC SERVICE	
Indicator Title	Number of CVP Engagements held
Definition	These are engagements aimed at unlocking service delivery bottlenecks
Source of data	CVP Booklet
Method of calculation/ Assessment	Simple count
Means of verification	Completed Stakeholder Engagement Template/Attendance register/Invitation from stakeholder/Copy of virtual meeting link/Copy of media statement or opinion piece
Assumptions	N/A
Disaggregation of Beneficiaries	N/A
Spatial Transformation	Promote compliance of departments with CVPs
Calculation type	Cumulative (Year-end)
Reporting cycle	Annual Reporting
Desired performance	Increased promotion, awareness and compliance of departments with CVPs
Contributing Indicator Responsibility	CD: Governance Monitoring

PROGRAMME 4: INTEGRITY AND ANTI-CORRUPTION (IAC)

OUTCOME : SOUND MANAGEMENT AND LEADERSHIP PRACTICES IN THE PUBLIC SERVICE	
Indicator Title	Percentage of public administration investigations finalised ¹⁵ within 90 working days upon receipt of all relevant information ¹⁶
Definition	The investigation and evaluation of personnel and public administration practices on receipt of any complaint as contemplated in section 196(4)(f)(i), (iii) and (iv) of the Constitution, 1996, in line with specific terms of reference
Source of data	Database on complaints
Method of calculation/ Assessment	<p>The following formula should be used to compute this benchmark:</p> $\frac{A}{B} \times 100$ <p>Where:</p> <ul style="list-style-type: none"> A is the number of investigations finalised within 90 working days upon receipt of all relevant information in the financial year under review in terms of the delegations to Provincially Based Commissioners as well as assignment of duties to Commissioners and employees of the OPSC B is the number of investigations finalised (carry over cases from previous financial years and those lodged in the financial year under review) <p>For noting: The 90 working days will be calculated on the basis of the date on which the last information is received to enable the PSC to pronounce on the merits of the complaint</p>
Means of verification	<ul style="list-style-type: none"> Electronic copy of database

¹⁵ Cases are concluded through the the delegations to the Provincially Based Commissioners as well as assignment of duties to Commissioners and employees of the OPSC.

¹⁶ Cases concluded include cases carried forward from the previous financial year and those received in the year under review.

	<ul style="list-style-type: none"> Quarterly statistical report Date on which the last information was received Signed minutes of PSC Panel meetings
Assumptions	All requested information is provided to the PSC to enable continuation of investigation.
Disaggregation of Beneficiaries	N/A
Spatial Transformation	N/A
Calculation type	Year-end target: Cumulative
Reporting cycle	Quarterly and Annual Reporting
Desired performance	Finalising investigations within 90 working days (working days) upon receipt of all relevant information
Contributing Indicator Responsibility	CD: Public Administration Investigations

OUTCOME : SOUND MANAGEMENT AND LEADERSHIP PRACTICES IN THE PUBLIC SERVICE

Indicator Title	Number of Overview reports on financial misconduct produced
Definition	This is an overview report on the number of cases reported to the PSC, among other things, in terms of section 85(1)(a) and (e) of the Public Finance Management Act, 1999, read with Treasury Regulation 4.3.1.
Source of data	Statistical reports submitted by departments at national and provincial level
Method of calculation/ Assessment	Simple count of report produced
Means of verification	Signed submission route form/ Memorandum in terms of the Delegations of Authority or Assignment of Duties and submission
Assumptions	Data availability and accuracy for consolidation of the required information
Disaggregation of Beneficiaries	N/A
Spatial Transformation	N/A
Calculation type	Non-Cumulative
Reporting cycle	Annual Reporting
Desired performance	To provide an overview of statistics on completed disciplinary proceedings on financial misconduct reported by national and provincial departments in a particular year and identify trends
Contributing Indicator Responsibility	CD: Public Administration Investigations

OUTCOME : SOUND MANAGEMENT AND LEADERSHIP PRACTICES IN THE PUBLIC SERVICE

Indicator Title	Percentage of NACH cases referred within 7 days of receipt of case report
Definition	These are eligible cases of alleged corruption reported via the NACH (and are within the mandate of the PSC) and referred to departments and within PSC within 7 working days of receipt of case report generated from the NACH system
Source of data	NACH Database, case reports on eligible cases of alleged corruption
Method of calculation/ Assessment	<p>The following formula should be used to compute this benchmark:</p> $\frac{A}{B} \times 100$ <p>Where:</p> <ul style="list-style-type: none"> A is the number of eligible cases of alleged corruption referred within 7 working days (upon receipt of case reports) to stakeholders for further handling. B is the number of eligible case of alleged corruption referred in the year under review <p>For noting: Cases that are not related to corruption but lodged by complainants via the NACH will be excluded for reporting in the APP</p>
Means of verification	<ul style="list-style-type: none"> Electronic copy of database Quarterly statistical report
Assumptions	Data availability and accuracy
Disaggregation of Beneficiaries	N/A
Spatial Transformation	N/A
Calculation type	Non-Cumulative
Reporting cycle	Quarterly and Annual Reporting
Desired performance	Improved turnaround times in referral of NACH cases to departments for further investigation.
Contributing Indicator	CD: Professional Ethics

Responsibility	
----------------	--

OUTCOME : SOUND MANAGEMENT AND LEADERSHIP PRACTICES IN THE PUBLIC SERVICE

Indicator Title	Number of reports on closure of NACH cases produced
Definition	The report will reflect on the NACH cases closed by departments
Source of data	NACH Database, case reports on eligible cases of alleged corruption
Method of calculation/ Assessment	Simple count
Means of verification	Signed submission route form/ Memorandum in terms of the Delegations of Authority or Assignment of Duties and submission
Assumptions	Database of NACH cases is updated continuously
Disaggregation of Beneficiaries	N/A
Spatial Transformation	N/A
Calculation type	Non-Cumulative
Reporting cycle	Annual Reporting
Desired performance	To provide an evaluation of the effectiveness of the NACH and to identify and address challenges experienced
Contributing Indicator Responsibility	CD: Professional Ethics

OUTCOME : SOUND MANAGEMENT AND LEADERSHIP PRACTICES IN THE PUBLIC SERVICE

Indicator Title	Number of reports on Financial Disclosure Framework produced
Definition	The report reflecting on the compliance with the Financial Disclosure Framework
Source of data	eDisclosure System for senior managers in the Public Service
Method of calculation/ Assessment	Simple count of report submitted
Means of verification	Signed submission route form/ Memorandum in terms of the Delegations of Authority or Assignment of Duties and submission
Assumptions	Data is extracted from the relevant sources
Disaggregation of Beneficiaries	N/A
Spatial Transformation	N/A
Calculation type	Non-Cumulative
Reporting cycle	Annual Reporting
Desired performance	Improved levels of disclosures by SMS members at provincial and national departments
Contributing Indicator Responsibility	CD: Professional Ethics

OUTCOME : SOUND MANAGEMENT AND LEADERSHIP PRACTICES IN THE PUBLIC SERVICE

Indicator Title	Number of research reports on professional ethics produced
Definition	This is a report that focuses on research in the area of professional ethics
Source of data	Research study
Method of calculation/ Assessment	Simple count of report submitted
Means of verification	Signed submission route form/ Memorandum in terms of the Delegations of Authority or Assignment of Duties and submission
Assumptions	Data availability
Disaggregation of Beneficiaries	N/A
Spatial Transformation	N/A
Reporting cycle	Annual Reporting
Calculation type	Non-cumulative
Desired performance	Professional conduct and ethics promoted in the Public Service
Contributing Indicator Responsibility	CD: Professional Ethics

OUTCOME : SOUND MANAGEMENT AND LEADERSHIP PRACTICES IN THE PUBLIC SERVICE

Indicator Title	Number of articles on the promotion of professional ethics produced
Definition	These are articles aimed at promoting and creating awareness about the need for entrenching the culture of professional ethics in the Public Service
Source of data	Research study
Method of calculation/ Assessment	Simple count of articles submitted
Means of verification	Signed submission route form/ Memorandum in terms of the Delegations of Authority or Assignment of Duties and submission

Assumptions	The content of the article is informative to influence behavioural change in the Public Service
Disaggregation of Beneficiaries	N/A
Spatial Transformation	N/A
Calculation type	Cumulative (Year End)
Reporting cycle	Quarterly and Annual Reporting
Desired performance	Increased awareness and adherence to professional ethical conduct in the Public Service
Contributing Indicator Responsibility	CD: Professional Ethics

ANNEXURE A: ADJUSTMENTS TO THE 2020/21- 2024/25 STRATEGIC PLAN

As per guidance by the Department of Planning, Monitoring and Evaluation (DPME) outlined in Circular No. 2 of 2020 in the wake of the COVID pandemic, a national disaster declared by the President, the Revised Framework for Strategic and Annual Performance Plans (2019) Chapter 3, section 3.3.4 and Chapter 4, section 4.4.4 provides that “A Strategic Plan may be revised during the five-year period if there are significant changes to policy, changes in the service delivery environment or in the planning methodology.” The current national response to COVID-19 has contributed significantly to the changes in the operating environment of government and these changes have affected the service delivery environment.

In response to the impact of COVID-19 on the operations of the PSC and in alignment with the 2020/21 special adjustment budget process, the PSC has adjusted its 2020/21- 2024/25 Strategic Plan as presented below:

ADJUSTMENTS TO THE 2020/21- 2024/25 STRATEGIC PLAN OF THE PUBLIC SERVICE COMMISSION				
OUTCOME	OUTCOME INDICATOR	ORIGINAL 5 YEAR TARGET	REVISED 5 YEAR TARGET	EXTENT OF IMPACT OF COVID-19 ON THE 5 YEAR TARGET
PROGRAMME 1: ADMINISTRATION				
A strong & well-functioning PSC	A skilled workforce in identified areas	Year 1: Conduct skills audit and develop a training plan aligned to identified areas Year 2 to Year 5: 100% implementation of training plan	Year 1: No changes ¹⁷ Year 2 - 5 ¹⁸ : 50% implementation of the training plan	Due to COVID-19 regulations, the PSC would not be able to have direct interaction with employees on the implementation of the training plan, including activities that may be sourced from external service providers. Alternative modes of interaction such as video conferencing and virtual meetings will be considered taking into consideration the available IT infrastructure and the challenges it presents.
PROGRAMME 2: LEADERSHIP AND MANAGEMENT PRACTICES (LMP)				
Sound management and leadership practices	Percentage of investigations on grievances of employees on salary levels 2-12 concluded within 30 working days from date of receipt of all relevant information	2020/21 Medium Term Target in the APP: 80%	Revised 2020/21 Medium Term Target in the APP: 60% ¹⁹	In compliance with the COVID-19 regulations regarding the need to maintain social distancing, minimise inter-provincial travel and limiting the number of people who congregate for different purposes, it is not be feasible for the PSC to convene workshops and roundtable sessions. Although the feasibility of using technology platforms will be explored,
	Percentage of investigations on grievances of SMS members	2020/21 Medium Term Target in the APP: 80%	Revised 2020/21 Medium Term Target in	

¹⁷ Reviewed in June 2020

¹⁸ Ibid

¹⁹ Ibid

ADJUSTMENTS TO THE 2020/21- 2024/25 STRATEGIC PLAN OF THE PUBLIC SERVICE COMMISSION				
OUTCOME	OUTCOME INDICATOR	ORIGINAL 5 YEAR TARGET	REVISED 5 YEAR TARGET	EXTENT OF IMPACT OF COVID-19 ON THE 5 YEAR TARGET
	concluded within 45 working days from date of receipt of all relevant information		the APP: 60% ²⁰	it is not advisable to commit to hosting such platforms given that the technologies are still new and the supporting infrastructure is not always stable or available to all targeted stakeholders.
	Public-service professionalization enhanced through effective implementation of HRM prescripts	50 strategic engagements on findings and recommendations from the PSC's reports conducted	30 as per explanation below ²¹ : Year 1: 10 has been removed from the APP Year 2: 10 has been removed from the APP Years 3 -5: 30 (10 per year depending on extent/ magnitude of lockdown)	
PROGRAMME 3: MONITORING AND EVALUATION (M&E)				
N/A	N/A	N/A	N/A	N/A
PROGRAMME 4: INTEGRITY AND ANTI-CORRUPTION (IAC)				
N/A	N/A	N/A	N/A	N/A

²⁰ Reviewed in June 2020

²¹ Reviewed in June 2020 and February 2021