

Draft National Implementation Framework towards the Professionalisation of the Public Service

Submission of Public Comments

I. Introduction

1. The Public Affairs Research Institute (PARI) is a Johannesburg-based organisation, attached to the University of the Witwatersrand and University of Cape Town, which studies the effectiveness of state institutions in the delivery of services and infrastructure. Since its establishment in 2010, PARI has generated high-quality research to better understand the drivers of institutional performance in the public sector, and improve implementation of policies in relevant fields.
2. PARI's state reform programme is centrally focused on the relationship between politics and the state administration. It seeks to reduce the influence of corruption and patronage on South African politics and to develop a public administration that better serves its democratic mandate. This programme provides practical, evidence-based recommendations for reforms in key regulatory and administrative institutions and sectors.
3. One such key area is the professionalisation of the public service, with a particular focus on the processes of recruitment and removal within the public service and municipalities. Our recent position paper on the subject argues that to build a public administration that is suitably insulated from illicit and inappropriate political interference, South Africa needs to make significant adjustments to its public personnel practices. Centrally, it needs to create an independent administrative check on appointment and removal processes, by assigning certain stages of these processes to independently constituted bodies¹. The creation of this check is a condition for the whole system of administrative checks and balances.
4. In view of its continued interest in enhancing institutional performance and professionalising the public service, PARI welcomes the opportunity to make submissions on the *National Implementation Framework towards the Professionalisation of the Public Service* which was published for public comment in December 2020 by the National School of Government (NSG), under the leadership of the Minister of Public Service and Administration (MPSA). These submissions elaborate on some of the issues highlighted during the process of online stakeholder consultations held during the week of 15 February 2021.

¹ The position paper can be accessed via this link: <https://pari.org.za/position-paper-recruitment-in-the-public-service/>



5. The South African public administration is currently not fit to play the role of advancing the progressive aspirations of the Constitution and the people. It has deep problems of corruption and incapacity, which are a direct consequence of unconstrained political control over appointment, career progression and removal. These powers have been used to manipulate and abuse administrative personnel, to take control of allocative processes and to shift public resources toward personal enrichment and patronage. The effect has been to severely erode the public service's professionalism and capacity. The pandemic has made clear the urgency to overcome these problems. South Africa, with the world, is entering a turbulent future, defined in particular by the peril of climate change. We must act quickly.
6. We support, therefore, the Implementation Framework's commitment to professionalisation and insulation from inappropriate political interference. There are few policy interventions that are more urgent than this. The Implementation Framework is a significant advance. Over the last few years, PARI has sought, through its research and other activities, to bring attention to the critical role of having a professionalised public sector that can deliver services efficiently and effectively to those who live in South Africa. In this regard, PARI welcomes the steps undertaken by the DPSA to give effect to government's commitments in the Medium Term Strategic Framework (MTSF) and the National Development Plan's Chapter 13 focused on building a capable state.
7. The centrality of a professionalised public service for service delivery and for building public trust and confidence were reiterated by President Ramaphosa in his 2021 State of the Nation Address (SONA), as he affirmed that "we remain on course to build a capable and professional civil service that delivers on its mandate and is accountable to the South African people." In this regard, he stressed that "advancing honesty, ethics and integrity in the public service is critical if we are to build a capable state."²
8. To support these objectives, the *National Implementation Framework towards the Professionalisation of the Public Service* has been published for comment. The document is envisaged as a national implementation framework to meet a series of objectives, as set out in Section 1.3. PARI agrees completely with the thrust of the document in highlighting the need to depoliticise the public sector and entrench a dynamic system of professionalisation. Nonetheless, we would like to highlight a number of areas that require further development and/or review.
9. This submission, in essence consists of two parts. The first part provides general comments related to the document, whereas the second part focuses specifically on Section 5 of the document, which sets out a proposed value chain made up of five key pillars.

² <https://www.gov.za/speeches/president-cyril-ramaphosa-2021-state-nation-address-11-feb-2021-0000#>



II. General comments

10. In tackling the concept of professionalisation, the document rightfully regards it as “the creation of an environment of integrity that insulates public servants from any political interference”.³ Importantly, it regards professionalism “as a multi-dimensional concept, process and outcome that exists at the individual, organisational and societal level”.⁴ At the individual level, professionalism relates to traits such as skills, qualifications and experience, as well as the individual’s own value system. At an organisational level, organisational ethos and its accompanying values and norms serve to bind members to a common understanding of the organisation’s mandate, culture and professional mission. In turn, the values and norms at both the individual and organisational levels are influenced by the broader societal value system. In respect of the public administration and the public service this means that being professional and professionalism are anchored in giving effect to constitutional values and principles.⁵ Rightfully so, the document recognises that to achieve professionalism, it requires “leadership, sound policies, skilled managers and workers, clear lines of accountability, appropriate systems, the consistent and fair application of rules and the strict adherence to the Constitutional Values and Principles in section 195 of the Constitution”.⁶
11. Unfortunately, however, as much as the Framework recognises that academic qualifications and skills, or the adoption of codes of conduct, are not sufficient, **its focus is predominantly on inputs rather than outputs and does not explore how the provision of such inputs is to be assessed and monitored.** This may be in part due to the Framework’s partial authorship at the NSG, an institution concerned with inputs to the public service as its core business. Wherever it comes from, this focus on inputs is in contradistinction to the White Paper on the Transformation of the Public Service, whose focus was on the development of interventions to improve output-related performance, accountability and responsiveness of the public service.⁷ In this vein, the NDP highlights that the national development plan itself could fail because the state is incapable of implementation. In view of this, **how do we ensure that many of the inputs proposed (pre-entry exams, competency tests, induction training and on-going training) get translated into enhanced operational and administrative**

³ National School of Government (2020), *A National Framework towards the Professionalisation of the Public Service*, Government Gazette No. 44031, 24 December 2020, available at: https://www.thensg.gov.za/wp-content/uploads/2021/01/Nat_Gov_Gazette_24_December_2020.pdf, p.45.

⁴ Ibid, p.52.

⁵ Ibid.

⁶ Ibid.

⁷ See ‘Chapter 9: Institution Building and Management’, *White Paper on the Transformation of the Public Service* (1995) available at https://www.gov.za/sites/default/files/gcis_document/201409/168380.pdf.



capability, and have an impact on service delivery, as Minister Mchunu highlighted during the stakeholder consultation?

12. Related to the above, the Framework **secondly** highlights that the literature on the professionalisation of the Public Service involves a nuanced discussion on the importance of work ethics, skills development initiatives, performance management and good governance in supporting professionalism.⁸ While it could be argued that aspects of good governance are addressed by the support for initiatives linked to recruitment and selection (which will be discussed in more detail below), **the Framework does not seem to regard performance and consequence management as integral aspects of professionalisation.** These aspects are central to fostering an organisational ethos or culture that builds adherence to constitutional values; people internalise values and norms through everyday practices (i.e. seeing managers who are managed and who in turn manage those below them, who encourage innovation and speaking up, etc.) and thus build, through their actions, a collective ethos of respect for constitutional values and accountability. Ironically, the Framework recognises this much when it says that “it is only when Constitutional imperatives become second nature to every public servant and public representative that one can confidently assert that professionalism is inherent in the Public Service and that the delivery of services is in accordance with the fundamental rights and values of the Constitution”.⁹ Yet, achieving this second nature status requires both a carrot and a stick approach; unfortunately, however, the Framework focuses on too many carrots and a very few sticks – whether it be day-to-day management of staff, instituting measures to improve individual and organisational performance, or disciplinary measures.
13. The above brings us to a **third shortcoming** of the Framework which relates to the **lack of detail regarding the types of interventions to be undertaken in the short, medium and longer-term, as promised, as well as interventions to address existing public servants** (i.e. not just those who aspire to enter the public service). PARI agrees with the need to revise the PMDS system, as well as the implementation of interventions in relation to recruitment and selection to mitigate against undue political interference as proposed in the document. However, a number of interventions need to be implemented immediately, in light of the current lack of professionalism in the public service. For instance, the DPSA’s Ethics Unit has a critical role to play in ensuring compliance across the public service with the establishment of Ethics Committees and whistleblowing policies – yet nothing is said about envisioned interventions as part of the Framework. Existing senior managers could also be asked to undergo competency tests to assess whether they actually meet the minimum requirements of the

⁸ National School of Government (2020), *A National Framework towards the Professionalisation of the Public Service, op.cit*, p.66.

⁹ Ibid, p.52.



positions they hold, as well as remedial measures to address any shortcomings. HR departments could also be asked to re-evaluate key job descriptions across the public service to identify critical skills required for particular jobs, and thus inform specific technical skills programmes to be prioritised by the NSG. Importantly, tighter measures could be implemented to monitor consequence management against senior managers (DPSA is meant to assist departments in this regard). Professionalisation is unlikely to succeed if those who are in leadership positions are not held to account as part of this process.

14. The Framework reiterates a number of key principles and makes reference to important national policies and documents (MTSF and NDP, among others); however, like a number of these documents, it remains predominantly aspirational in character. If it is to become not only an implementation framework but also a *national* one that brings together interventions to be undertaken by different departments and entities (i.e. DPSA, DPME, PSC), then it **requires a great deal more detail in relation to key interventions proposed; specific timelines laid out; as well as how the implementation of this national framework, which requires coordination across a number of government departments and other key entities, will be undertaken.**
15. With the above general comments in mind, the next section deals specifically with Section 5 of the Framework, which contains the proposals for professionalising the public service.

III. Comments on Section 5: Proposals for Professionalising the Public Service

Section 5 sets out a proposed value chain to enable a dynamic approach to professionalisation of the public service, made up of five pillars, namely: Pre-Entry, Recruitment & Selection; Induction and On-Boarding; Planning and Performance Management; Continuing Learning and Professional Development; and Career Progression and Career Incidents. Comments on each of these components are provided below.

1. Pre-Entry, Recruitment & Selection

Pre-entry requirements

PARI welcomes a number of the proposals under this section as they relate to tightening pre-entry requirements to inform meritocratic appointments and working with HEIs to influence curricula. PARI, through its Organisational and Institutional Studies programme at Wits University aims to contribute to the preparation of future public servants by instilling in them an understanding of organisations and institutions.



It also welcomes the idea of introducing pre-employment orientation for people who aspire to join the public service. However, this **orientation should cater to the needs of new entrants to different sectors of government** (i.e. local government, SOEs, public service), rather than espouse a “one-size fits all” approach.

Further, if we regard professionalisation as a process rather than an event, **integrity and competency tests should not be once-off occurrences**. A “new” public servant might pass an integrity test upon recruitment into the public service but lose that integrity after years in the public service. The Asset Forfeiture Unit within the NPA has adopted a regular integrity testing practice that could be considered as a practice to emulate more widely. Ongoing competency assessments are a useful tool to inform career pathing and progression.

Recruitment and selection

We agree that the most important mechanism for achieving professionalisation and insulation from inappropriate political interference is to establish the Public Service Commission (PSC) as a check and balance in personnel processes. However, the **Implementation Framework would benefit from a more systematic but incremental approach to reform**. Specifically, there are a number of issues that the Framework does not adequately address:

1. Under current legislation, the DG and DDGs in the Office of the PSC are appointed through selection committees that include political office-bearers. This erodes the independence of the PSC. Since the PSC is now to play an important role in checking the personnel powers of political office-bearers, this anomaly must be corrected.
2. The **Implementation Framework is vague on how the Head of the Public Service will be appointed**. Since the Head of the Public Service will play an important role in fostering career progression and discipline in the public service, the appointment of the Head of the Public Service should involve some insulation.
3. The PSC is given a role in the interview process of DGs and DDGs, but this role remains vague. In order for the PSC to act as an effective check, insulating the public service from inappropriate political interference, its role at specific points in the appointment process should be both independent and definitive.
4. The Implementation Framework favours 7-year terms for DGs. Since turnover at this level provides opportunities for political interference in appointment processes, and given that length of service is associated with enhanced institutional knowledge, **we favour movement toward permanent contracts for DGs**.



5. In the Public Service Act, executive authorities are also granted the power to appoint officers below the level of DG and DDG. The insulation provided by the PSC could be circumvented by these provisions.
6. **The Implementation Framework does not address processes of removal. These powers have been widely abused, with competent and ethical public servants being placed on precautionary suspension, forced out of office, often into litigation with damages paid by the fiscus.** The PSC should play a role here too.
7. Given the political stakes of a thoroughgoing reform of personnel practices in the public service, we are concerned that the Implementation Framework seeks to move too quickly. Under the Framework, it appears that the intention is to bring all departments under the new system simultaneously. International experience, however, suggests the utility of a more gradual approach.

We suggest that these points are addressed as follows. In the following, **process planning** refers to the setting – within broad legislative parameters as well as principles of competitiveness and non-partisanship – of qualifications, job and person specifications, types of tests and scoring, and categories of subject matter experts needed on selection committees. **Process administration** involves administering the plan established in process planning. This includes designing and conducting the relevant general tests, longlisting candidates on the basis of compliance and minimum thresholds, and establishing a selection committee that includes the relevant categories of subject-matter experts. Shortlisting, in accordance with the process plan, will be conducted by this selection committee. Appointment must be made from the short-list:

- 1) The appointment, career progression and removal of personnel in the Office of the PSC should be the responsibility solely of the commissioners.
- 2) In the **appointment of the Head of the Public Service**, the Public Service Commission, in consultation with the President, should be responsible for process planning. The Commission should be responsible for process administration, which includes establishing a selection committee with the relevant subject matter experts. The selection committee should shortlist. The President should then appoint from that short-list.
- 3) In the **appointment of national or provincial heads of department or component**, process planning should be under the authority of the Head of the Public Service, in consultation with the relevant minister or MEC. Process administration should be under the authority of the Public Service Commission, which will also establish the selection committee. Shortlisting would be conducted by this selection committee. Appointment would then be by the relevant minister or MEC.



The **appointment of national or provincial deputy heads of department and component** should be process planned by the relevant head of the public service, in consultation with the minister or MEC and the relevant head of department and component. The Public Service Commission, to check and balance the process, should then administer it, including by establishing a selection committee. The selection committee should shortlist. To align the line of command with the office of the head of department or component, the head of department should then appoint the deputies.

- 4) We endorse the National Development Plan's call for movement towards longer term and ultimately permanent contracts for senior managers.
- 5) We also endorse the National Development Plan's call to **devolve appointing authority for lower positions from political office-bearers to administrative heads**. For these lower posts, selection committees should be constituted and chaired by the deputy head responsible for human resources or their delegate. The head of department or component should then appoint. Since the appointment process of the deputy head is not exclusively controlled by the head, the result will be to run a check and balance between the deputy and the head throughout organisational appointment processes.
- 6) **Removal**, including precautionary suspension in a fast-tracked process, of the Head of the Public Service, heads of department and component, and deputy heads, should be under the authority of their immediate superior, but subject to justification to and authorisation by the relevant public service commissioners. Removals further down should fall to the head of department or component.
- 7) We advocate for a **mechanism providing for incremental reform**. The most appropriate mechanism of implementation for the sorts of provisions elaborated in this position paper is what is called a *covering in* mechanism. This means that a statute providing for the reforms outlined above need not apply anywhere initially. It could, instead, include a clause which grants the President the power to, by proclamation, cover in to the statute's terms specific departments, components and municipalities. A statute providing for the proposals in this position paper, therefore, need impose no costs on anyone initially. The covering in mechanism, however, will enable reformers to begin to shape and constrain corruption and patronage, moving it away from critical functions where it produces the most destructive outcomes, beginning now to build a democratic state with integrity and effectiveness.



Revolving Door Policy

- While there is no denying that the use of the “revolving door policy” could be beneficial when specialist or technical skills are required in the public service, the implementation of such a system needs to guard against possible leadership instability. If a person is seconded to the private sector or given time off to complete articles to become an attorney, for instance, **measures must be undertaken to fill the leadership gap that is likely to result.** This is difficult in situations where the person is still receiving a salary and those funds cannot be used to hire someone in his/her place.
- **Another option is to rely on former skilled and seasoned public servants to mentor/transfer skills to existing public servants.** This can be relied upon not only for technical or specialist skills, but also and importantly for key managerial and operational management skills. It is encouraging that the NSG has recently initiated a programme that brings on board former public servants.

Succession planning

- It is submitted that **a succession planning policy in the public service needs to be linked to the performance management system** (and activities that should form part of Personal Development Plans (PDPs), opportunities to act in higher positions, competency assessments, and a clear delineation of minimum training/experience requirements). Importantly, succession planning and career pathing are intricately linked to systems of accountability. It is often the case that there are persons occupying leadership positions for years (often until retirement) despite being incompetent to hold such positions. Such practices not only result in low staff morale, but also impediments to promotion and upward movement of more competent and qualified staff.

Internship Programme

- PARI agrees that the Internship Programme needs to be ramped up – very often interns become cheap labour which departments use to deal with human resource shortages or to carry out tasks which incompetent public servants (who are not managed out of the organisation) do not do. **Interns should be able to rotate to different areas of an organisation in order to acquire different skills and be assessed upon completion of their internships.** If they are found to be competent, they could then be prioritised, if they apply, should a relevant vacancy become available.

2. Induction and On-Boarding

Induction and on-boarding should take place before the public servant signs his or her contract of employment and should **be incorporated in the employment contract as an accountability measure.** This way the state has the assurance that the prospective public servant is aware of the



rules that bind his/her conduct, should such rules be broken during employment. It will also prevent problems with probation not being confirmed, as is often the case if a public servant has not completed this training.

At the very least, the **induction courses offered by the DPSA should be completed prior to the public servant formally starts to carry out his or her duties**, since once the public servant starts, there are too many competing priorities for it to be done timeously. These courses could be done online, following the format of the *Nyukela Programme*, once a prospective public servant is informed of being shortlisted for a post.

3. Planning and Performance Management

The need for the Framework to treat the process of professionalisation holistically is particularly relevant in relation to this section. **Strategic planning processes must be conducted in a way that aligns strategic plans, annual performance plans and individual performance agreements.** This will enable an alignment between organisational goals and how a particular public servant contributes to broader organisational goals. It also requires consistency in plans and targets which is often difficult to achieve at present, due to the blurring of the political/administrative divide and the change of plans and targets when a new minister gets appointed.

PARI agrees with the Framework's general sentiment that the **performance management and development system (PMDS) must be revised. However, the Framework must incorporate key steps to be taken to realise this since, at present, it remains aspirational and likely to undermine the process of professionalisation.** At present, the PMDS system is a compliance-driven exercise, which is often done at the last minute, often twice a year, to meet HR deadlines and does not include in-depth performance discussions with supervisors. The weighting between competencies (20%) and KRAs (80%) should be revised, since competencies key to professionalisation tend to be undervalued. Further, career progression based on performance and competency, rather than years in a post, should be the basis for promotions.

As mentioned earlier, **as much as the PMDS system needs to be revised, measures need to be instituted with immediate effect to enhance performance appraisals.** More regular, operational management should be undertaken by senior managers to ensure adherence to organisational targets and prevent the current lags in assessment. This could include the use of online dashboards, action logs and brief morning calls to manage productivity and monitor key indicators of performance regularly.

More clarity is required on how performance management should be aligned with professional body/association registration as discussed in the Framework. Usually such registration is a once-off event (i.e. registration with the Legal Practice Council, for instance), and involves a payment of a yearly



membership fee thereafter. One aspect could be to check with the professional body/association to establish whether any complaints have been lodged against the individual within a particular period.

4. Continuing Learning and Professional Development

PARI welcomes the notion that professionalisation is a process that requires ongoing and more specialised training. Importantly, focus should be placed on training that stresses innovation and the use of technology to work more efficiently. PARI supports the idea **that certain categories of employees (including those who are SMS members, and those who occupy specialist, technical and some key functions of SCM, HR, Finance and Planning) should be professionalised and gain certification with professional bodies; however, having a certificate does not mean that such employee will apply the principles and knowledge acquired.** Such interventions need to be accompanied with practical, on-the-job assessments to ensure that new skills and knowledge are actually applied and lead to increased productivity, better service delivery and/or adherence to constitutional values.

Whereas PARI does not oppose the idea that public servants must avail themselves and be compelled to achieve certain types of training within a particular timeframe, the Framework should address the reality that in many instances public servants are not released to attend training for which they have signed up due to instructions from their supervisors – instances where the “urgent” priorities do not allow for “important” priorities to be attended to. In some instances, such **training could take the form of on-the-job, practical mentoring** rather more passive learning.

5. Career Progression and Career Incidents

The Framework does not seem to make a link between career progression and performance assessment. Regular assessment of an individual might result in the recognition of particular skills that such person possesses and the realisation that such person might be better suited in a more operational environment or finance environment for instance. At present, these linkages are often not made which can result in low staff morale as public servants do the same job for years and years.

As we have discussed generally above, it is of concern that the Framework only refers to consequence management under one of its objectives (e) in relation to initiating consequence management for material irregularities through the transgression mechanisms available to professional bodies and the Public Audit Amendment Act (Act 5 of 2018). **While linking consequence management to professional bodies/associations and the Public Audit Amendment Act are to be welcomed, consequence management needs to be expedited more generally at senior management levels.** The MTSF for 2019-2024 speaks of an “erosion of accountability”, and “weak accountability and governance”. There are endless examples of senior managers being suspended (with pay) for years without any real progress. This, in turn, contributes to instability in the public service, since someone



else cannot be hired to replace that individual until the process is completed. While the Public Audit Amendment Act presents a new mechanism to assist with consequence management, it is submitted that **if departments are taking action based on observations by the Auditor General – which are often given on an annual basis – this points to a lack of professionalism and accountability in the first place** (i.e. lack of management of DGs, DDGs, weak M&E and oversight by internal audit throughout the financial year).

The reality in the public service at present is that **many existing managers/SMS members do not manage staff and therefore do not institute consequence management**. In some instances, they lack basic knowledge about labour relations and defer to HR departments to institute actions. In others, however, managers/SMS members have the skills, but they do not engage in consequence management because it takes too long/is too much of an investment. Thus, public servants who might not be performing optimally are not counselled or encouraged to improve their performance. Instead, such individuals are given average PMDS scores and allowed to “coast” in the public service. Such actions not only lead to low staff morale (and a disincentive to excel) but can also result in a situation where the public service does not give opportunities to better educated and committed people who want to do the work.

IV. Conclusion

We reiterate our support for the work undertaken to develop the National Implementation Framework and we thank you for the opportunity to be able to provide comments on the draft. We are encouraged by the incorporation of decisive reforms including the creation of a Head of the Public Service, extending the tenure of DGs/HoDs, and involving the PSC in processes of recruitment and selection as part of a system of checks and balances to insulate the public service from undue political interference.

Informed by the interest and work that PARI has developed on building institutions and the professionalisation of the public service as a key area of state reform, we remain committed to supporting the further refinement of the framework to ensure that the proposals identified are viable and gradually implemented.

As we said at the beginning of our submission, there is an urgent need to restore public trust and confidence in the public service. We remain committed to supporting the creation of a professionalised public service that delivers services efficiently and whose practices embody and reflect constitutional values and principles.

