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UNIVERSITY OF THE
WITWATERSRAND,
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CESA Infrastructure Virtual Indaba

Session 5: Professionalisation in the Public Sector

28-29 September 2021 | Virtual meeting

A note on the Public Affairs Research Institute

- PARI works to support the development of a more effective and accountable state — one that better supports a more economically and socially just society.
- Its work studies the effectiveness of state institutions in service delivery and infrastructure. It generates high-quality academic research that aims to uncover and understand the structural dynamics shaping state practice and to develop strategies for reform.
- PARI works with change agents in the public service and civil society to improve the implementation of policies in relevant fields as well as to advocate for changes to relevant legislation, government systems, or ways of thinking about or framing a governance challenge.
- Over the past three years, PARI's State Reform Programme has focused on developing concrete proposals to improve the public procurement system and the professionalisation of the public sector (with a particular focus on processes of recruitment, appointment and removal).
- The reflections that follow are based on PARI's involvement in these efforts.



Professionalisation initiatives

Department of Public Service and Administration (DPSA) Optimisation Project

- Aimed at dealing with **fragmented government**, lack of harmonisation on policy development, planning, budgeting and integrated service delivery; **increasing state wage bill** against calls for efficiency, while also ensuring staff attraction and retention; **lack of public trust and integrity**, including poor service delivery
- The Optimisation Project has five workstreams, with **two** of them focused on professionalisation aspects:
 - **Human Resource Development:** Skills audits, recruitment processes, amongst others
 - **Professionalisation** – focused on addressing the political /administrative interface and building skills and capacity for a professional Public Service

Professionalisation initiatives

Draft National Framework towards the Professionalisation of the Public Service

- Falling under the Professionalisation workstream of the DPSA Optimisation Project
- Published by National School of Govt/Min – DPSA in December 2020 for public comment.
- The Framework is inspired by, and aligned to, existing initiatives - particularly the National Development Plan (Chapter 13 focused on the building of a capable state) and current Medium-Term Strategic Framework.
- The framework proposes **five professionalisation pillars**, which are:
 - Pre-entry recruitment and selection within the Public service
 - Induction and onboarding
 - Planning and performance management
 - Continuous learning and professional development
 - Career progression and management of career incidences

Key strengths of Draft Framework

STRENGTHS

Commitment to professionalisation and the insulation of the public service from inappropriate political interference. This is a step in the right direction. It recognises professionalisation as a process that involves the creation of an environment of integrity to insulate public servants from such interference.

It emphasises several measures to enhance professionalisation:

- Institution of pre-entry exams, induction and on-going training for senior managers, revolving-door policy to enable public servants to gain experience through rotation into the private sector
- Ensuring meritocracy in the recruitment and career progression of public servants
- Enhancing and building partnerships and relationships with professional bodies – ensuring that technical personnel are certified by relevant bodies and trained
- Initiating consequence management through transgression mechanisms available to professional bodies and the Public Audit Amendment Act



Key weaknesses of Draft Framework

WEAKNESSES

- **Very input-driven** - how do inputs proposed (pre-entry exams, competency tests, induction training and on-going training) get translated into enhanced operational and administrative capability, and have an impact on service delivery?
- **Performance and consequence management not integral aspects of professionalisation** - central to fostering an organisational ethos or culture that builds adherence to constitutional values
 - 2019-20 & 2020-2021 FY: Govt expenditure close to R4.5 billion on civil servants while they were waiting for their disciplinary hearings to be concluded.
- Presented as an implementation framework, but **document lacks detail** on types of short, medium and longer-term interventions (especially those to address existing public servants).
- Does not recognise enough that conduct, whether ethical or malfeasant, is powerfully framed, constrained and enabled by the **structure of the institutions within which officials operate** and that this structuration of the state has significant consequences.



Recent opportunities for influence

Submissions

- Opportunity for oral and written submissions in February 2021.

Ministerial Task Team established

- Workstreams established in line with five Framework's pillars
- Tasked with further development of proposals and finalisation of the Framework based on submissions and inputs from Task Team members/workstreams
- PARI and CESA sit on Task Team; PARI as representative of civil society
- Preparation of consolidated report to be presented to the Minister



Summary of key PARI proposals

- Advocate for **system of tiered-screens in personnel process planning and process administration** and an **increased role for the Public Service Commission (PSC) as a check and balance** in personnel processes for professionalisation and insulation from undue political interference. Currently, 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.
- In the appointment of the Head of the Public Service, the PSC, in consultation with the President, should be responsible for process planning. The PSC should be responsible for process administration, which includes establishing a selection committee with relevant subject matter experts. The selection committee should shortlist; President then appoints from that short-list.
- If professionalisation seen 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.
- Existing senior managers to undergo competency tests to assess whether they meet the minimum requirements of the positions they hold, as well as remedial measures to address any shortcomings.



Summary of key PARI proposals (cont.)

- HR departments to re-evaluate job descriptions to identify critical skills required and inform technical skills programmes to be prioritised by the NSG (with support of professional bodies).
- Certain categories of employees (i.e., SMS members, and those who occupy specialist, technical and some key functions of SCM, HR, Finance and Planning) should be professionalised and certified by professional bodies. Accompanied with on-the-job assessments so that new skills are applied - lead to increased productivity/ better service delivery
- More clarity 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; payment of a yearly membership fee thereafter.
- Institute financial disclosures for SCM/finance staff (as advocated in PAMA)
- Where subject matter requires very specific forms of procurement process, such as consulting and infrastructure procurement, procurement processes should not lie within generalist bid committees, but rather within end-user divisions, subject to the broad oversight of supply chain management units and accounting officers/authorities.



Proposed Amendments to PSA and PAMA Acts

- Published in April 2021 for public comment

Amendments to the **Public Service Act (PSA)** seek to:

- devolve administrative powers to the heads of department while retaining strategic powers with the executive authority
- increase the functions of the Director-General in the Presidency to include the functions envisaged by the NDP for an administrative head of the public service.

Amendments to **Public Administration Management Act (PAMA)**

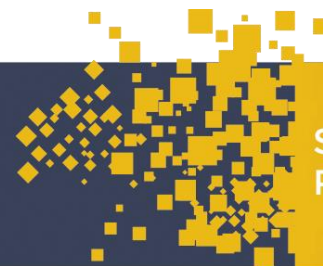
- Aim to standardise conditions of service across the public administration with a view to facilitating the creation of a single public service
- Facilitate the transfer/movement of staff across spheres of government and public entities, after consideration of representations/submissions and based on existing operational needs.



Proposed Amendments to PSA and PAMA Acts

Amendments to **Public Administration Management Act (PAMA)** – cont.

- Tighten provisions to prevent employees from conducting business with the state, especially where they are directors of companies - as defined in the Companies Act, 2008 (Act No. 71 of 2008) - that conduct business with the state.
 - *Yet* does not deal with cases where employees might not be directors of such companies but are nonetheless the ultimate beneficiaries of such contracts – need for information on **beneficial owners or holders of shares of companies** that do business with the state
- Amendments have not yet come into force but expected soon



Most recent positive developments

Official launch of Public Administration Ethics Integrity and Disciplinary Technical Assistance Unit (PA-EID-TAU) within DPSA

- improved implementation of ethics and anti-corruption policy (i.e. conducting business with the State, performance of other remunerative work, discipline management and lifestyle audits).
- Strengthening of Ethics Infrastructure (e.g. Ethics Committees; Ethics Officers, whistle-blowing mechs).
- Improvement of discipline management – building capacity, and addressing outstanding precautionary suspensions and the costs associated with it.
- Addressing issues of corruption through referral of cases, follow through with disciplinary steps and addressing identified policy loopholes.

Launch of voluntary Association of Former Directors General

Civil society initiatives: (Defend our Democracy Campaign, Public Procurement Reform Working Group, Civil Society Working Group on State Capture)



Thank you!



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