

DECEMBER 2003/JANUARY 2004 ISSUE  
VOLUME 1 No.1



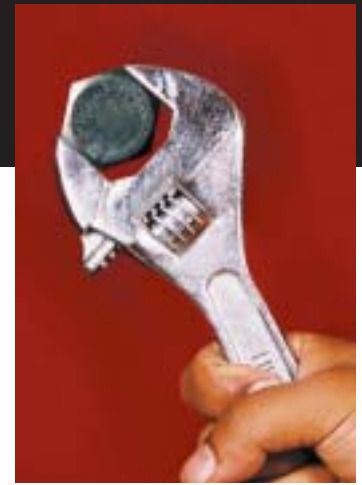
# News

OFFICIAL MAGAZINE OF THE PUBLIC SERVICE COMMISSION



**You too  
can  
lodge  
a complaint**

**Turning  
the tide on  
CORRUPTION**



Turning  
the tide on  
CORRUPTION

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The Extent of Corruption in South Africa assessed



Putting the state of the public service under a microscope

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FROM THE EDITOR'S DESK

# MAKING REMARKABLE STRIDES IN FIGHTING CORRUPTION

**W**elcome to our first Public Service Commission (PSC) magazine, PSC News. As mentioned in our Chairperson's Desk, we do hope that you will find our magazine entertaining and informative. In this inaugural edition we take a closer look at corruption. We highlight the successes of some of the departments that have already made remarkable strides in the fight against corruption.

Professional ethics is a cornerstone for sound administration and progressive governance. It is the practical application of values and principles in a working environment to ensure that honesty and integrity underpin all transactions and relationships. Because the apartheid regime was founded on unethical values, the administration inherited in 1994 was characterised by high levels of corruption and maladministration. Since 1994, transformation has also created opportunities for corruption (State of the Public Service Report, 2002:22).

Corruption generally is recognised as a problem. It has different facets. It involves bribery, greed, embezzlement, abuse of power, extortion, favouritism and nepotism. The danger of corruption, particularly in a developing country like South Africa, is that it distorts and devotes resources intended for service delivery improvement.

Corruption also has an adverse effect on the economy because it sends a message to international investors that our country is not suitable for investment. Nevertheless, it is encouraging to know that government is on course in rooting out corruption.

It is really pleasing to note that government is not fighting the corruption fight alone. The private sector and civil society have partnered government through the National Anti-Corruption Forum, which was established in 1999.

It is critical to have relevant structures and legislation in place to fight corruption, but it is equally important to promote ethical behaviour in our society. Many people do not understand that, for example, to jump a queue at a payout point or bribe someone in order to be served first equals corruption. However, we are hopeful that through the promotion of ethical behaviour, such corrupt practices will become a thing of the past in our society.

There can be no doubt that corruption takes place between two individuals or parties. Although corruption deals are mostly concluded in secret, members of society in one way or another come to know about them. We should therefore make it our responsibility to encourage people to act as whistleblowers and report any corruption activities through the whistle-blowing mechanisms that government and other structures have



*Humphrey Ramafoko*

put in place. These whistleblowers will be protected by the Protected Disclosure Act of 2000.

We will be fooling ourselves to think that corruption will be defeated in a day. However, knowing that government, civil society and the private sector have joined hands to eradicate it, gives much hope and reason to lend a hand in turning the tide against this monster.

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# FROM THE DESK OF THE CHAIRPERSON



*Professor Stan Sangweni*

**W**elcome to the first edition of PSC News, the official biannual magazine of the Public Service Commission, which will be published in March/April and September/October of every year.

We introduce this publication at a time when government places high priority on efficient and effective service delivery, good governance and best practice in public management.

We therefore hope that this publication, which will be distributed throughout the public service, as well as to non-governmental organisations and our strategic partners, will provide a platform that will facilitate communication and debate on service delivery, anti-corruption measures and other areas of public administration.

The fight against corruption intensifies more than ever and citizens are beginning to realise that corruption is evil. Government, civil society and the private sector have committed themselves to fighting corruption.

The theme for this inaugural edition of PSC News is: "The tide has turned on corruption". In pursuit of our monitoring and evaluating mandate, and our role as secretariat to the National Anti-Corruption Forum, we underscore the successes of some of the departments that have already made remarkable strides in the fight against corruption. We salute these departments and hope that others will draw lessons from them.

I hope you find our magazine reader friendly, entertaining and informative. I invite all of you to use this magazine to communicate with us and the rest of the public service on issues pertaining to public management, service delivery and anti-corruption.

# GOVERNMENT COMMITTED TO FIGHTING CORRUPTION HEAD-ON

*Minister of Public Service and Administration,  
Ms Geraldine Fraser-Moleketi*



I would like to take this opportunity to congratulate the Public Service Commission (PSC) for their initiative in producing this exciting new magazine, PSC News. I hope that this publication will complement the Department of Public Service and Administration's publication the Service Delivery Review, in stimulating debate on public administration and anti-corruption. I would also like to urge all public servants and other strategic stakeholders to use this publication as a tool for communication.

One of the key performance areas of the PSC is anti-corruption investigations; and this publication comes at a time when we have reported progress on the National Anti-Corruption Forum (NACF) to the Portfolio Committee on Public Service and Administration. The establishment of the NACF heralded one of the continent's first anti-corruption coalitions between civil society, the public and private sectors. As government, we are mindful of the fact that corruption erodes stability and trust, and it damages the ethos of democratic governments. Its economic and social costs are immense, and partnerships such as those embodied by the NACF lay the basis for recovering such losses.

As the theme of this first edition suggests, the tide is really turning on corruption. As the government we are very much committed to rooting out this monster, which is furtive and illicit in its nature and our emphasis on the NACF is indicative of just how serious we are.

*corruption erodes stability and trust, and it damages the ethos of democratic governments*

Amongst the initiatives we are intending to and have put in place to fight the scourge of corruption are the following laws, regulations, procedures and institutions, some of which are discussed in detail in this edition:

- ◆ The proposed Prevention of Corruption Bill
- ◆ The Financial Intelligence Centre Act of 2001
- ◆ The Protected Disclosure Act of 2000
- ◆ Special commercial crime courts in Pretoria and Johannesburg to help

speed up high-profile cases of commercial crime

- ◆ Blacklisting of individuals, businesses and organisations that are proven to be involved in corruption
- ◆ Anti-corruption hotlines at national departments and provincial administrations
- ◆ The proposed National Public Service Anti-Corruption Hotline
- ◆ A financial disclosure framework for Senior Management Service members

Government, in partnership with the United Nations' Southern African Regional Office on Drugs and Crime, undertook a comprehensive country assessment on corruption earlier this year. This assessment forms part of a wider partnership project agreement, signed by the Government of South Africa and the Office on Drugs and

# GOVERNMENT COMMITTED TO FIGHTING CORRUPTION HEAD-ON

cont...

Crime in March 2001, to support government's national anti-corruption programme. The assessment involved perception and experience surveys among households, public service delivery institutions and businesses; analyses of legislation and codes of conduct; and data collection on criminal and disciplinary cases related to corruption.

*It is especially important that government's partnerships with business and civil society are nurtured, as it is impossible for the government to fight corruption alone.*

The Country Corruption Assessment Report provides a comprehensive overview of the evidence available on the incidence and nature of corruption as well as the anti-corruption mechanisms put in place or envisaged in South Africa. Judging from the results of the Country Corruption Assessment Report, it is evident that South Africa has made great strides in the fight against corruption; however, there are still serious challenges to be faced, which include amongst oth-



ers: improvement of the efficiency of the courts; improvement of the skills of investigating officers; and the need for far better co-ordination of anti-corruption strategies, initiatives and investigations. These challenges require a concerted effort from all sectors, as well as partnerships with business, civil society and the international community. It is especially important that government's partnerships with business and civil society are nurtured, as it is impossible for the government to fight corruption alone.

The results of the Country Corruption Assessment Report are discussed in detail in this issue of PSC News.

I would like to take this opportunity to salute all public servants and strategic partners who have made tremendous

strides in our fight against corruption. I would also like to urge everyone to inculcate a culture of ethics envisaged in our code of conduct for the public service, because this is an ethical framework that forms the basic set of standards for professional behaviour. This is necessary as public servants face ethical dilemmas on a daily basis, which range from minor temptations to major issues such as bribery and corruption. A sound ethical framework and the rigorous promotion thereof will help to enlighten and strengthen the resolve of public servants to place public interest above any illicit personal benefit. The spirit of Batho Pele will then truly become an innate attitude of public officials rather than just a policy on white paper.

# FINANCIAL DISCLOSURE AND CONFLICT OF INTEREST:

## THE CASE FOR STRENGTHENING AND AMENDING THE CURRENT REGULATORY REGIME

By Richard Levin  
Deputy Director-General:  
Good Governance and Service Delivery,  
Office of the Public Service Commission

### Introduction

Establishing a professional and systemic approach to the risk of conflict of interest is a fundamental pillar of good governance. In South Africa several steps have been taken to establish a sound professional ethics infrastructure to minimise the risk of conflict of interest. Financial disclosure has been accepted internationally as the key mechanism to prevent conflict of interest. Any attempt to conceal acquired assets during a specified period opens up the possibility of breaches of codes of conduct, codes of ethics and/or public service regulations. South Africa has a framework for financial disclosure, obligatory for the Senior Management Service (SMS). Although there has been an annual improvement in submission of financial disclosure forms since its inception, there is still space for improvement.



The current figures also illustrate a major problem in the system: the forms are not submitted within specified time periods, forcing the Public Service Commission (PSC), the responsible central agency for implementation of the financial disclosure framework, to request the Minister for Public Service and Administration each year to send out reminders to executing authorities (EAs). This suggests that the current system as managed and regulated is in need of some significant changes.

Director of the New York Conflict of Interests Board, Mark Davies, has stated

that government ethics regulations must be “simple, sensible, straightforward and short,” and that “the code must be understandable to every official without a lawyer”.<sup>2</sup> When regulations are difficult to understand, implementation becomes even more complex. In order to become clearly comprehensible, disclosure regulations should not be riddled with definitions and exceptions. To some extent, the current Public Service Regulations of South Africa (2001, Chapter 3) do not meet these standards. There are certain areas where the regulations may be ambiguously interpreted.

One example can be found in the provisions around acceptance of gifts. C.5.3 stipulates that an employee must not in her/his official capacity solicit gifts or benefits nor accept any benefits or gifts when they are offered as this may be construed as bribes.<sup>3</sup> On the other hand, in terms of Chapter 3 of the amended regulations, members of the SMS are required to disclose gifts valued at over R350.

Moreover, there are also problems of definition and interpretation, as the code does not clearly define what a gift is.

Although there are other problems pertaining to ambiguity, contradiction and lack of definitional clarity, this is not the major thrust of this paper. The PSC recently undertook a comparative review of good practice surrounding financial disclosure and conflicts of interest, and the paper focuses on these. It also makes some suggestions on how to tighten up the management of the South African system.

The key elements of good practice in the management of financial disclosure include: declaration of financial assets and interests, maintenance of a central

The following table is illustrative of this:

Year	1999/2000 %	2000/2001 %	2001/2002 %	2002/2003 %
National	61	72	88	55
Provincial	63	59	75	33
Total	62	67	82	44

record, access to the record, monitoring, enforcement and penalties. The paper will consider each of these in turn.

## Declaration of financial assets and interests

There can be little argument in principle against the declaration of financial assets and interests, but questions arise around the frequency as well as where the declarations are to be submitted and managed. The South African system, like many others, requires an annual submission of financial disclosures. The forms are submitted to Ministers and Provincial Members of Executive Councils (MECs), checked and then forwarded to the PSC. The PSC has established a central system for the management and further checking of the forms.

One question that arises relates to the frequency and timing of submission. If the forms are only submitted annually, then declarations involving potential conflicts of interest or impropriety are often only scrutinised long after their occurrence.

Other questions relate to the most competent authority to scrutinise and check the veracity of the disclosure. Who is responsible and accountable? In Botswana, while there is a central registry at the Directorate for Public Service Management (DPSM), the public official concerned is required to bring to attention of the Permanent Secretary (Head of Department) where there is a conflict of interest or potential conflict of interest regarding the official, her/his spouse or minor children.<sup>4</sup> This is clearly a weakness, which is currently being reviewed. In Australia, responsibility lies with the Heads of Department. They are required to submit their disclosures to their Minister, but are responsible for receiving the disclosures of the employees in their departments. It can be argued that line managers are the best placed to identify conflict or potential conflicts of interest, because they know the type and nature of work undertaken by individual employees in their departments.

The Australian system also provides for transactional disclosure. This places the

responsibility on all public officials to disclose to their supervisors any conflict or potential conflict of interest as soon as it arises. This overcomes the problem of officials waiting for the annual submission deadline before disclosing.

In several countries, including Botswana and the Philippines, all public officials – irrespective of their ranking – are required to submit disclosures; but in Australia, like in South Africa, only members of the Senior Executive Service are required to disclose.<sup>5</sup>

International good practice shows that South Africa is on track with respect to disclosure, but there are areas where improvement can be considered. These include the submission route. Consideration needs to be given to the precise role of Heads of Department in scrutinising disclosure forms. They are even better placed than EAs to rigorously analyse disclosures, as they understand the precise roles of all officials concerned. Currently, the heavy workload of EAs does cause delays in the submission of forms to the PSC for filing and management.

For this reason the PSC has recommended that financial disclosure forms be simultaneously filed with EAs and the PSC. Realisation of this recommendation would require regulatory changes, however.

## Maintenance of a central record

In South Africa the PSC is responsible for implementing the financial disclosure regulations. SMS members are required to submit their confidential annual financial disclosure reports to their Ministers or MECs no later than 30 April each year. Executing authorities are in turn required to submit a copy of the report to the PSC by 31 May. The forms are strictly confidential and only Executing Authorities, staff designated by them for record purposes, Commissioners of the PSC and staff designated by the PSC for effective implementation of the regulations are allowed access to them. Other than these designees, the forms may only be accessed in terms of Section 11 of the Access to Information Act of 2000.

There are some arguments that can be offered for the centralisation of the system. Having a centralised point of submission does afford government the opportunity of having a comprehensive picture of the national status quo with respect to financial disclosures. Public administration is a national competency in terms of South Africa's constitution. Nevertheless, the country has opted for a decentralisation of key management practices such as recruitment and selection and the management of discipline.

There is still some way to go for some of these management delegations and responsibilities to be successfully implemented. There may also be some arguments for a re-centralisation of some delegations until such time as managers are accredited. However, the same logic that drives decentralisation generally is applicable in the case of management of a financial disclosure system. If the will of management to eliminate conflict of interest is strong, then certainly managing financial disclosure regulations in situ offers a more effective regime to deal with conflict of interest in the workplace.

Moreover, the South African public service is large, complex and will potentially grow exponentially in the next few years with the move towards an integrated service, which incorporates local government. International good practice reveals that, in most countries, there is a tendency to delegate at least some responsibilities for the management of financial disclosures to departments. This usually occurs with the supervision and monitoring of a central department. In the United States, for example, departments are responsible for ensuring compliance, while the Office of Government Ethics plays a monitoring role. A similar arrangement prevails in the Philippines, where departments ensure compliance and the Civil Service Commission monitors.

In South Africa, delegating full responsibility to a small central agency like the PSC may be overly ambitious. Already the problem of reliance on executing authorities by the PSC has been noted. Moreover, the PSC is a constitutional body charged with supporting Parliament's overseeing the executive. The current ambit of the PSC's role means that it has both an implementing and an overseeing role.

disclosure forms emanating from approximately 135 departments. If this is to be done more thoroughly, then the staff capacity of the PSC needs to be strengthened accordingly.

## Enforcement and penalties

A key challenge confronting the South African disclosure system is strengthening enforcement through identifying relevant sanctions. Presently, those who do not comply have nothing to fear, because nothing happens to them. This situation needs to be reversed through the identification of appropriate penalties.

In the United States several penalties are in place to deal with non-compliance with financial disclosure regulations. Basic non-compliance may lead to prison terms of one year or more, while wilful offenders may receive prison terms for up to five years or a fine. The Attorney General may also institute civil action against an offender, and upon proof of misconduct, the offender may be subject to a civil penalty of over \$50, 000.

The Philippines regime is also harsh on non-compliance and offenders. Violation of the relevant legislation, Section 11 of the Republic Act No. 6713, is punishable with a jail term of not more than five years, or a fine not exceeding P5 000, or both. Moreover, at the discretion of the court of competent jurisdiction, offenders may be disqualified from holding further public office.

The legislation also provides for removal or dismissal of a public official or employee from office through administrative proceedings. In addition, the law also stipulates that private individuals who participate in a "conspiracy as co-principals, accomplices or accessories" in violation of the Act are liable to the same penalties as public officials or employees and are tried jointly with them.<sup>7</sup>

Apart from these foregoing penalties, each Department of State is responsible for ensuring that its employees comply with the requirements of the ethics law. The equivalent of the PSC, the Civil Service Commission, conducts regular inspections and audits of each govern-

ment department. Government departments also conduct induction courses on value orientation and public ethics in order to train public servants on their rights and obligations.

In Botswana, offenders are reprimanded and may be transferred within or expelled from the public service. In Australia, transgressions are dealt with through the imposition of disciplinary action.

In South Africa clear penalties must be set out. At the same time this requires some serious work in order to avoid impinging on the current contractual regime or any collectively bargained agreements or protocols. It is important not to establish a parallel system of justice running via the Public Service Regulations alongside the system of negotiated disciplinary codes and procedures.

Nevertheless, consideration needs to be given to implementing a fine for the first offence and a second breach, if serious, could lead to harsher sanctions – including dismissal.

## Conclusion

The foregoing discussion has unearthed a number of recommendations that could lead to the strengthening of the current system of financial disclosures. The first recommendation is for the appointment of ethics officers. It may be argued that many senior public officials and departments are suffering from 'transformation fatigue' induced by the large number of statutory regulations and requirements, and that the appointment of ethics officers merely adds another layer. Nevertheless, the professional ethics infrastructure that has been established (including financial disclosure) does require levels of administration, enforcement, advice and counselling that are presently unavailable in departments. As argued earlier, this is not envisaged as a fulltime job, but needs to be added to the responsibilities of a senior manager identified by the Director General.

The other strength of the appointment of ethics officers is that this can strengthen the case for decentralisation. As has been argued, line managers are better placed to identify specific conflicts of interest

than an outside agency and hence ensure that they do not contaminate decision-making processes of government.

Whether centralised or decentralised, the efficiency of the system would be strengthened through electronic submission of the forms. The advantages of this would include simpler updating by officials, enhanced monitoring and less human capacity required for overall management of the system.

The most senior managers and the Director General in particular, must add their weight to the system of financial disclosure through direct support and involvement. The responsibilities of enforcement and monitoring should be added to performance agreements of SMS officials, while compliance with the Code of Conduct should become a contractual obligation.

Strong penalties for non-compliance and wilful breaches need to be contemplated. Nevertheless, as argued above, this will require advice from labour law specialists in order to avoid conflict with current agreements that have been negotiated.

The paper has also addressed other issues such as wider access to the disclosures. This is a controversial issue, but international good practice from both the developed and developing world indicates that there may well be room for broader public access to the disclosure statements. The advantages include greater legitimacy of the system, more honesty in compliance and improved enforcement mechanism, given the time and resources that outside agencies, including the media, have for thorough monitoring of the disclosures. Serious consideration therefore needs to be given to the benefits deriving from greater public openness in relation to competing concerns relating to the rights of privacy of public servants.

Finally, it should be noted that implementation of most of these recommendations would require a review and amendment of current regulations pertaining to the submission of financial disclosures.

*\*Sources acknowledged on back inside cover*

# THE EXTENT OF CORRUPTION IN SOUTH AFRICA ASSESSED

By Maphatang Foola  
*Anti-Corruption Specialist: Department  
of Public Service and Administration*



**C**orruption is one of the major problems facing our society. It erodes stability and trust, and it damages the ethos of our democratic government. Its effects can seriously constrain development of our economy and hinder good governance.

To address the specific problems of corruption in our country, in 1997 the government launched a national anti-corruption programme. This programme culminated in the adoption of the Public Service Anti-Corruption Strategy at the beginning of 2002.

Five years into the programme government's assessment was that good progress has been made in that many departments and agencies have put in place solid systems to fight corruption.

However, problems were emerging at the operational level, most notably the absence of clear anti-corruption legislation, insufficient co-ordination of anti-corruption work within the public sector and among the various sectors of society,

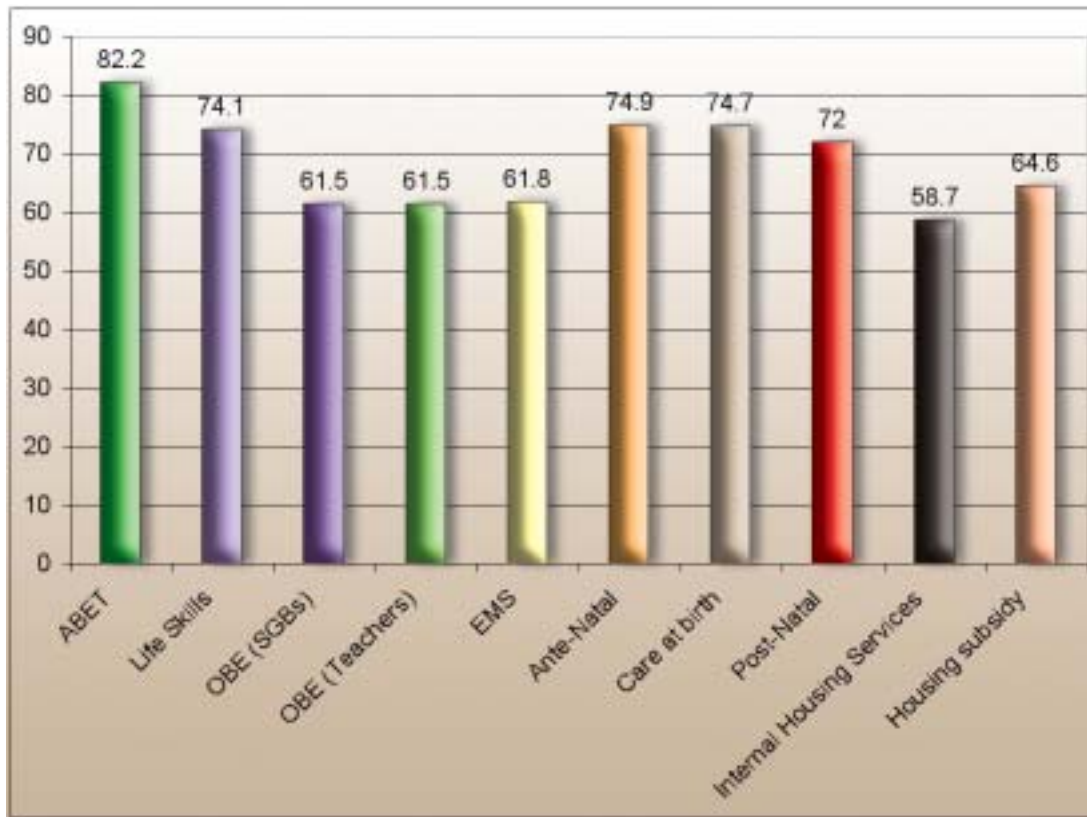
and poor information about corruption and the impact of anti-corruption measures.

In order to help articulate and analyse these challenges, the Department of Public Service and Administration, in partnership with the United Nations' Office on Drugs and Crime – Regional Office for Southern Africa – undertook a comprehensive country assessment on corruption. The assessment entailed, inter alia, perception and experience surveys among households, public service delivery institutions, and businesses; analysis of legislation and codes of conduct; and data collection on criminal and disciplinary cases related to corruption.

The objective of the assessment is to provide a comprehensive overview of the evidence available on the incidence and nature of corruption, as well as the anti-corruption mechanisms put in place and those envisaged in South Africa. The Country Corruption Assessment Report provides baseline information that is both solid and objective. This information will enable government to monitor its progress in the governance environment and the effectiveness of mechanisms to combat and prevent corruption. It will also assist all sectors to form a more accurate picture of the current levels of corruption in South Africa and how those levels impact on service delivery and investment.

In general, the findings of the Country

As illustrated below, the report shows that citizens who were dissatisfied with a particular service saw the rest of government in a poor light too, even if they had never experienced another service. Similarly, those who were pleased with one government service tended to think highly of service delivery across all departments.



In the Department of Education, the Department of Health and the Department of Social Development (social security grants only), citizens have noted that the service delivered came close to meeting their expectation of a trouble-free service. This was not the case in either the Department of Housing or the Department of Social Development (social development projects). With regards to these services citizens reported problems with delivery.

## 2. Internal services

The report also looks, from a quantitative perspective, at the perceptions that citizens have of the internal services they have received from the four departments. In all four departments there is a sizeable variance between expectation and actual performance; the largest difference being for EMRS (Department of Health) and the smallest being for OBE (school governing boards, Department of Education).

*Assessing satisfaction levels among citizens to whom services are delivered is critical to service delivery improvement.*

## 3. Participant observation

The report also presents findings from first-hand experiences of making use of the services being assessed.

The following implications should be noted:

- ◆ All four departments scored relatively highly in terms of both the telephonic interviews with staff of the departments and with walk-in interviews.
- ◆ This suggests that in terms of basic service delivery functions – e.g. answering the telephone, attitude of staff to enquiries, and general interaction with the public – the four departments perform their functions admirably.

## Recommendations and conclusions

The report argues that measuring service delivery by way of a CS survey should be an integral part of a performance management system based on service delivery indicators.

It advocates that once such a system is in place, specific steps must be taken to ensure that recommendations are inte-

Corruption Assessment (CCA) manifest that South Africa has made headway in the fight against corruption; however, there are still serious challenges to be faced. These challenges require a concerted effort from all sectors, plus partnerships with the international community.

## Extent of corruption

The Assessment commenced with assessing the extent of corruption. This was an arduous task since the answer to the question "What is the extent of corruption in South Africa?" depends on a number of factors, such as:

- ◆ What is corruption (definition: legal, operational, perception)?
- ◆ Which corruption is to be looked at (type)?
- ◆ Measurement (how) and frequency (how often).
- ◆ The temporal and spatial framework (time and location).
- ◆ Who is involved (actors)?
- ◆ Available knowledge about corruption (sources).
- ◆ Public tolerance levels (cultural context).
- ◆ Purpose of looking at corruption (recording, tracking, evaluation, change-inducement).
- ◆ Use of knowledge of corruption (motivation).

The assessment had to deal with all of these and other questions. Available information was incompatible to provide a reliable answer to this simple question about the extent of corruption in South Africa. An overview of various studies on corruption in South Africa immediately revealed that there was no standard approach in terms of definitions, methodologies, samples and sources.

In order to provide reliable information, three commissioned surveys on perceptions and experiences of corruption were conducted. These were to be complemented with information from the public service departments on disciplinary cases and cases referred to court and with information from public agencies with anti-corruption mandate.

## Surveys

The three commissioned surveys on perceptions and experiences of corruption

were: a household survey, a business survey, and a public administration survey at service delivery points of three government departments in KwaZulu-Natal and Gauteng. These surveys have established useful baselines and it is advisable that they be repeated at regular intervals in order to be able to ascertain trends. The information gathered through the said surveys was supplemented by a few selected surveys (not commissioned by this CCA Project) and commissioned focus groups.

*surveys indicate that police officers are the most vulnerable to corruption, followed by customs, local government, home affairs and court officials.*

### Household Survey

This was conducted as part of the Makinor Omnibus Survey in October 2001. The sample consisted of 200 respondents in the metropolitan areas and 1 500 respondents based in rural areas. The results were weighted and projected onto an adult sample of South Africans over the age of 16.

### Business Survey

A computer-aided telephonic interviewing approach was used. The survey covered a nationally representative sample of businesses in South Africa, stratified according to economic sector and determined by contribution of that sector to GDP.

### Public Administration Survey

Service delivery points of Departments of Health and Home Affairs, and the South African Police Service in Gauteng and KwaZulu-Natal participated. A total of 925 service users were interviewed at the service delivery points, 734 public officials completed self-administered questionnaires, and in-depth interviews were

conducted with 12 site managers and 12 managers representing finance, procurement and human resource units within the departments.

## Results

The Household Survey revealed that 41% of the respondents perceive corruption as one of the most serious challenges facing the government, while just a few less (39%) contended that there is a lot of corruption, although it is not the most pressing issue.

62% of the respondents in the business survey believe that corruption has become a serious issue within the business sector. 12% of the respondents refrained from making major investment because of corruption. However, some businesses view corruption as a less important factor that would not influence their investment decision.

In the two provinces, namely KwaZulu-Natal and Gauteng, clients of public services (Health, Police and Home Affairs) estimated that between 15% and 30% of public officials in these locations are corrupt, and 10% of the respondents indicated that public officials expect some form of extra payment for services rendered.

Public officials themselves perceived clients to be corrupt in a sense of constantly seeking "back-door" solutions to their problems. Management holds a negative view on corruption in their own departments, and some contend that 75% of staff is untrustworthy and involved in low-level corruption in the form of bribery.

Citizens', businesses' and public officials' overall actual experience with corruption is much lower than what has been portrayed by the media. The business survey showed that 15% of the respondents were approached to pay a bribe while 7% had to pay a bribe and a further 4% had to pay extortion.

More than one-third of public officials in KwaZulu-Natal and Gauteng admitted to having been approached by a client wanting to give them a gift in exchange for a service provided. Slightly more than one in ten public officials admitted to accepting such a gift.

# CITIZENS DEMONSTRATE SATISFACTION WITH GOVERNMENT SERVICES



By Richard Levin  
*Deputy Director-General:  
Good Governance and Service Delivery*

and  
Zanele Dhludhla

*Director: Management and Service Delivery Improvement,  
Office of the Public Service Commission*



**I**n order to provide a better life for all citizens, government is committed to reviewing and improving the delivery of services on an ongoing basis. Assessing satisfaction levels among citizens to whom services are delivered is critical to service delivery improvement.

For this reason the PSC conducted a citizen satisfaction survey and piloted it in four departments, namely Education, Housing, Health and Social Development.

The White Paper on Transforming Public Service Delivery (1997) provides a clear policy framework and implementation strategy for the transformation and improvement of public service delivery.

The central component of the strategy is the eight Batho Pele principles. In 2000, the PSC commissioned a study to explore compliance with the Batho Pele policy, which found that, in terms of the eight principles:

- ◆ Citizens are seldom consulted about their needs.
- ◆ Citizens are typically unaware of the standards they should be demanding.
- ◆ Access to services remains a problem.
- ◆ Whilst courtesy standards had been set in many departments, departments were unable to measure whether these standards were being met, as they had not canvassed the opinion of their clients.
- ◆ Information and dissemination campaigns were not always comprehensive, and there were gaps in communication between institutions and the communities they served.
- ◆ Citizens were not kept abreast of the performance of either provincial or national departments.
- ◆ Limited efforts have been made to establish complaint-handling mechanisms, and when they exist, they generally do not function effectively.
- ◆ Few departments engage in rigorous analysis of performance in terms of value for money.

The citizen satisfaction survey was undertaken as a follow up to the Batho Pele survey. The specific objectives of this study were to:

- ◆ Identify the key factors that influence

the satisfaction of citizens in general

- ◆ Determine the level of service desired by these citizens
- ◆ Measure the actual level of service being provided
- ◆ Highlight and prioritise areas that require improvement or attention
- ◆ Provide a basis for a comparison of service delivery between the different departments
- ◆ Provide a tool for conducting research on citizen satisfaction on an annual basis by the PSC

A participant observation component was also undertaken with the aim to:

- ◆ Determine the efficiency and professionalism of the staff at specified facilities
- ◆ Observe the attitude and behaviour of the staff at specified facilities
- ◆ Highlight those areas where staff were excelling or failing
- ◆ Identify areas requiring improvement at each office evaluated

The report provides a detailed analysis of the methodology used to develop the Citizen's Satisfaction Survey in this project. This involved identifying the core components of service delivery in the departments, the development of a research instrument, the selection of a sample of citizens who use the services to be researched, a random survey of service users drawn from the sample, capture and analysis of the data and reporting on findings.

# GOVERNMENT, BUSINESS AND CIVIL SOCIETY: COMMITTED TO ROOTING OUT CORRUPTION

By Roderick Davids  
*Director: Professional Ethics,  
Research and Monitoring,  
Office of the Public Service  
Commission*



**T**he first public sector anti-corruption conference was held in Cape Town on 10 and 11 November 1998. At this conference a call was made for the anti-corruption effort to become a national concern, which would include all sectors of South African society. Consequently, a National Anti-Corruption Summit was convened in April 1999.

At the summit, a resolution was passed, calling for a national anti-corruption forum to be established. Two years later, after much debate and preparation, the National Anti-Corruption Forum (NACF) was launched in Cape Town by Deputy President Jacob Zuma on 15 June 2001.

## Composition of the NACF

The NACF is comprised of three sectors, namely: civil society, business, and government. Each sector is represented by ten members nominated by their respective constituencies. The current Chairperson is the Minister for Public Service and Administration, Ms Geraldine Fraser-Moleketi.

On 26 March 2003, the NACF reported to Parliament on its activities of the past two years. Details below are highlights extracted from the presentation to Parliament.

### Civil society

Various civil society organisations pro-

mote transparency and good governance. They are:

- ◆ The Open Democracy Advice Centre (ODAC)  
ODAC provides advice and training on the Protected Disclosures Act of 2000, as well as the Promotion of Access to Information Act of 2000. This legal advice centre is an initiative of the Institute for Democracy in South Africa (IDASA), in partnership with the University of Cape Town Law Department and the Black Sash Trust.
- ◆ Transparency South Africa (T-SA)  
As part of an international network of NGOs working to promote systemic reform, Transparency South Africa (T-SA) is the only national NGO with



As a dynamic and vibrant institution, the Commission produces an enormous amount of information and knowledge. Much of it is related to particular issues or investigations, while some of it is ongoing and continuously updated. Most of this information is presented in open forums, is posted on the PSC website and made available in printed reports and provided to the press for publication.

## The State of the Public Service Report

In 2001 the Commission decided that the large volume of information it gathers and disseminates needs to be pulled together in a single, concise document that presents a strategic overview of the current situation in the public service. This, it was agreed, would be useful to analysts, policymakers, legislators, students, human resource practitioners and others and should advise them of the current situation in the public service and identify what areas of need should be prioritised and targeted. It was agreed that the Report should be produced annually and should follow a similar, though not identical format each year.

The first edition of the State of the Public Service Report was produced late that year and was structured around the nine principles for public service and

administration defined in the Constitution.

These principles are as follows:

1. A high standard of professional ethics must be promoted and maintained.
2. Efficient economic and effective use of resources must be promoted.
3. Public administration must be development oriented.
4. Services must be provided impartially, fairly, equitably and without bias.
5. People's needs must be responded to and the public must be encouraged to participate in policymaking.
6. Public administration must be accountable.
7. Transparency must be fostered by providing the public with timely, accessible and accurate information.
8. Good human resource management and career development practices, to maximise human potential, must be cultivated.
9. Public administration must be broadly representative of SA's 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.

The 2001 Report received good coverage in the press and was very well received in the public service itself. It successfully

met the need for a clear, short analysis of the public service that defines the challenges facing it, and that makes a limited number of achievable recommendations.

## The 2002 edition of the State of the Public Service Report

The 2002 edition of the state of the Public Service Report followed a similar format than that of the 2001 edition, but looked at principles 1, 2 & 8 in detail; and to the others more briefly.

In summary, the 2002 edition made the following points:

- ◆ The South African public service has undergone a series of profound changes since the political transition of the 1990s that have generated institutional fatigue but have also energised the service in many ways. The public service has been reconstituted as a network of delivery-oriented public service providers, each responsible for its own management according to national norms and standards, rather than the standardised rigid procedures that characterised the previous system. This has created a foundation for future success, although major challenges remain in the areas of implementation,

# HOME AFFAIRS NOT A HOME FOR FRAUDSTERS

By Barry Gilder  
*Director-General: Department  
of Home Affairs*



**T**his year's State of the Nation Address of the President presented new challenges to the public service at large and the Department of Home Affairs in particular. The theme of this year's State of the Nation Address was "The tide has turned". The speech unequivocally stated that public service corruption will not be tolerated any longer. This also impacts on the notion of co-operative governance manifested in the FOSAD cluster system. The Department of Home Affairs finds itself at the centre of public service delivery and participates in five of the six inter-governmental clusters. This is signified by both the nature of Home Affairs' services (enabling many of government's other activities) as well as its vast client base (the total South African population).

Corruption in the Department of Home Affairs is a serious challenge. Not a single instance of corruption can be tolerated and the Department has significantly stepped up its investigations and its prosecution capacity. The Department is also nurturing a mindset among staff that reflects the highest levels of integrity and honesty and is installing incorruptible systems, thus protecting the Department against unscrupulous elements attempting abuse. However, the observation in

the Country Corruption Report that about 30% of our officials have been approached by members of the public and their agents to perform unlawful activities is disturbing. It is problematic that the very clients that we endeavour to serve in a fraud-free environment often fuel corruptive temptations.

The Department of Home Affairs has for a long time been the target of corruption. This is largely due to the nature of its functions and services, which are tradable and have a high monetary value. Foreigners, often assisted by South African criminal elements, are the major culprits. By and large, the acquisition of South African residence in order to reap the national benefits normally reserved for citizens is at stake. As a result, the National Population Register is incrementally corrupted and rendered unreliable. It is not always recognised that this inevitably results in a serious infringement of our national integrity equivalent to, and just as severe as, an invasion of our geographical borders. The essence of our state and nationhood is jeopardised. Effectively confronting this reality is a mammoth task. This has been inhibited by severe capacity and resource constraints as well as by insufficient formalised arrangements with other governmental agencies, notably in the security cluster. However, the tide is changing. Ridding Home Affairs of fraud and corruption remains a critical priority. Foremost examples of successes are firstly the stepping-up of our investigative

*Officer Network:* Drug and Organised Crime Liaison Officers play a significant role in combating organised crime internationally. They are also seen as valuable tools to facilitate training with regard to the combating of organised crime, of which corruption often forms an integral part.

## Regional

*Southern African Development Community (SADC):* Excellent cooperation in this regard has been obtained, which can be attributed to this initiative. Protocols exist which will assist in operations against organised crime groups, specifically where corrupt SAPS members are involved.

*Southern African Regional Police Chiefs Co-operative Organisation (SARPCCO):* SARPCCO was established with a view to promoting co-operation amongst policing agencies within the SADEC countries. This organisation also plays a vital role in preventing and investigating corruption.

## National

In order for the SAPS to properly execute their mandate to investigate and root out and prevent corruption, a close working relationship is maintained with the following departments:

### *The Department of Justice*

As all investigations are primarily prosecution orientated, a cordial working relationship between the investigating authority and the prosecuting authority is essential. Prosecutors' assistance is critical in the successful prosecution of corrupt officials who form part of organised crime enterprises.

### *Customs and Excise*

Commodities moving in and out of the country form an integral part of organised crime activities in which members of the SAPS may be involved.

### *Intelligence Agencies (MI, NIA, SASS, DI)*

An agreement between the SAPS and the Intelligence Agencies has been signed. The National Intelligence Act 1999 (Act 30 of 1999), states that all intelligence



agencies within SA will support the SAPS in combating organised crime, including the involvement of corrupt members of the SAPS.

### *South African Revenue Service*

This cooperation is essential for identifying and prosecuting corrupt SAPS officials who are involved in organised crime in contravention of the Prevention of Organised Crime Act.

### *Non-governmental organisations and other institutions*

The investigation of corruption plays an important part in freeing communities from the crippling effects of corruption within the SAPS. NGO'S are seen as an important link in the fight against corruption-related crime within the SAPS.

It is also very important to remember that one can never address the issue of corruption successfully without targeting and dealing with those groups and individuals who are responsible for corrupting our police officers. A very good example that comes to mind is the significant "Operation Jacob". This operation was conducted about six years ago at Standerton and dealt with the unlawful smuggling of prohibited substances (drugs) by corrupt members of the SAPS.

As a result of this very successful operation, the leader of the syndicate was arrested, together with 13 other members of the syndicate.

The exhibits confiscated were close to 1 500 kg of drugs valued at about R1,5-million. The syndicate leader was sentenced to an effective 20 years' imprisonment, with the accomplices' sentences ranging from 10 to 20 years effective.

We also believe that charity begins at home and no matter how good and effective our best practices may be, prevention is better than cure. Employees of the SAPS are continuously sensitised about the dangers and devastating implications associated with corruption. They are also reminded that the parties that really suffer as a result of corruption are those closest to them.

Taking into consideration all the effort and total commitment the SAPS management invests in the rooting out of corruption, it is clear that we in the SAPS have a winning recipe – enough to become every corrupt individual's worst nightmare.

# STAMPING OUT CORRUPTION: A REALITY IN CORRECTIONAL SERVICES

By Subashni Moodley  
*Deputy Commissioner:  
Good Governance,  
Dept. of Correctional Services*



“**D**uring the period 1 April 2002 to 31 March 2003 there were 270 corruption reports received and 55 officials were criminally convicted. Of the cases that were reported to the national anti-corruption unit at Head Office, 356 were referred to the provincial commissioners’ office in the nine provinces, while 196 were attended to by the anti-corruption unit at Head Office. More than ten arrests have already been made by the Special Investigating Unit (SIU), R17 million recovered, and more than 113 members are being subjected to disciplinary hearings.”

Hearing a member of the Department of Correctional Services (DCS) proudly asserting these successes would easily, and understandably so, be dismissed as a public relations exercise. Simply because for the department that made headlines about the stories of corruption and maladministration to have gone such a long way in combating corruption seems too good to be true.

This seems however, to be the reality of the DCS’s powerful and often untold activism against corruption. The Departments’ slogan “Zero space for corruption in the DCS” proves beyond doubt that since the reports of corruption within its corps there has not been time for complacency and that there has been zero tolerance for corruption tendencies

among the officials.

The Minister of Correctional Services, Mr Ben Skosana, was pivotal in the Department’s fight against corruption when he openly engaged the services of the Auditor General, the Department of Public Service and Administration and the Public Service Commission to investigate allegations of corruption, fraud and other malpractices in the Department. The existence of the Chief Directorate Good Governance at the DCS is in itself an indication of a strong will to curb corrupt elements within the Department of Correctional Services.

The Minister of Correctional Services also approached the President to establish a commission of inquiry (the Jali



Commission) as well as to employ the services of the Special Investigation Unit. Minister Skosana, together with the National Commissioner, Mr Linda Mti, embarked on a long national campaign of anti-corruption workshops. This crusade against corruption saw the Minister and the Commissioners visiting all the provinces, preaching the gospel of good governance and clean administration.

For the first time the Department has engaged in a research project sponsored by the United Nations Office for Drugs and Crime under the auspices of DPSA whereby consultants have been tasked to conduct an assessment on the anti-corruption capacity in the Department of Correctional Services. The aim of this exercise was to identify the types of corruption, the causes of corruption, the modus operandi and the extent of corruption within the DCS.

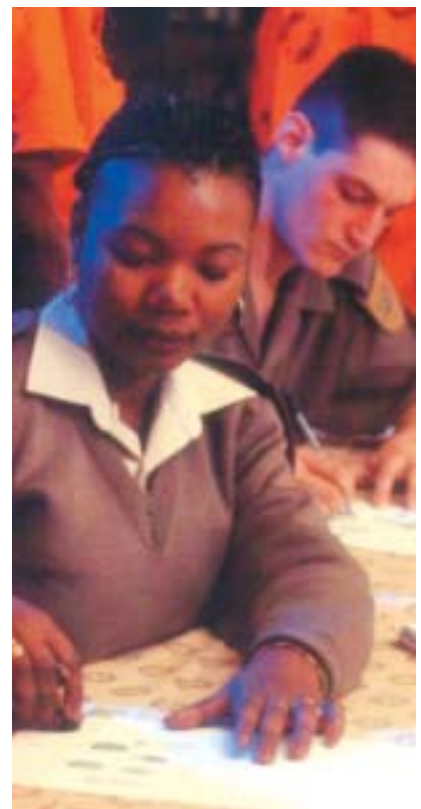
By August 2003 the Jali Commission had already submitted six interim reports of its investigations launched at six management areas (prisons) in KwaZulu-Natal, the Free State and the Eastern Cape. By the same time disciplinary steps had been instituted against 55 members up to now, of whom 14 have been arrested. The Department has also prioritised a project to strengthen its capacity to deal with the backlog in disciplinary cases.

Following the much-publicised Grootvlei Prison video, the image of the Department, the integrity of top management and the morale of the staff became the casualties of the hype and the sensation that surrounded the video. However, a lot of ground has been covered in pinning down the culprits. The Jali Commission presided at Grootvlei Prison and within a short space of time about eight officials have since been suspended following its recommendations.

Also, following the recommendations of the Jali Commission, the Provincial Commissioner of Eastern Cape has been dismissed. The dismissal of such a high-ranking official sent shock waves among the staff of the Department of Correctional Services. "The reaction to instances of corruption will have no regard for rank and status. Seniority is not an issue; corrupt tendencies are the target," said the Director of Communications, Mr Luzuko Jacobs.

The Department of Correctional Services has developed mechanisms to ensure that through an appropriate style of management the space for criminal activity and corruption within the Department is closed down. Since 1997, the DCS has identified fraud and corruption as key obstacles toward effective transformation and service delivery. As a result, the Department has inter alia included its

National Risk Management and Anti-Corruption Strategies in its strategic plan. We have also established an inter-departmental task team to review our Disciplinary Code and Procedure to ensure that it is an effective anti-corruption instrument that is aligned with the general norms in the public service.



# THE SOUTH AFRICAN POLICE SERVICE ARRESTS CORRUPTION

**I**n his briefing to the Portfolio Committee on Safety and Security during March this year, the Deputy Minister of Safety and Security, Minister Joe Matthews, rightly pointed out that the SAPS has crushed the back of corruption.

The SAPS has indeed made great strides in its approach towards the eradication of corruption within its ranks. An organised crime strategy was developed and was recently implemented to institutionalise integrity and to curb the evil called corruption.

By Mary Martins-Engelbrecht  
Senior Superintendent:  
Media Relations, SAPS



In order to ensure a well co-ordinated and focused approach in dealing with corruption, the decision was taken to integrate the anti-corruption units into organised crime units. This process will enhance the investigative capabilities of the SAPS in general, whilst simultaneously ensuring that all forms of corruption are successfully addressed.

Past experiences have taught us that the combating of corruption-related criminal activities requires a multi-disciplinary approach, demanding skills and knowledge found at times only outside the ranks of those charged with the investigation of such matters. It therefore became imperative that the investigators involved foster and maintain close working relationships with people and organisations who may assist them from time to time in the fight against corruption-related crime.

## Institutional links

In order for the SAPS to secure the best possible results we adhere to the above-mentioned requirement by investing in and working very closely with the following role players:

### International

*The United Nations:* South Africa has an obligation to the UN and all its auxiliary bodies.

*Drug and Organised Crime Liaison*

and prosecution capacity within the Department; and secondly the extension of co-operation with other agencies, especially in the security fraternity.

Since the implementation of the new disciplinary rules for the Public Service in 1999, the Department has trained more than a hundred Investigators and a similar number of Chairpersons to ensure that allegations of corruption and other serious misconduct could be investigated and dealt with within the shortest possible time. Statistically the result hereof can be summarised as follows:

*We are committed to the highest levels of ethical conduct and behaviour so that these should be firmly entrenched as the operative culture underpinning all Home Affairs activities.*

During 1999, 26 cases were reported, seven officials were dismissed, three were given fines ranging between R1 500 and R6 000, and one was given a final written warning.

During 2000, 19 cases were reported, 15



officials were dismissed, and two received final written warnings.

During 2001, ten cases were reported, four officials were dismissed, and three received final written warnings.

During 2002, 11 cases were reported, five officials were dismissed, three received final written warnings and one was demoted.

In all the abovementioned cases the employees were also criminally charged by the SAPS.

The outcome of these and other cases of serious misconduct is also circulated in the Department on a regular basis, as well as published in the Department's internal newsletter "Home Blitz" as a deterrent to other employees.

At an intergovernmental level the South African Police Services and the National Intelligence Agency were also roped in to make their resources available to the Department to ensure that stringent action is being taken in corruption cases. This led to information on corruption being shared amongst these role players, which resulted in joint operations, better

planning and greater success in the finalisation of cases.

In this way the linkage between Home Affairs-related fraud and corruption and other criminal activity such as drug and people trafficking, trans-border motor vehicle theft, etc. can also be better explored to ensure a comprehensive approach to combating all crime.

In conclusion, it must be admitted that our efforts to combat fraud and corruption in Home Affairs until now have been largely of a reactive nature. However, we are resolutely moving towards second-generation strategies of which the main thrust will be preventative. In the light of this, the Department is currently in the process of analysing all its available information regarding corruption and other forms of serious misconduct in order to determine trends and to identify specific problem areas. This will enable the Department to focus on those trends by implementing proactive interventions to prevent fraud and corruption from taking place. We are committed to the highest levels of ethical conduct and behaviour so that these should be firmly entrenched as the operative culture underpinning all Home Affairs activities.

# PUTTING THE STATE OF THE PUBLIC SERVICE UNDER A MICROSCOPE

By Dugan Fraser  
*Technical Advisor:  
Monitoring and Evaluation,  
Public Service Commission*



Centre for Public Service Innovation is an affiliated NGO that promotes and supports innovation in public service delivery. The Public Service Commission is also part of the Minister's portfolio.

## The Public Service Commission

The Public Service Commission is mandated by the South African Constitution to undertake monitoring and evaluation of the public service and to promote a high standard of professional ethics. The Commission is independent and impartial and is one of several bodies created by the Constitution to protect democracy and constitutionalism in South Africa.

In order to meet its objectives, the Commission undertakes a wide range of investigations and research projects into various aspects of public administration, management and service delivery. These projects often have a national scope and look at strategic issues, pressing problems and good practices. In other instances, the projects undertaken by the PSC may be particular to any province or linked to a particular department. Projects are undertaken at the request of Premiers, the President, MECs, Parliament or Provincial Legislatures, or can be identified by the Commission itself.

## The South African public service

**T**he public service in South Africa is defined as national and provincial government departments and includes just over one million people, making it by far the biggest employer in the country. Local authorities and state-owned enterprises, while part of the public sector, are not included in the definition of the public service.

Overseeing the public service is a challenging, complex task and is the responsibility of the Minister for Public Service and Administration. She has a number of institutions to assist her: the Department of Public Service and Administration which develops policy and supports its implementation; the South African Management Development Institute, responsible for training and capacity building; and the State Information Technology Agency which oversees IT acquisition and planning. In addition, the

anti-corruption at the core of its activities. They have played an important role in bringing together civil society organisations concerned with corruption-related issues.

- ◆ **Public Service Accountability Monitor (PSAM)**  
The PSAM, based at Rhodes University, is a provincial initiative that reports on cases of misconduct and corruption in the public sector in the Eastern Cape. This organisation has established a searchable Internet-based database, which has drawn attention both locally and abroad.
- ◆ **The Public Information and Monitoring Services (PIMS)**  
The PIMS is an IDASA programme based in Cape Town with a focus on advocacy, research and training and has contributed to the development of legislation combating corruption and promoting accountability.
- ◆ **Institute for Security Studies (ISS)**  
The ISS is the only applied-policy research organisation with a dedicated anti-corruption programme. Among other projects it has undertaken an expert panel survey on the perceived nature and extent of corruption in South Africa.

## Business sector

The business presentation highlighted some of the following challenges it faces:

- ◆ 54% of all stolen vehicles are re-registered through corrupt officials at the local licensing departments.
- ◆ The insurance industry pays out an estimated R3 billion annually in “fake dead” claims.
- ◆ According to an ISS study, an estimated 35 tons of gold is stolen from South African mines annually. This translates to US\$ 400 million.

Some of the major initiatives against fraud and corruption include:

- ◆ The launching of the second King Report (King II) on governance – an instrument well respected internationally.

- ◆ The establishment of an information-sharing database by the short-term insurance industry. Clients who have been found guilty of fraud and/or corruption will find it difficult to repeat similar offences at different institutions.
- ◆ An insurance fraudline was introduced in October 2002. This has led to the uncovering of large-scale organised fraud scams.
- ◆ Under the auspices of the Banking Council, the South African Fraud Prevention Service was formed in September 2000. Members share fraud data amongst themselves, thus reducing the risk of exposure.
- ◆ The mining industry has taken various measures, in conjunction with the South African Police Services, to combat the theft of gold and other precious metals.
- ◆ Business Against Crime has donated huge cash amounts to support the fight against crime, as well as partaking in various projects to improve the capacity of police services.

## Public sector

The public sector in the NACF has been particularly concerned to make the NACF a viable body. A quick survey of some of the efforts of government since the Anti-Corruption Summit will show that government has taken its anti-corruption mandate quite seriously.

- ◆ **The proposed Prevention of Corruption Bill**  
The proposed Bill will make provision for a much more detailed list of offences and penalties, unlike the Corruption Act of 1992. Amongst others it will be more effective and detailed than its predecessor.
- ◆ **The Financial Intelligence Centre Act, 2001**  
The Act sets up a regulatory anti-money laundering regime, which is intended to break the cycle used by organised criminal groups to benefit from illegitimate profits.
- ◆ **Establishment of whistle-blowing mechanisms**

The Protected Disclosures Act of 2000 seeks to make it easier for whistleblowers to blow the whistle on corruption, amongst others, by protecting the whistleblower against occupational detriment in the workplace.

- ◆ **The Promotion of Access to Information Act of 2000**  
This Act is vital in terms of its intentions, because:
  - It allows scrutinising the actions of government.
  - It keeps government accountable.
  - It creates the basis for proper informed debate.
  - It is vital for making tendering processes transparent.
  - It is important for open competition.
- ◆ **The Financial Disclosures Framework for Senior Management Service members.**  
This framework makes it compulsory for senior managers to disclose financial interests as well as gifts received above R350 in order to avoid conflict of interest.

## Challenges and the way forward for the NACF

As can be seen from the above, all three sectors have been quite busy in the anti-corruption area. The major challenge is to synchronise all these efforts in order to create a united, cohesive effort in the fight against corruption. Other challenges include:

- Making communication around anti-corruption work and successes sufficiently visible.
- Providing sufficient funding for awareness and education strategy.
- Continuous enthusiasm; and a vision for the immediate future needs to be defined in order to sustain the Forum.
- Continued political will from both politicians and senior managers.
- Sustained education of officials with respect to the Code of Conduct and other integrity-building initiatives.
- The successful implementation of legislation passed, both to combat and to prevent corruption.
- A well-defined work programme needs to be agreed upon in order to regularise its activities for the foreseeable future.

co-ordination and the integration of services to end-users.

The PSC's own Citizen's Forums have shown that much more could be achieved with the same resources if public service development interventions were co-ordinated for maximum impact.

- ◆ A conceptual framework for analysing the efficient, economic and effective use of resources is provided. The Commission proposes that a consolidated performance evaluation framework for the public service be developed in a participatory and collaborative project.
- ◆ Information Technology in the public service remains problematic and often inadequate, particularly in poorer provinces. Promotions and other crucial elements of career mapping have still not been adequately addressed. The outstanding issues in the new Human Resource Management framework must be addressed and more extensive training provided to public sector managers in this increasingly complex and challenging area, particularly in the areas of discipline, sick leave and suspensions.
- ◆ Corruption is a serious problem in the South African public service. Procurement and transport are the areas in which most public service corruption takes place because of the opportunities they present. Weaknesses in public administration fundamentals in areas such as filing and record keeping also create opportunities for corrupt practices. The Commission recommends that departments ensure that they have a minimum anti-corruption capacity

working according to standardised reporting areas. A training course on integrated ethics management should be developed and should be a standard requirement for all public service managers.

- ◆ In terms of development orientation, government agencies do focus on addressing poverty and its causes but there is a serious lack of co-ordination. The PSC's own Citizen's Forums have shown that much more could be achieved with the same resources if public service development interventions were co-ordinated for maximum impact.
- ◆ Government has instituted an impressive set of initiatives to promote fairness and equity, including the adoption of the Batho Pele principles, the Promotion of Access to Information Act and the Administrative Justice Act, the promotion of codes of conduct and improved public service regulations. However, implementing these policies has proved to be a major challenge that will require consistent application for years to come. Increased training should be provided to public sector managers on their responsibilities in terms of the Access to Information Act and the Administrative Justice Act, both of which are sophisticated and challenging pieces of legislation.
- ◆ In terms of public participation in policymaking, while most policy development includes some public participation, the depth and quality of these consultations vary widely. Clarity on what constitutes an acceptable level of consultation and public participation is required.
- ◆ With regard to accountability in the public service much has already been done, especially as a result of the implementation of the Public Finance Management Act. The challenges relate to deepening compliance with these measures. A number of bodies such as the Public Service Commission, the Public Protector, and the Human Rights Commission have been created to support parliamentary democracy, while parliamentary committees and the Auditor

General contribute significantly in this area. However, there is a need to take stock of the impact of certain of these bodies in order to streamline and improve their performances.

- ◆ There is a distinct movement towards making use of accountability strategies but in many instances these plans are not tailored to meet the specific risk profiles of individual agencies and are not properly integrated and implemented. The performance agreements of senior officials should include specific reference to their responsibilities for the implementation of departmental risk management and fraud prevention plans.

*The Commission recommends that departments ensure that they have a minimum anti-corruption capacity working according to standardised reporting areas.*

## Conclusion

The Public Service Commission is compiling the 2003 edition of the State of the Public Service Report and will once again draw upon its own research to prepare it. The Commission has been pleased by the response to the Report and hopes to maintain the high standard that has characterised the first two editions.

The regional survey (seven SADC countries) revealed that South Africans experienced much less corruption than the levels they had perceived. The worldwide United Nations International Crime Victim Survey (ICVS) also revealed that there is quite a huge gap between the perceived and experienced levels of corruption in general, including in South Africa. Interestingly, the ICVS (carried out three times in Johannesburg: in 1992, 1996 and 2000) showed a remarkable drop of almost three times in the level of the experienced corruption from 1996 to 2000. Within the SADC region, the comparable data show citizens of Johannesburg experiencing much lower levels of corruption than those in Lusaka (Zambia), Maseru (Lesotho), Mbabane (Swaziland), Maputo (Mozambique) and even Windhoek (Namibia), but still higher than their counterparts in Gaborone (Botswana).

## Vulnerable areas

According to the respondents in the aforesaid surveys, the most vulnerable areas to corruption are in relation to seeking employment and the provision of utilities such as water, electricity, and housing. Public service managers also identified nepotism in employment, promotions and the provision of entitlements. The business community identified clearance of goods through customs, procurement of goods for government, police investigation and obtaining business licenses and permits, work and resident permits as the most corruption prone activities. The public servants most associated with corruption both for the citizens and the businesses appear to be the police. All surveys indicate that police officers are the most vulnerable to corruption, followed by customs, local government, home affairs and court officials. To this list, businesses added the managers and/or employees from companies other than their own.

A slight majority of those surveyed felt that the government was not doing enough to combat corruption. However, this perception is not uniform across ethnic groups and is felt mainly by certain communities.

Most of the public servants who were interviewed are positive about their role and were concerned about the effective-

ness of the measures put in place to combat corruption. Clients of the public service were much more positive about the service delivery than would be expected from their general perception of corruption. This is supported by the results of surveys on perceptions of the SA Police Service, which indicated that the perceptions of the SAPS obtained from clients following a visit to a SAPS community service centre are much more positive than the perceptions of the general population. The majority of businesses contended that bribery is becoming an accepted business practice.

*Public officials themselves perceived clients to be corrupt in a sense of constantly seeking "back-door" solutions to their problems.*

## Conclusion

It is clear from the survey results that there are serious dangers in basing anti-corruption assessments and strategies solely on perception surveys. The surveys

carried out as part of the CCA have provided a solid base for further work on systems' weaknesses, organisational culture and general integrity systems.

The information on corruption may be seriously biased due to reliance on perceptions. Regular monitoring of perceptions of citizens, business and public officials on corruption based on uniformly accepted methodology is required. There is a need for regular analysis of the media's presentation of corruption cases, as this influences the perceptions of the public. There also is a great need to encourage the establishment of an anti-corruption research resource network to advance anti-corruption studies and analysis as well as the exchange of information and experience nationally, regionally and internationally.

Due to the said deficiencies, the DPSA is in the process of establishing a web-based Corruption Management Information System (CMIS) for data collection and analysis. The establishment of this CMIS emanates from the Public Service Anti-Corruption Strategy, which was approved by Cabinet in 2002. The roll-out of the recommendations of the CCA will also assist in bridging the gaps identified through surveys since the CCA Report will serve as a basis for engagement between government and other sectors to strengthen our anti-corruption mechanisms.



The study included both external and internal service users, and looked at the following:

DEPARTMENT	EXTERNAL SERVICES	INTERNAL SERVICES
Education	Life skills, ABET	Outcomes-based education
Health	Ante-natal care, care at birth and post-natal care	Emergency medical rescue services
Housing	Housing subsidies	Municipalities, NGOs, CBOs, developers and contractors
Social Development	Social security grants, social development projects	Social workers, social development organisations

## Key findings

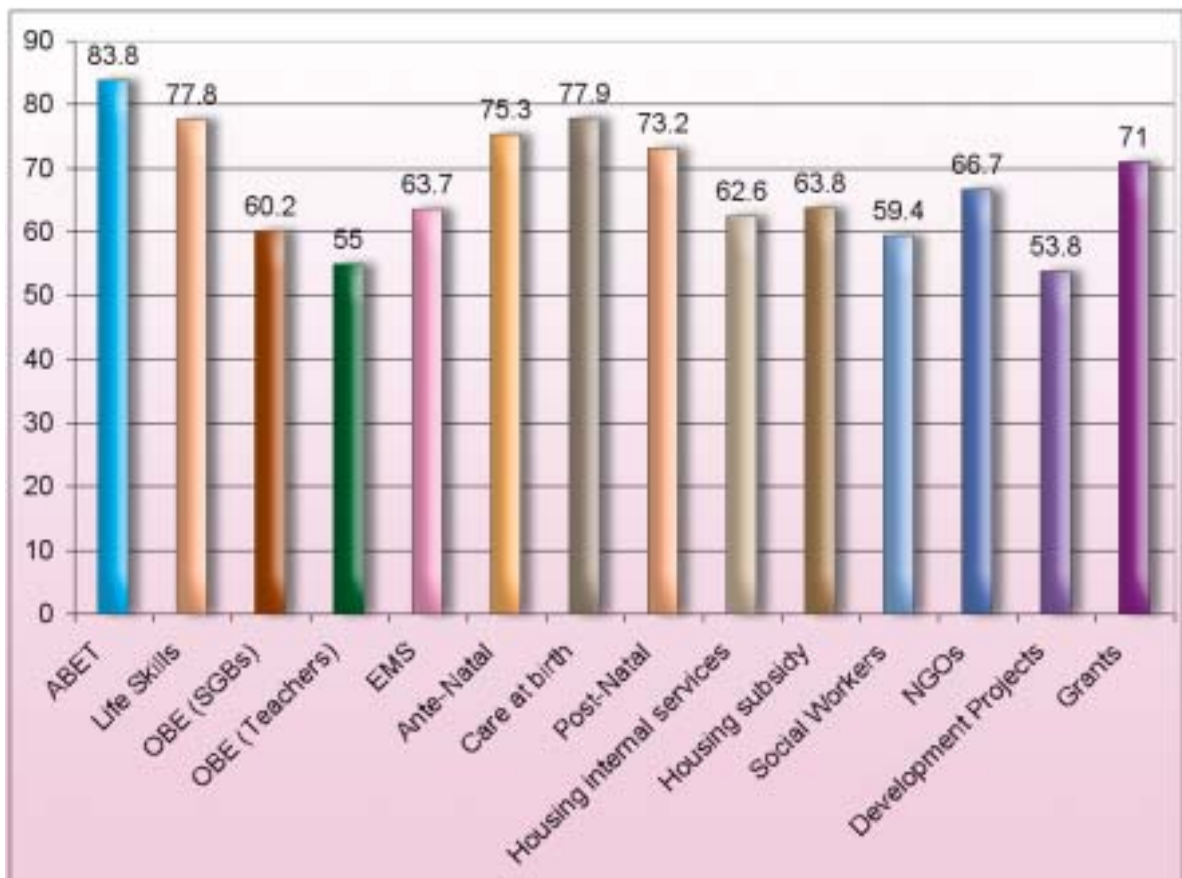
### 1. External services

The Customer Satisfaction Index (CSI) is based on a calculation of the variance between what a citizen expects from service delivery and what is actually encountered. For those services that were rated relatively low there is a gap, often sizeable, between expectation and performance. Not only does this imply that performance will need to improve, but that levels of expectation regarding

these services might be too high and that departments will need to consider how best to manage expectations as well as strategise around improving service delivery. The figure below represents an overview of the CSI score for the internal and external services assessed in the four departments.

The implication of these ratings is that citizens who participated in either ABET or life skills education (both Department of Education); or received either ante-natal care, care during birth or post-natal care (all Department of Health services);

or received a social security grant (Department of Social Development) were far more likely to feel that their expectations are being met by these different departments than those citizens who had received services pertaining to OBE (Department of Education); EMRS (Department of Health); internal housing delivery services or a housing subsidy (both services offered by the Department of Housing); or social workers, NGOs or social development projects (all three services offered by the Department of Social Development).



grated into that system. These steps include:

- ◆ Developing a clear plan for each department as to how best to integrate the data from a CS survey into each department's performance measurement system
- ◆ Facilitating the identification by each business manager/programme director or provincial director of the key service delivery areas that will be measured by the survey
- ◆ Developing the KPIs that will be used to measure this service delivery
- ◆ Driving the measurement of satisfaction on an annual basis
- ◆ Enforcing strict deadlines for the submission of service delivery information to and from each business manager/programme director or provincial director
- ◆ Providing ongoing assessment and evaluation of the instrument used in the measurement of CS, and modify as required
- ◆ Developing a service delivery improvement plan based on the following:
  1. Planned improvements in order of citizen-determined priorities, considering also the magnitude and complexity of the changes that are required
  2. Utilisation of citizen expectations to benchmark service levels that are challenging but realistic
  3. Assigning of responsibilities, preferably in teams, and provision of time frames for updates and the resolution of problem areas identified by citizens
  4. Management of unrealistic user expectations by developing improved external communication that clarifies resource limitations and the mandate of each department

The report concludes by arguing that surveying citizens should be a standard approach followed by departments, and that such an approach has clear benefits, which include:

- ◆ Ensuring that these departments continue to meet the goals set out in their respective service charters
- ◆ Ensuring that each department continues to adhere to the principles of Batho Pele



- ◆ Identifying opportunities for service delivery improvements
- ◆ Identifying what citizens want as opposed to what departments think they want
- ◆ Allocating resources more effectively to meet the priorities of citizens
- ◆ Developing proactive responses to emerging citizen demands (thereby reducing crises and stress for employees and citizens)
- ◆ Providing feedback to front-line staff, management and political leaders about programme effectiveness
- ◆ Providing feedback to citizens about programme effectiveness
- ◆ Evaluating the achievement of a department's vision
- ◆ Strengthening strategic planning processes
- ◆ Evaluating the effectiveness of new programme strategies from the perspective of the citizen
- ◆ Validating requests for increased resources to areas in need of improvement.

a participatory fashion, and interest groups and individuals have been encouraged to add value and shape the policy content of discussion papers.

Although a number of good policies have been formulated since the inception of the democratic government, policy implementation and service delivery in cases have been less impressive. Insufficient attention has been devoted to the development of tools and methods that promote the involvement of citizens at service delivery decision-making level nationally and provincially. Uncertainties in the manner in which services should be delivered to users in a satisfactory and effective manner may prevail due to non-involvement of citizens at the service delivery decision-making level.

The Citizens' Forum concept has evolved as a unique development in which institutions independent of the executive participate jointly with citizens in proposing practical measures to improve service delivery and contribute towards the consolidation of government's people-centred development programme. The approach is programme specific; it does not look at a given department in its entirety. Rather it identifies specific key programmes within a department's deliv-

*The participation of citizens creates a better acceptance of decisions made by authorities and educates citizens to act independently.*

ery programme.

Forum participants are encouraged to be both positive and critical, but their energies are channelled into providing practical recommendations for dealing with identified challenges. Forums are not just problem-seeking consultations, but solution-seeking consultations as well.

Partnerships are created between the legislative, executive and civil society in order to engage with identified problems and needs to develop collective recommendations for implementation by the relevant authority.

Citizens' Forums are educational insofar as they entail a multidirectional flow of knowledge through interactions between individuals, groups and institutions, including those of the State (from all levels). They are empowering because people gain experience in improving their living conditions through interaction with technical experts, state employees and through their own individual and collective action. They involve a process whereby people begin from the standpoint of their own local knowledge and develop this knowledge in order to make informed contributions.

The process is time consuming but it can lead to transformations that endure. The participation of citizens creates a better acceptance of decisions made by authorities and educates citizens to act independently. It also entails a partnership between individuals working together as a group, and between the group and change agents working with it.

The forums have been hosted in Mpumalanga and the Eastern Cape and have clearly shown that basic systems, processes and procedures need to be in place for service delivery to operate effectively. The forums emphasise the place that practical, everyday solutions still have in making government work better. They also show that citizens are themselves very aware of the need for these fundamental features to be in place.

In Mpumalanga the forums focused on the Primary Health Care Programme. Participants included a range of community representatives representing the youth, women, teachers, the aged, religious groups and the unemployed. Briefed on the goals of the forums in advance, they joined together to present a consolidated submission on the first day of the forums. Time was allocated for clarification questions, comments and additions. The participants were also allowed to pose questions to the panel of discussants, which included public service commissioners, independent experts and Department of Health officials.



Mr Ben Mthembu, MP

Representatives from the Department of Health managing some of the sub-programmes of the PHC were given time to clarify issues and brief the audience about the programme. This was meant to empower participants to provide informed recommendations during a workshop scheduled for the following day. At the end of the first day, four broad themes emerged for discussion on day two. These were:

- ◆ Shortage of medicines
- ◆ Clinic and hospital management
- ◆ Personnel management
- ◆ Accessibility

During the workshop participants were divided randomly into four equal groups based on the previous day's discussion. Each group was allocated one of the four themes to deliberate on, and asked to identify negative and positive experiences and to make proposals on service delivery improvement and solutions to problems. They were also asked to suggest how the recommendations could be implemented and monitored.

Recommendations on shortages of medicines included: providing improved medicine storage facilities, reviewing the

existing outsourced distribution contract, decentralising the drug distribution system, improving control systems to prevent medicine theft, allocating vehicles specifically for delivering medicines and filling funded vacant pharmacists posts.

Recommendations on improved hospital and clinic management included: the revival and/or establishment of clinic committees with clear role definition, regular visits by representatives from Head Office and district offices to determine whether institutions comply with specific requirements, ensuring the proper functioning of district procurement units, co-ordinated functioning of nutritionists and an approved nutrition programme at provincial and district levels, and ensuring the availability of emergency resources at all institutions.

Recommendations on improved personnel management included: filling vacant posts, fast-tracking the recruitment process, reviewing professional staff post levels, implementing a performance management system, training personnel in Batho Pele principles and the Code of Conduct, reviewing internal disciplinary policies, drafting a staff retention policy and improving conditions of service, especially for recruiting staff in rural areas.

Recommendations on accessibility included: renovating clinics and hospitals to be more user friendly for people with disabilities, providing uniforms, the wear-



ing of nametags at all institutions, building shelters at mobile clinic service points in rural areas, decentralising ambulance services, implementing referral systems at clinics and researching needs for satellite clinics.

These practical recommendations emerging from the Citizens' Forums demonstrate that they are innovative, non-technological mechanisms that support service delivery improvement. They clearly show that by engaging with citizens and by taking an open and solution-oriented approach that is based on ordinary people's experiences, longstanding, intractable-seeming problems can be

overcome. Ordinary people and government agencies can be energised and enthused by the process, rather than being left feeling superfluous and part of the problem.

Indeed, several recommendations have already been supplemented to improve service delivery since the Citizen's Forums were piloted

- ◆ The piloted departments developed their Service Delivery Improvement Plans, taking into consideration the views of the communities as stated in the Citizens' Reports.
- ◆ The departments have implemented some of the recommendations stated in the Citizens' Reports.
- ◆ Both the community and the department have been informed and educated in primary health care (Mpumalanga) and poverty alleviation (Eastern Cape) service delivery issues and this has changed attitudes on both sides.
- ◆ In Witbank, Mpumalanga, a forum including the Department of Health and the community has been established, where service delivery gaps were identified and proposals to bridge them were put forward and discussed.

Little wonder that Mr Ben Mthembu, MP, was so excited by the process!



# PUBLIC SERVICE MONITORING AND EVALUATION PROJECT TAKES SHAPE



By Lynette Sing  
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In accordance with its mission statement, the Public Service Commission (PSC) aims to promote the constitutionally enshrined democratic principles and values in the public service. It seeks to perform this task by investigating, monitoring, evaluating, communicating and reporting on the state of public administration. Part of the challenge that the PSC has to meet is the conceptualisation, design and testing of various research methodologies, instruments and processes that would allow it to fulfill its constitutional mandate in a systematic manner.

In 2000 the PSC commissioned a study to investigate the scope and scale of a possible transversal monitoring and evaluation system that would periodically review the performance of the public service. The initial design suggested in the first study was refined and tested during 2001 in the Northern Cape province with three case studies of provincial

departments undertaken.

The success of the test in the Northern Cape encouraged the PSC to develop a comprehensive project plan in 2002 with the objective of supporting the implementation of its public service M&E system. The scope of the project included developing the system itself in terms of its reporting formats, questionnaires and supporting software. In addition, it was envisaged that a series of internal processes be undertaken to build the PSC's capacity to own and use the system.

As part of the implementation plan for that particular stage, the project required the identification of national and provincial departments for sampling purposes. Seven national departments and three provincial departments in the Western Cape, Limpopo and North West provinces were included in the study. Research was completed in seven national departments (Housing, Trade and Industry, Education, Social

Development, Water Affairs & Forestry, Justice and Agriculture). Research was also concluded in the North West, Limpopo and Western Cape provinces. A consolidated report has been produced and will be published soon.

In 2003 the refinement of the M&E system and the research process will continue, with eight additional national departments having been identified for inclusion in the study. Research will also be undertaken in selected departments in KwaZulu-Natal, Mpumalanga, Gauteng, North West and Limpopo provinces.

The 2002 studies were a fast-track learning experience for the Commission, with issues around access to departments and implementation of the research process being major areas of difficulty. Many of the departments researched found it very difficult to provide information to researchers. In some instances, departments were defensive about their findings, and hostile in a few cases.



The findings suggest that overall the public service is finding the transition from being a single, mega-institution to one that is a network of smaller, self-managed organisations that work to a set of centrally determined norms and standards very challenging. Our findings also suggest that there is reason to be concerned

*public sector managers are burdened with many managerial responsibilities that distract them from their core line functions, and support is needed to help them cope with these demands.*

about the quality of public management and that additional training, capacity and system development are urgently needed and will be required for many years to come.

In many instances compliance to statutory requirements is shallow and formalistic, and often does not provide the kind of accountability or transparency intended by policy makers. It is also clear that public sector managers are burdened with many managerial responsibilities that distract them from their core line functions, and support is needed to help them cope with these demands.

Our research shows that meeting the very high standards demanded by the Constitution will take a long time and a series of concerted, focused interventions on all levels. Many departments have made genuine, concerted efforts to start the journey to compliance. The PSC applauds and salutes them and will make every effort to support them in their efforts to improve the quality of their service delivery and governance.

The PSC remains fully committed to this project. In analysing the initial project objectives with achievements thus far the results are promising. Significant progress has been made by the PSC in developing its own internal monitoring and evaluation capacity, thereby enhancing its ability to perform effectively. With the production of the overview reports, the PSC is confident that these reports will contribute significantly to the Commission's ability to comment on the quality and nature of the service provided to South Africans, as well as contributing to the process of transforming the South African public service into a dynamic, service-oriented and people-friendly set of institutions.

# TAKING A CLOSER LOOK AT HOD EVALUATION IN THE PUBLIC SERVICE

By Vuyelwa Nhlapo  
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Public sector organisations are operating in a dynamic environment (continuously searching for ways to improve productivity and service delivery) with high demands and conflicting priorities. Management is faced with the complex task of managing amidst calls for quality, service delivery and improved decision-making processes. Despite limited resources in the public service, managers are expected to manage key performance areas ranging from organisational objectives to budgetary targets.

The need for an effective system to manage and monitor the achievement of departmental objectives in the public service is undeniable. Given the strategic role of managers in achieving these objectives, the management of their performance becomes critical, especially considering the fact that individual performance levels have the greatest impact on institutional success.

Modern practices in performance management have moved towards the linking of individual performance appraisal with the achievement of pre-determined organisational objectives. Realising the importance of this link, the Minister for Public Service and Administration (MPSA) introduced, in 1998, a system of performance agreements for senior man-

agers in the public service, including heads of department (HoDs). In terms of this system, all senior managers must sign performance agreements, which must contain the outputs/objectives that senior managers must achieve during a particular financial year.

In 2000 Cabinet instructed the Public Service Commission (PSC) to develop the framework for the evaluation of HoDs that would not only assist in providing feedback to government on the achievement of its objectives, but would also identify developmental areas of HoDs. The framework was developed with the performance agreement system as its basis.

To this end the framework has been implemented for two financial years and the PSC has played a significant role in managing and co-ordinating the process. Positive feedback on the value of the exercise has been received from all the stakeholders that have participated in the process. Invaluable experiences have also been encountered by the PSC on this important exercise. There is no doubt that the system provides a holistic feedback on the achievement of government objectives through a systematic approach that emphasises integration of all organisational processes with performance management. It is for this reason that documentation such as performance agreements, strategic plans, annual reports and verification statements are

used for the evaluation of HoDs.

The system of the evaluations of HoDs is a new concept in the public service; therefore it would not be implemented without teething problems. The key challenges faced by the PSC during the two implementation periods were the delays in the finalisation of evaluations and the quality of documents submitted for evaluations. While the PSC is looking at strategies to deal with these challenges, there is indeed a need for the commitment of executing authorities (EAs) in assisting the PSC to overcome these challenges. There is still a need to facilitate the process in such a way that it is finalised within 2-3 months after national and provincial departments have published their annual reports. This would require co-operation from the EAs and HoDs. Despite the fact that this framework has been implemented for two years now, there are still national HODs that have not been evaluated.

The third round of evaluations started in October 2003 and the PSC is looking forward to a greater improvement on the areas identified during the first two years of implementation. Cabinet has also decided that the implementation of the framework be mandatory at provincial level. This should enable a consistent evaluation process of all HoDs in the public service. Once more the PSC is committed to ensuring the successful implementation of the process.

In tightening the professional ethics framework, consideration needs to be given to decentralising the process of financial disclosures, with the PSC retaining an overseeing role. Clearly in order to be successful such an approach will require both the capacity and will of departments. It will also require the establishment of a clear function of “ethics officer” in departments. This may immediately raise concerns with departments who already feel overburdened with statutory compliance requirements under legislation such as the Public Finance Management Act (PFMA), Access to Information Act (AIA) and Administrative Justice Act (AJA).

Ethics officers would be responsible for the implementation of a range of ethics infrastructure initiatives, including the submission of financial disclosures. The advantage of the creation of such a position would, however, be felt in the area of counselling. Clearly there is a place for this, as there is lack of clarity around conflict of interest as well as the giving and receiving of gifts. While the most senior official – the Director General – is likely to be already overburdened with work, it would be prudent to assign the role of ethics officer to a senior official within the SMS.

If a decision to create ethics officers were taken, this would undoubtedly strengthen the regulatory regime of financial disclosure and facilitate a decentralised system overseen by the PSC.

## Access to financial disclosures

The question of public access to the financial disclosure records is an area of contestation. International practice tends towards some form of public access, although this is often restricted.

In the United States there is more or less unrestricted access upon written request to the public. Only the filer’s information is made public, however, and there is no public access to the spouse and minor children’s information. In the Philippines, all disclosures are made available for public scrutiny at ‘reasonable hours’, but individuals requesting copies of statements may only secure

*A key challenge confronting the South African disclosure system is strengthening enforcement through identifying relevant sanctions*

these at their own expense, ten working days after filing.

In Botswana, access is not clear-cut; rather, this constitutes a grey area in the system. The media is not granted access, but NGOs are granted access. In India, filers’ records are confidential, but in Australia access can be obtained under certain conditions. In line with its decentralised system, each department is expected to develop procedures and guidelines to deal with requests for access to public officials disclosure statements. Under the Freedom of Information Act of 1982, members of the public may apply for access. Statements are also usually made available to ministers upon request, and the public official is informed if this is the case.<sup>6</sup>

In South Africa, access to the financial disclosures of public servants is restricted, but possible in terms of Section 11 of the AIA, where members of the public may gain access to a financial disclosure form through a court order. In the case of the South African Parliamentary disclosure regime, however, the disclosure form provides for a confidential section and a public disclosure section.

The logic of more or less unrestricted access in the United States is that it is extremely difficult for agencies to identify conflicts or potential conflicts of interest on their own. Public access is thus seen as a mechanism of ensuring transparency and accountability, whereby

members of the public and the media have the requisite time and information resources to identify conflict or potential conflict of interest where it may occur.

## Monitoring

There are two levels at which monitoring is required. The first relates to basic compliance and therefore entails the actual submission of the forms. The second is at the level of conflict of interest, i.e. once the forms are submitted, they need to be checked to ensure that there are no conflicts or potential conflicts of interest contained within the forms.

Basic compliance, i.e. the submission of the form clearly, needs to be strengthened, given the submission record to date. One way of strengthening compliance would be to link the submission of forms to the submission of performance agreements and to salary adjustments. Moreover, a field could be created within PERSAL to facilitate monitoring whether the requirement to complete a disclosure form has been fulfilled. Performance assessment, as well as salary adjustments approved by the Minister for Public Service and Administration, could then be linked to submission and verification of financial disclosure requirements.

Improved monitoring will partly be dependent on the development of an electronic system. At one level the forms could be submitted electronically. At another level, auditing firms have developed software programmes to red-flag potential conflicts of interest or other unusual features of disclosure forms. The success of such an approach depends of course on the availability of the information, i.e. the submission of the forms.

Currently, the PSC monitors submission as well as content of the forms, but is grossly understaffed to thoroughly undertake the latter task. The PSC advocates the electronic submission of forms, but this will require regulatory changes, as they will have to simultaneously be submitted to the PSC and executing authorities.

Monitoring the integrity and accuracy of the submissions under the current regime means that the PSC must oversee the submission of some 4 300 financial

# OPENING THE DOORS TO PARTICIPATORY APPROACHES TO SERVICE DELIVERY IMPROVEMENT



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“**T**he first time I came to the Piet Koornhof Hall was over ten years ago. We had come with a group of teachers to protest against elements of apartheid education, and to engage with the Chief Director of Education. We were told that Chief

Directors are very important people who don't have time to engage with teachers. Today in this hall, we are seated with Public Service Commissioners, an Acting Director General, a Chief Director and several Directors. We are getting feedback from a District Director on what steps he has taken to implement service delivery changes and improvements in

line with what you as citizens had recommended. I am happy, because what we are seeing is a professional and responsive public service that is accountable, transparent and participatory.”

With these words, Mr. Ben Mthembu, MP, closed the Citizens' Forum feedback session in Witbank. His closing comments rounded off a highly successful pilot programme in Mpumalanga that had focused on primary health care.

Citizens' Forums are a joint programme of the Public Service Commission and the Parliamentary Portfolio Committee on Public Service and Administration. The forums are an attempt to implement participatory governance in line with constitutional values on public service and administration contained in Chapter 10 of the Constitution.

Citizen participation in governance is acknowledged globally as good practice in the search for accountable and effective service delivery. Specific methodologies to solicit the views of citizens in order to improve service delivery have been developed in a number of different countries. South Africa has its own unique history of participatory methodologies.

During the anti-apartheid liberation struggle, particularly during the 1980s, the National Liberation Movement developed practices such as people's power and people's education that promoted the participation of ordinary people in the struggle, and challenged apartheid governance.

This rich tradition of participatory politics has underpinned the government's approach to the transformation of the state and governance. Since 1994 many departments at national and provincial level as well as local government institutions have initiated a number of interventions to address issues of undemocratic and unaccountable governance. This has been especially true when departments have developed new policies. Green Papers have frequently been developed in

# YOU TOO CAN LODGE A COMPLAINT

By Anneline Kruger  
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Office of the Public Service Commission

**T**he Citizens' Satisfaction Survey has revealed that most people do not know how to lodge complaints against poor service delivery; maladministration and related acts experienced through contact with the public service departments.

It therefore comes as a relief to note that the PSC has indicated its commitment to service delivery by drafting rules for lodging complaints. These rules will serve to inform members of the public and employees of the public service of their right to lodge complaints with the Commission, as well as the procedure to follow when lodging such complaints. The Complaints Rules were drafted in terms of the provisions of Section 11 of the Public Service Commission Act of 1997. They were published in all eleven official languages in brochures and Government Gazette Number 23635 of 19 July 2002.



In terms of the provisions of Section 196(4) of the Constitution, 1996, the Public Service Commission is mandated to investigate and evaluate the application of personnel and public administration practices, investigate grievances of employees in the public service concerning official acts or omissions, and monitor and investigate adherence to applicable procedures in the public service.

In addition, the PSC is empowered to deal with a complaint lodged with it by a member of the public, relating to an offi-

cial act or omission within the public service, which adversely affects that person.

The complaints or grievances referred to above, may include any allegation with regard to the following:

- ◆ Maladministration
- ◆ The standard of service provided
- ◆ Dishonesty or improper dealings with regard to public money
- ◆ The behaviour, competency, diligence or attitude of staff
- ◆ Any form of discrimination, e.g. racism, nepotism, etc.

(It should however be noted that grievances of public servants which fall within the ambit of the formal Grievance Procedure are excluded from this procedure.)

In terms of Section 182 of the Constitution of 1996, and the Public Protector Act of 1994, the Public Protector is empowered to inter alia investigate conduct in state affairs, or the public administration in any sphere of government, which is alleged or suspected to be improper or could result in any prejudice to the State.

In view of the degree of overlap in the powers and functions of the Public

Service Commission and the Public Protector, a memorandum of understanding between the two institutions was concluded. In terms of this memorandum of understanding, the Public Protector is obliged to investigate complaints from the general public regarding the conduct of government agencies or officials. The Public Service Commission is obliged to investigate complaints emanating from aggrieved public servants appointed in terms of the Public Service Act of 1994. In cases where the two parties have joint interest in an investigation, they have agreed to co-operate as far as possible.

Following are a few guidelines to take note of when lodging complaints:

- ◆ The complainant should have endeavoured to resolve the complaint with the relevant institution first.
- ◆ The complaint must be lodged within 12 months from the date on which the incident occurred.
- ◆ In case the complainant is unable to submit a complaint in writing, he/she may lodge it in person. It is however preferable that complaints be submitted in writing.
- ◆ The complaint should include amongst others, information on the nature of the complaint; the background and history of the complaint; the steps that have been taken in try-



ing to resolve the problem; and the names and particulars of the employees of the institution who have been dealing with the complaint (if applicable).

- ◆ Copies of all documentation relevant to the complaint should be submitted.

It is important to note that the Commission is not obliged to investigate anonymous complaints. Investigation of such complaints will depend on whether a complaint is supported by evidence or documentation. Furthermore a complaint in respect of a matter that has already been dealt with by the Commission can only be reconsidered if new facts or evidence justifying such reconsideration are presented.

# ABOUT THE PUBLIC SERVICE COMMISSION

## Vision

The Public Service Commission is an independent and impartial body created by the Constitution to enhance excellence in governance within the public service by promoting a professional and ethical environment and adding value to a public administration that is accountable, equitable, efficient, effective, free of corruption and responsive to needs of the people of South Africa.

## Mission

The Commission aims to promote the constitutionally enshrined democratic principles and values in the public service by investigating, monitoring, evaluating, communicating and reporting on the public administration; through research processes it will ensure the promoting of excellence in governance and the delivery of affordable and sustainable quality services.

## PSC in brief

The PSC, which was established in 1999, is a constitutionally mandated body responsible for investigating, monitoring and evaluating the organisation, administration and practices of the South African public service.

The PSC comprises fourteen Commissioners; five are based at the national PSC office in Pretoria and nine in the PSC regional offices in all the provinces. The President appoints all Commissioners. A Chairperson heads the Commission and is responsible for reporting to Parliament.

A Director General heads the OPSC, which implements PSC policies and programmes. The work of the OPSC is structured around six key performance areas and two focus areas.

The key performance areas are:

- ◆ Professional ethics and risk management
  - ◆ Special investigations
- ◆ Management and service delivery improvement
  - ◆ Labour relations
- ◆ Human resource management and development
- ◆ Senior management and conditions of service

There are also additional two KPAs (or focus areas) directly under the Director General

- ◆ Monitoring and evaluation (M&E)
- ◆ Institution building

## Difference between the PSC and Department of Public Service and Administration (DPSA)

Most, if not all, officials would agree that often when one comes across people, one of the key questions that arises is: "What is the PSC and what does it really do?" Juxtaposed to this is another reality that plays out repeatedly: more often than not the role of the PSC has been and continues being confused with that of the DPSA – and sometimes they are even regarded as one and the same department. Outsiders want to know the role and function of the PSC and further ask for clarity on the distinction between the PSC and the DPSA. In simple terms, the DPSA equals policy formulation whereas PSC is about monitoring and evaluation, as well as promoting the constitutional principles of public administration. Detailed information about the work of the PSC can be accessed on our website, [www.psc.gov.za](http://www.psc.gov.za).

## Comments

Your feedback and general comments as our readers are valued. Tell us what you think about our magazine, or what subject matter you would like to see covered in future editions.

Direct all comments and other correspondence to:

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## Sources referred to on page 9

- 1 This article is based on a paper presented at the SMS Conference: Towards an Integrated Public Service, Port Elizabeth, 15-17 September 2003. It draws on a draft report prepared by the Public Service Commission entitled: Implementing Financial Disclosure Requirements: A Comparative Desk Study on Best Practices Concerning the Implementation of Financial Disclosure Frameworks, (Forthcoming 2003).

The following are additional sources

- 2 Mark Davies, Ethics in Government and the Issue of Conflict of Interests in Fostering Transparency and Preventing Corruption in Jamaica, (Carter Centre 2002).
- 3 Public Service Regulations, Gazette no. 21951, Regulation Gazette 1, (5 January 2001)
- 4 Botswana Public Service General orders, Section 39.7 (1966)
- 5 The Anti-Corruption Coordinating Committee in South Africa has recommended that officials involved in procurement processes also be required to submit financial disclosure forms.
- 6 Guidelines on Official Conduct of Commonwealth Public Servants, Chapter 13, Public Service Commission, (Canberra 1995)
- 7 Republic of Philippines, Republic Act No. 6713, Section 11 (C).