

Report on the outcomes of the
SA-EU Dialogue on
**A values-driven public sector:
building state capacity through
professional ethics and
integrity**

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Custodian of Good Governance



SA-EU Strategic Partnership
The Dialogue Facility

UNISA



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Executive Summary

The Public Service Commission (PSC), in partnership with the SA-EU Dialogue Facility and the University of South Africa (UNISA), hosted a dialogue on a values-driven public sector: building state capacity through professional ethics and integrity. The event was held over two days (30 September and 1 October 2019) at the Royal Elephant Hotel and Conference Centre in Centurion.

Participants included a number of local and foreign dignitaries, Public Service Commissioners, public servants, and representatives from civil society and business. South African and EU experts from different sectors of society contributed through presentations and active engagement in the deliberations.

Prior to the workshop a concept document was prepared (attached as Annexure A), and the discussions were structured based on the theory of change set out in that document according to the following themes:

1. Alignment on values, principles and common purpose
2. Stable, capable and credible leadership
3. Skilled, ethical and professional staff
4. Direction and accountability
5. Mechanisms for reinforcing values

Overarching Themes

The following themes emerged in more than one of the discussion groups and there seems to be broad consensus that these issues need to be addressed to build a values-driven public sector.

1. Societal Ethics

- The values of the public administration cannot be isolated from societal values.
- A partnership with education institutions is necessary to imbed values from a young age.

2. Leadership

- There are significant challenges to ethical leadership that results from complexity at the political-administrative interface.
- There is a need to address the appointment process of senior administrators, in line with the recommendations of the National Development Plan, in order to ensure a more stable and ethical public sector leadership.

3. Appointments

- More should be done to ensure that the right people are appointed into the public service.

4. Reporting/Whistle-blowing

- People take a personal risk in reporting misconduct and corruption.
- We should look at broader solutions to protect and incentivise such reporting.

5. Accountability

- We are yet to witness people being held accountable for actions that have harmed society and our institutions.
- Action is needed both at a national and organisational levels to rebuild trust in the system.

Main lessons from EU experts

While the EU experts made valuable contributions, the following themes were most taken on board by South African participants:

1. Party-political neutrality

- It is one of the 7 principles of ethical public service in Denmark.

2. Protection of whistle-blowers

- Numerous European interventions (such as the House of Whistle-blowers in France), provide advice and support to whistle-blowers. This goes beyond the mere legislative support provided in South Africa. This model was deemed to be a good practice to emulate.

3. Appointment of public servants

- Many countries have structures and processes in place to ensure that professional values and competencies determine public service appointments. These seem to ensure a more professional (as opposed to political) public sector.

Main learning by EU experts

It was a two-way learning process, and many South African initiatives aimed at promoting values in the public sector were recognised to be international leading practice. These include:

- The strong values-based foundation of the South African Constitution.
- The requirement for ethics officers and ethics committees in the public service.
- Numerous training interventions developed by the National School of Government (NSG).

Key priorities

From the numerous suggestions for building a values-based public sector, the following recommendations are made:

1. Development of a public service culture that breathes life into the Constitutional values and principles

- Defining the DNA of a typical South African public servant fit for the purpose

2. Ensuring stable, capable, ethical and credible leadership by:

- Amending the appointment process for Directors-General (DGs) and Heads of Department (HoDs) in line with the National Development Plan;
- Engaging with, and training, both Executive Authorities (EAs) and HoDs on the good governance at the political-administrative interface;
- Considering a commission or national dialogue on challenges at the political-administrative interface; and
- Briefing top officials on integrity matters upon taking up their positions in government.

3. Strengthening mechanisms for reinforcing values by:

- Resourcing and capacitating the Public Administration Ethics, Integrity and Disciplinary Technical Assistance Unit (PAEIDTAU) to provide technical support to ethics officers;
- Providing strategic support and resources for public service ethics officers;
- Developing an ethics advice line for public servants; and
- Engaging with civil society and relevant government role-players to conceptualise an independent organisation to provide advice and support to whistle-blowers.

4. Development of an accountability framework that clarifies sanctions for specific transgressions, as well as providing guidance on disciplinary and accountability processes that should be followed.

5. Improving the competency assessment for the appointment of senior managers to incorporate job-specific technical competency assessment over and above the current general managerial competencies.

Executive Summary

Further Dialogue

Further dialogue should be explored in the following areas:

1. Societal Values

Public sector values cannot be seen as separate from societal values, and significant engagement is required with societal partners. The most prominent theme identified as requiring further dialogue is the development of a national strategy for the promotion of societal values.

2. Reporting (Whistle-blowing)

The one area where South Africa can benefit from further dialogue with EU partners is on the topic of reporting wrong-doing, or “whistle-blowing” as it is colloquially referred to. The Dialogue made it clear that there are many more role-players that should be part of such a discussion from both the SA and EU perspectives, and that there is a critical need for such a conversation.

3. Provincial Dialogue

Although this was an SA-EU dialogue session, the Gauteng Province was much more represented than other provinces. It was felt that similar conversations should also be held in the other provinces.

Conclusion

Many of the issues raised, and many of the interventions suggested, were not new. There was however, a sense that South Africa has entered into a new phase where leaders are more amenable and supportive of change. This is therefore a rare opportunity in time, and efforts should be renewed for bringing about critical changes to ensure the foundation is laid for a values-driven public sector.



Introduction



Introduction

Background

The Public Service Commission (PSC) is engaged in a range of initiatives to build state capability and achieve national development priorities. As part of this drive, and in line with its Constitutional mandate, the PSC has prioritised the building of a values-driven public sector through promoting ethical leadership and embedding the constitutional values and principles within the public sector.

The Constitution envisions a public sector with high standards of professional ethics that enshrines principles such as efficiency, responsiveness, fairness, transparency and accountability. It envisions that abiding by these principles will lead to *'human dignity, equality, and freedom'* for the people of South Africa. Evidence however shows that, despite strong regulatory and policy initiatives, this ethics vision is still not sufficiently embedded in the public sector. Acknowledging this current state of ethics, but also the aspirational potential of the drive towards a *'new dawn'* in South Africa, the PSC collaborated with the SA-EU Strategic Partnership Dialogue Facility and UNISA, to host a South Africa – European Union (SA-EU) dialogue on a values-driven public sector: building state capacity through professional ethics and integrity.

The event was held over two days (30 September and 1 October 2019) at the Royal Elephant Hotel and Conference Centre in Centurion.

Objective

The main objective of the Dialogue was to create a platform for knowledge building and experience sharing between like-minded EU and South Africa stakeholders on the critical challenges and opportunities related to strengthening ethics and integrity in the public service and embedding constitutional values.

The following outputs were envisaged:

1. Identification of how constitutional values, ethics and integrity can be strengthened across different levels of government;
2. Consensus amongst stakeholders of critical areas where more effective practical and innovative measures can be applied to bolster existing efforts; and
3. Consensus of potential opportunities of future cooperation between South Africa and EU Member States, for expertise sharing and transfer of techniques and methods.

Theory of Change



Theory of Change

Although we are reminded about the need for a values-driven public sector when there are ethics failures and corruption, this is not an anti-corruption conversation. Rather than focusing on 'what we want to see less of', we want to consider the culture change journey that will enable 'what we want to see more of'. In other words, what needs to be done to change the public sector culture to become more values-driven?

One does not build a values-driven public sector merely by appealing to public servants to take the values more seriously. What is required is a focus on the entire system within which public servants operate and within which they are socialised into their professional roles and values. There needs to be a stable, professional system where values play a central role in keeping the focus on the common purpose. The following theory of change guided the conversation:

If:

1. We are aligned on our common purpose, and the values and principles that should guide us as a public sector;
2. And we ensure stable, capable, and credible leadership in the public administration;
3. And build an ethical, professional and competent staff;
4. And there is sufficient direction and accountability from management;

Then we should see:

5. successful delivery of services;
6. which will lead to improved pride and staff morale in the public sector;
7. which will make it easier to attract and retain professional staff; which will give us a better pool of people from which to select a stable corps of capable and ethical leaders.



Concept for Dialogue



Concept for Dialogue

1. Alignment on Values, Principles and Common Purpose

Values are enduring beliefs about what is good, important and desirable. To be a values-driven public sector means that we all pull together in the same direction. We have strong agreement about our common purpose and the values and principles that will get us there. These values are important to us, are alive in our conversations, and inform our decisions and actions. We recruit, and design our organisations, to give effect to the values and purpose. When we are in doubt about the direction to take, we refer back to our values. When we are under pressure to break the rules, a supportive ethical culture makes it easier to do the right thing as opposed to the wrong thing. Being values-driven also means that we look beyond minimal legal compliance in the achievement of our objectives.

SA situation

The South African Constitution is largely guided by values and principles contained throughout the Constitution. In particular, the values and principles that guide a values-driven public sector are also given further expression in the Batho Pele Principles. Below are the main formulations of the relevant values and principles:

Section 1 of the Constitution – Founding provisions

The Republic of South Africa is one, sovereign, democratic state founded on the following values:

- a. Human dignity, the achievement of equality and the advancement of human rights and freedoms.
- b. Non-racialism and non-sexism.
- c. Supremacy of the constitution and the rule of law.
- d. Universal adult suffrage, a national common voters roll, regular elections and a multi-party system of democratic government, to ensure accountability, responsiveness and openness.

Section 9 of the Constitution – Rights

7.1. The Bill of rights is a cornerstone of democracy in South Africa. It enshrines the rights of all people in our country and affirms the democratic values of human dignity, equality and freedom.

Section 195 of the Constitution - Basic values and principles governing public administration

Public administration must be governed by the democratic values and principles enshrined in the Constitution, including the following principles:

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

The Batho Pele principles

1. **Consultation** - Citizens should be consulted about the level and quality of the public services they receive and, wherever possible, should be given a choice about the services that are offered.
2. **Service Standards** - Citizens should be told what level and quality of public service they will receive so that they are aware of what to expect.
3. **Access** - All citizens should have equal access to the services to which they are entitled.
4. **Courtesy** - Citizens should be treated with courtesy and consideration.
5. **Information** - Citizens should be given full accurate information about the public services they are entitled to receive.
6. **Openness and Transparency** - Citizens should be told how national and provincial departments are run, how much they cost and who is in charge.
7. **Redress** - If the promised standard of service is not delivered, citizens should be offered an apology, a full explanation and a speedy and effective remedy; and when complaints are made, citizens should receive a sympathetic, positive response.
8. **Value for money** - Public services should be provided economically and efficiently in order to give citizens the best possible value for money.

These values and principles are often communicated in the public sector, most frequently through the Batho Pele principles. The 2018 Public Sector Ethics Survey¹ however suggests that one cannot say that the values and principles play an important role in daily discourse and decisions, or that they drive behaviour sufficiently.

EU situation

The European Union's values are enshrined in law in the Treaty of Lisbon, signed by the EU's Member States in 2007. The Treaty provides the constitutional basis for the Union through amending and consolidating its two foundational treaties, namely the Treaty of the European Union (TEU) and the Treaty on the Functioning of the European Union (TFEU).ⁱ Article 2 of the TEU clearly defines the EU's core values, stating that, 'The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities'.ⁱⁱ The Treaty underlines the fundamental importance of these values to the EU by affirming in Article 3 that the Union's very aim is to promote its values, alongside peace and the well-being of its peoples.ⁱⁱⁱ

The EU has also incorporated its core values into citizen rights, which are enshrined within the Charter of Fundamental Rights of the European Union.^{iv} The Charter explicitly states that the rights derive from the foundation of the Union upon 'the indivisible, universal values of human dignity, freedom, equality and solidarity' and 'the principles of democracy and the rule of law'. Amongst these rights, Article 41 grants citizens a 'right to good administration', stating that 'Every person has the right to have his or her affairs handled impartially, fairly and within a reasonable time by the institutions, bodies, offices and agencies of the Union'.^v

Some Member States have also published overarching ethical principles that apply across the country's public services, such as the UK's 'Nolan Principles', while others, including Ireland, have developed specific codes of ethics tailored for individual sectors or organisations, with many

¹ The Public Sector Ethics Survey was conducted across all three spheres of government and in all provinces of South Africa, with a sample size of 8749.

Concept for Dialogue

Member States employing both methods, having a broad national code sitting above sector-specific codes. The Netherlands, for example, state that 'Specific ethical requirements often apply within a branch or professional group' since 'society... has expectations of each professional group or sector', with the detail of those requirements depending on the nature of the work and prevailing professional ethics in each sector.^{vi} For those Member States that

have developed different codes of ethics for different categories of civil or public servants, a common delineation is drawn between separate codes for the most senior executive positions (which will often also apply to Ministers), all other civil servants, and law enforcement officers – indeed, this is a model that is recommended by the Council of Europe in its Group of States against Corruption (GRECO) evaluations.

The UK's Nolan Principles – Seven Principles of Public Life

The UK's Seven Principles of Public Life are the basis of the ethical standards expected of public office holders. They are currently formulated as follows:

1. **Selflessness:** Holders of public office should act solely in terms of the public interest.
2. **Integrity:** Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.
3. **Objectivity:** Holders of public office must act

and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

4. **Accountability:** Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
5. **Openness:** Holders of public office should act and take decisions in an open and transparent manner
6. **Honesty:** Holders of public office should be truthful.
7. **Leadership:** Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

2. Stable, Capable and Credible Leadership

Values start with tone at the top. This means we need to attract and retain capable, ethical and credible leaders to top administrative positions. We need leaders who are aligned to the Constitutional values and principles and understand their role in promoting these. We can only expect a consistent message to come from these senior officials (i.e. DGs and HoDs) if they remain in their positions for extended periods. Furthermore, they need to be insulated against political pressures for short-term objectives that may undermine their single-minded focus on the common purpose and values.

SA situation

One of the largest challenges to a professional and values-driven public sector is the lack of stability in top administrative leadership. This is seemingly linked to the fact that the appointment of DGs and HoD (and in fact all appointment, promotion, and dismissals) vests in the EAⁱⁱⁱ.

A study by the IRR^{viii} into the first 100 months of previous President Jacob Zuma's presidency found the following:

National Executive (includes Deputy President, Ministers and Deputy Ministers)

- During this time, he made 126 changes to his national executive (which consisted of 74 people at its maximum);
- On average, he made cabinet changes every 8.6 months.

Directors General

- 172 people held the position of DG in the 38 departments;
- This is on average 4.5 DGs per department over the 8.3 years, which means that DGs only served 22 months on average.

It is clear that this level of instability will make it impossible to lead effectively.

In 1994, there was a need to transform the Public Service from its apartheid past. This made it prudent to give EAs the authority over the appointment of staff, and it has been largely effective in achieving that goal. The practice of EAs having control over staffing issues is however not in line with building a professional public service that supports a developmental state^{ix}.

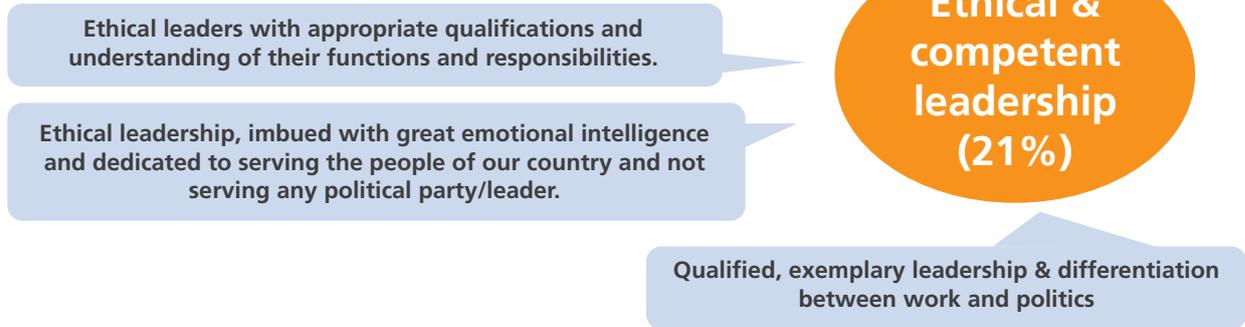
Added to this is the concern that DGs are appointed on a temporary contract. In other words, if they progressed from being a DDG, they lose their permanent employment status to go into a volatile position. This insecurity might mean that some good leaders may avoid these positions, or if they do go into them, they are less likely to take a principled stance when faced with pressures for short-term objectives that go against the values.

To address these concerns, the National Development Plan (NDP) sets out a new process for the appointment, promotion and dismissal of senior administrators. It suggests an administrative head of the public administration and the Public Service Commission play a larger role in appointments and career incidents of senior administrators. A recent paper by the Public Affairs Research Institute (PARI) builds on and refines these NDP suggestions.

In the **South African Public Sector Ethics Survey** respondents were asked an open-ended question about *"the one thing that should be done to improve the ethical culture in the public sector"*. The second most prominent mention by public servants was a call for 'ethical and competent leadership' (mentioned by 21% of respondents).

Concept for Dialogue

Extract from more than 6000 verbatim comments:



In the survey, about 60% of respondents do not agree that public sector leaders set a good example of honest and responsible behaviour. There is also significant concern about the abuse of cadre deployment and political interference in the administration.

The data from the survey therefore suggests that the time is ripe for a renewed discussion about how we appoint senior officials, how they are insulated, and how we ensure they are capable, credible, and aligned to the constitutional values and principles.

EU situation

Academic studies, staff surveys and empirical evidence across the EU have repeatedly identified ethical leadership as an essential component of a values-driven public sector.^x A 2015 survey of values and ethics in the Finnish civil service found that, 'In the respondents' opinions, the overwhelmingly most effective factor impacting civil service ethics is an example given by the management through its own conduct'.^{xi} Practices adopted by management quickly permeate through the entire organisation'.^{xii} In other words, managers wield both 'transactional' influence through the authority that they hold over their subordinates

and on wider organisational policy, as well as 'social' influence through the example that they set to their subordinates; their standards dictating the limits of acceptable behaviour in that particular agency or department. The norm-setting influence of leaders' behaviour should not therefore be underestimated; they can have an immensely beneficial or corrosive effect upon both staff morale and governance standards.

A number of EU Member States, including Belgium, Denmark, Ireland and Portugal are considered to have a low level of politicisation in the appointment process of senior civil servants.^{xiii} This is in part due to a stronger tradition of coalition governments and lower degrees of political polarisation. In Ireland, for example, Secretaries General are appointed after an open recruitment process managed by the independent Public Appointments Service Top Level Appointments Committee (TLAC). Each Secretary General is appointed for a period of seven years.^{xiv}

Greater emphasis is also placed on promoting integrity and transparency within European civil services over the past two decades.

The Council of Europe's Group of States Against Corruption (GRECO) has previously highlighted that 'lobbying, management of conflicts of inter-

est and the phenomenon of so-called “revolving doors”, asset declarations, and immunities’ were areas in which those exercising top-level functions may be especially vulnerable due to their executive powers and/or influence, and suggest alignment of codes of conduct for government ministers with those entrusted with top executive functions. The rationale for such a measure is that ‘state secretaries, special advisors and senior civil servants - who fall, in principle, under the general civil service regime and its applicable rules ... may

face similar challenges and ethical dilemmas as those of ministers in their daily routines because of the type of top management/decision-making work they perform’.^{xv}

Though such an approach is more akin to the compliance-based emphasis of anti-corruption frameworks, GRECO nevertheless highlights the importance of integrity training and awareness for senior personnel, recommending that such top officials ‘should be systematically briefed upon taking up their positions on integrity matters’.^{xvi}

3. Skilled, Ethical and Professional Staff

Professional people have a core set of skills that set them apart from others. They have a pride in these skills and this pride is the foundation of their professional values. They share a belief about what is important about their work and will never go against their values – thereby corrupting their profession – for short-term gains. To build a skilled and professional public service, we need to appoint people with the right skills, who can succeed at their jobs, and who share our values.

SA situation

The following data from the 2018 South African Public Sector Ethics Survey shows significant concern among public sector employees of the following practices:

- Incompetent / unqualified people being appointed
- Abuse of cadre deployment (inappropriate political interference in appointments)
- Jobs being given to family members and friends

Furthermore, almost half of public servants do not feel that their colleagues are dedicated and professional. In its report on ‘Building a capable, career-oriented and professional public service’ (2016), the PSC identifies a number of contributing factors. Among these are a fragmented career system, lack of strategic planning and organisational development skills honed through long-term careers in the Public Service, a lack of standardised job requirements, and a lack of structured experiential learning.

“*...if employers choose to employ a “C player” instead of an “A player”, the likelihood is that C players will employ other C players and drive away A players and the trend will continue.*”

~ Extract from PSC Fact Sheet on Irregular Appointments (2016)

Concept for Dialogue

The picture is however not all doom and gloom. A number of interventions and programmes have been put in place to promote a more professional staff in the public service.

- A directive on minimum entry requirements for appointment into the senior management service was put in place in 2014.
- A number of compulsory programmes have been developed by the NSG to support the entry requirements.
 - o This includes an Executive Induction Programme as well as an online course for Ethics in the Public Service (to be taken by all public servants) which has recently been added to this list.
- Competency assessments have been introduced for the senior management service.
 - o The PSC however found that a major weakness of the minimum entry requirements is that it specifies qualifications and years of service, while underplaying *“acquired knowledge, skills and experience linked to the inherent requirements of the job”*.^{xvii} In line with this, the competency assessment framework only focuses on generic management skills and does not assess candidates *“against the functional or task requirements of the job”*.^{xviii}

There have also been attempts to celebrate exemplary public servants (of which there are many) to re-instil professional pride. Among these are the public sector driven Public Service Month, and the National Batho Pele Excellence Awards. From the civil society side, the Accountability Lab’s annual Integrity Icon programme ‘names and fames’ exemplary public servants, and it is now in its second year.

While much progress has been made, the area of appointment, promotions and professionalisation in the public sector requires significantly more attention.

EU situation

The most recent OECD model for public integrity – adopted as best practice within many European public administrations – sees ‘cultivating a culture of integrity’ as one of the crucial building blocks of a values-based public sector. The European Court of Auditors, in its 2019 audit of ethics within the EU institutions (which used the OECD model as its benchmark), stated that a culture of integrity ‘can only develop if the people working for the organisation are equipped with the necessary ethical skills and knowledge’, requiring ethics to become mainstream elements of public servants’ training and guidance.^{xix}

That said, the topic of ethics appears in recent years to have been overlooked in some European contexts in favour of solely technical development. This has caused some ethicists to argue for an urgent renewal of ethics as a core and mandatory component of European civil servants’ education, selection, initial training and in-service professional development. A 2016 study of ethical formation within university-level public administration programs in The Netherlands concluded that ethics education was ‘limited, fragmented, intellectual and optional’, with students receiving ‘very little assistance in their moral development to become good public professionals’ – mirroring similar omissions in business and management courses. The main obstacle to inserting ethical components into such programs was identified as ‘resistance to a more normative, practical and developing content of ethics education’.^{xx}

A separate 2017 study of values formation within French public administration also found problems with ethical training and education, although in this case the main obstacle was identified not as ethics being absent from curricula, but rather the lack of preparation for reconciling the inevitable tensions between what are termed ‘traditional’ or ‘classic’ values (those inherited from a sense of national, local or organisational community), and

'newer' values based around the imperatives of effectiveness and efficiency. The study concluded that ethical formation – whether by way of education, initial training or in-service professional development – should focus on the practical, contextualised application of ethical reasoning so that public servants have the tools to deal with the inevitable contradictions and tensions that arise in modern public service environments.^{xxii}

The approach taken by some European public bodies combines an emphasis on legal compliance with the promotion of ethical values and culture. For instance, the National Police of the Netherlands (NPN) and the Royal Netherlands Marechaussee (KMar) have a strategy that is aimed at making ethical norms part of the daily job of employees and managers, based on a balance between compliance (standards, codes, procedures and enforcement) and discretionary powers for employees. Their respective integrity policies are updated annually.^{xxiii}

The Flemish government, which was an early user and proponent of dilemma training, has found

that tailoring the scenarios used in such sessions to the specific work context of the participants has produced richer and more rewarding learning outcomes. Such courses are designed not so much to provide answers to specific ethical dilemmas (although that can be a useful corollary of the sessions), but rather to equip public servants with the conceptual framework for how to deal with such situations, even if highly complex. In a fully integrated integrity training system, suitably anonymised case studies based on participants' real-life experiences can then be fed back into 'dilemma databases' for future training sessions or even university courses.^{xxiv}

The Flemish Integrity Office's campaign - 'Does work keep you awake at night?' - has been particularly creative in raising awareness (<http://www.bestuurszaken.be/spreekbuis>). The helpline, called, "Spreekbuis", which any official can approach in confidence, provides an outlet for staff to express their concerns about ethics at work, if they are frustrated or unhappy, and talk through their options.^{xxv}



Concept for Dialogue

4. Direction and Accountability

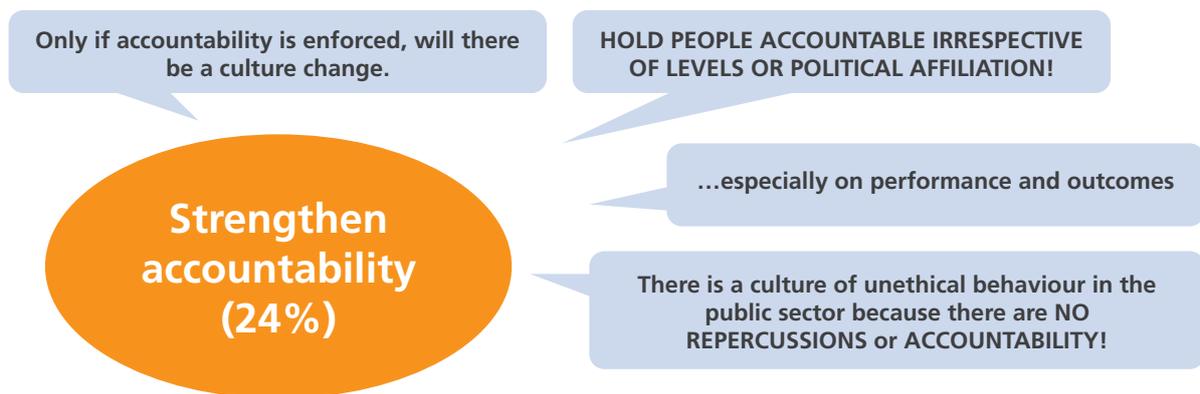
Good managers manage actively to keep the focus on what is important. They are continuously engaged with their staff, supporting them to get the job done, and keeping levels of performance high. Values should be a constant part of this conversation, and these discussions should be held with respect and integrity. If we do not actively focus on our values and performance, these things are trumped by more short-term issues.

SA situation

Discussions around improved performance frequently turn to the formal Performance Management and Development System (PMDS). The PSC however found significant challenges with implementing this system in the Public Service^{xxvi} that it frequently causes unhappiness and conflict, and indications are that it may be counterproductive to improving performance. The PSCs report on 'Building a capable career-oriented public service' suggests that performance management should

not be limited to the formal PMDS system, but should be part of the day to day management functions of managers – *"A key role of the supervisor is to give feedback on performance, reprimand, motivate, mentor, lead teamwork, use incentives, make his/her own personal contribution to solving problems, and add value to the products produced by the unit."*^{xxvii}

It is this active management that seems to be missing. It is not only the management of performance that is of concern, but also the management of unethical behaviour. The South African Public Sector Ethics Survey found high levels of misconduct and counterproductive employee behaviours on the one hand, and low levels of consequences for unprofessional or unethical behaviour on the other. When asked what the one thing is that should be done to improve the ethical culture in the public sector, the number one solution mentioned by public servants was the strengthening of accountability (mentioned by 24% of respondents).



Extract from more than 6000 verbatim comments:

Instilling discipline and consequence management in the public sector is however seen as a major challenge. This is sometimes linked to blurred lines of accountability, in that HoDs are accountable for departmental performance, but do not have full control over recruitment and discipline management of staff. There is also a sense that in the highly unionised environment it is difficult to hold non-performing or transgressing officials to account. Employees frequently feel that discipline is applied inconsistently and that people at higher levels in the organisation are less likely to face consequences. The frustrations at the lack of consequences and lack of uniformity of consequences are expressed in the Public Sector Ethics Survey by general public servants who want to work in a more professional environment.

This conversation is not predominantly about the formal mechanisms for managing performance, or the mechanisms for instituting disciplinary action, but the soft skills for hard conversations that are required from managers.

EU situation

Within the EU institutions, for example, the European Commission has incorporated ethics as a core element of its current four-year Strategic Plan, as well its Annual Management Plan and its annual risk assessment exercise, acknowledging the importance of being seen to live up to the EU's values in order to uphold public trust.^{xxviii} Adopting such an approach appears to be of particular importance for senior civil servants due to their leading role in strategy formation and values-promotion. As well as using values to shape and inform strategy at a cross-government level, the active promotion of such values by senior personnel increases the likelihood that departmental or sectoral strategies incorporate and successfully implement such an approach.

In Finland, a shared understanding of the purpose of the government's agenda, a common commitment to its objectives and a partnership-based relationship to achieve them is highlighted by the OECD. At the beginning of the government's term, a strategy document was approved on the role of this community, its tasks and its responsibilities from a whole-of-government values-and-ethics perspective. This has led to major changes in the way permanent secretaries meet as a group: from simply exchanging information, permanent secretaries now meet to discuss and debate policy content and decide on sharing responsibility on horizontal or multi-sector policy issues.^{xxix}

Concept for Dialogue

5. Mechanisms for reinforcing values

While values need to be integrated into our work, there is work to be done to achieve this. The King IV Report on Corporate Governance for South Africa (King IV) says that “the governing board should govern the ethics of the organisation in a way that supports the establishment of an ethical culture”. This means that ethics of an organisation should not be left to chance. It is everyone’s job to ensure that values remain part of the everyday conversation. At the same time it has to be someone’s job to make sure that we are doing that.

SA situation

Section 195 of the Constitution (which sets out the “Basic values and principles of public administration”) specifies, “a high standard of professional ethics must be promoted and maintained”. There is therefore a pro-active obligation on departments to actively manage ethics. This obligation received a boost in 2013 with the adoption of the Integrity Management Framework, and this was

subsequently strengthened into the Public Service Regulations of 2016. Each department is now required to establish an ethics committee (“to provide oversight of ethics management in the department”), and must have designated ethics officers. Among their responsibilities are to: “promote integrity and ethical behaviour in the department” and “advise employees on ethical matters.”

In practice the ethics officer function is frequently an add-on designation to staff who also have other responsibilities. Lack of capacity means that they spend much of their time on administrative duties such as managing annual disclosures of interest, gifts and requests for permission for external remunerative work, and very little on the more pro-active, culture-building activities.

One positive sign is that the awareness of ethics management initiatives has improved from the 2015 to 2018 Public Sector Ethics Surveys. The biggest improvements were in the awareness of ethics officers and staff receiving ethics training.

Awareness of Ethics Management Initiatives



While it is clear that ethics officers are becoming more prominent in the public sector, there is not yet a change in the ethical culture. Since it is quite early in the conversation about the role of ethics officers, now is a good time to discuss what purpose we want them to fulfil, and how they can contribute to building a values-driven public sector. Issues of capacity (in the context of part-time designations) should also be considered.

EU situation

The growing tendency within many European public administrations is to pursue an integrated, holistic approach to integrity, in which sanctions and compliance are one (as opposed to the sole) element within a wider framework that aims to nurture a culture of public integrity. At an EU-level, this approach was originally promoted during the Dutch and Irish Team Presidency of the European Union in 2004^{xxx}, with a voluntary common ethical framework for the public sector adopted by the Directors General of Public Administration in 2005^{xxxi}, and then further developed during the subsequent Finnish Presidency.^{xxxii} Today, similar versions of this approach form the basis of several EU Member States' integrity frameworks, and reflects the current OECD Recommendation on Public Integrity.^{xxxiii}

Nevertheless, any framework that utilises the 'softer' methods outlined here must not lose sight of the corresponding need for effective methods of controls, restrictions, mandatory disclosures and declarations, as well as oversight and – if necessary – rigorous investigations and sanctions. It is also worth emphasising that current European best practice is to employ such methods on a risk-assessed basis.^{xxxiv} Such an approach means that while all staff are subject to basic controls and training, more intrusive measures are used in those sectors assessed as being at greater risk from corruption, such as public procurement, public infrastructure and policy development.^{xxxv}

In line with this integrated approach, several EU Member States have found it worthwhile to establish dedicated integrity offices to coordinate the various integrity management efforts across government. Amongst the most well-established of these is the Flanders government Integrity Office, which operates on a virtual basis in close cooperation with various other stakeholders within the administration. Such offices are conceptually distinct from dedicated anti-corruption agencies, although in practice some countries' anti-corruption agencies are increasingly broadening their remit and scope of activity to include integrity-based approaches (the Flemish Integrity Office began as an internal audit body^{xxxvi}).

Other countries, such as Ireland, eschew a single coordinating office in favour of several, more narrowly-focussed bodies to perform specific integrity-related functions. Examples of such bodies might include parliamentary committees, ethics boards, audit agencies or independent advisory groups. Irrespective of the model used, the available evidence suggests that the commitment shown at a national level to a values-based public sector typically percolates down to departmental, regional and local government levels. In the Netherlands, for example, the active promotion of integrity, transparency and accountability within the national civil service over time led to many Dutch cities and communities implementing their own local integrity policies, to the point where integrity plans have become 'an integral part of local governance' and detection of local integrity violations significantly increased.^{xxxvii}



The Dialogue

A. Structure of Discussions

B. Plenary Themes

C. Dialogue Outcomes



The Dialogue

A. Structure of Discussions

The full programme is attached as Annexure A, which shows the plenary presentations and overall workshop structure. The dialogue sessions were structured along the following five themes, overlapping with the theory of change:

1. Alignment on values, principles and common purpose
2. Stable, capable and credible leadership
3. Skilled, ethical and professional staff
4. Direction and accountability
5. Mechanisms for reinforcing values

The afternoon of day 1 saw breakaway groups discussing specific questions relevant to each of the themes. The focus was on getting a better understanding of the key issues, sharing knowledge, and formulating suggested interventions. Discussions on the second afternoon built on the dialogue of day one, with the focus being on the following two questions:

- a) How do we take the key issues or interventions forward?
- b) Who are the key role players and stakeholders, and who should do what?

B. Plenary Themes

Plenary sessions comprised of speeches, presentations and panel discussions with contributors from South African national and provisional government, as well as EU dignitaries and experts from South Africa and the EU. Although Kris Dobie, South African expert presented and explained the Values Driven Public Service (VDPS) theory of change to the participants, only the breakout sessions were organised under the theory's five main themes. Instead, the plenaries were used to freely discuss common ethical challenges faced by public servants and policy makers in South Africa and to reflect on how these might be overcome.

A number of speakers spoke of how clearly South Africa's constitutional values and principles have been articulated but that implementing them was a different matter. Commissioner Mthembu spoke on Day 1 of the conference of how the PSC will advocate for a values-driven public sector but added that this effort also needs to coincide with a con-

versation around the ethical values that will shape society as a whole. Numerous speakers noted this observation. These ethical or 'foundational' values include human dignity, social justice, equality, fundamental human rights, and the supremacy of the constitution. Such values also have a cyclical relationship with positive outcomes for South African citizens by informing the Bill of Rights as well as strategies like the National Development Plan (NDP), which provides a social economic blueprint for the country. However, it was acknowledged that a values-driven public service can only be achieved through commitment by the public service combined with strong leadership who demonstrate integrity themselves and who see that public service appointments will be based on principles of meritocracy and transparency. Anything less leaves us open to corruption.

Commissioner Mthembu also stressed that the biggest threat to our democracy stems from the

potential collapse of State institutions due to the lack of integrity among South Africa's leadership. If we are to address this threat, he said, we need to live our values and that demands that we be honest and truthful in every part of our lives.

The failure to embed values in the public service is believed to be partly due to a lack consequence management for public servants. A number of speakers including Gauteng MEC Nomantu Nkomo-Ralehoko, called for public servants to commit to ethical values and principles, and to be held to account if they fail to do so. However, the MEC also expressed her hope that in subjecting itself to independent assessment and greater outside scrutiny, that the South African public service could begin to 'walk the talk' on ethical values.

In addition to promoting accountability, most speakers, including Minister Senzo Mchunu (Minister for the Public Service and Administration) highlighted the importance of embedding professionalism within the South African public service. However, it was also recognised that this could not be done unless public servants also had the freedom and autonomy to do their jobs without undue interference.

It was noted that such interference manifests itself in the politicisation of the appointments process as well political interference in administrative decisions that were sometimes perceived to be unconstitutional or unlawful. Not only was this having a grave impact on the quality of public policy and diversion of public spending from where it was needed most, it was also leading to high turnover of top management (i.e. DGs and HoDs) in South Africa's public service. Indeed, it had been noted by South African expert Kris Dobie that during the Zuma presidency's first 100 months, 172 people held the position of DG in 38 government departments. The resulting loss of talent and institutional memory further undermined the quality of government and destabilised public institutions.

Although proposals had already been made to fix this problem by legislating to ensure that the PSC oversaw the appointment of senior officials, panellists noted that little progress had been made. Participants discussed the obstacles to addressing these shortcomings during the plenary sessions. Among the most intractable were political resistance to change, vested interests and a lack of support from other stakeholders including trade unions to public service modernisation. In addition, it was agreed that there was little common understanding or agreement among these key stakeholders of the most pressing challenges faced by the public service today.

European contributors included the Ambassador of Denmark, Tobias Elling Rehfeld, who spoke of how engagement with public servants is not always positive. At one extreme, corruption is sometimes a factor but at a more mundane level, he said that bureaucracy is often experienced as 'the art of making the possible impossible'. However, the Ambassador and other contributors also spoke of how potential inertia and abuse could largely be overcome by promoting an open values-based public service where corruption is not tolerated and where appointments were based on merit, not political or personal connections.

EU experts including Jesper Schaumburg-Muller explained that the Danish government had undertaken dialogue around public service values and in 2015 published the Seven Key Duties for Civil Servants, which provide clear guidance on their ethical responsibilities. Such tools were coupled with E-Learning tools that are free to the public employees to use. Similar initiatives were also highlighted by EU expert, John Devitt who spoke of the work being done by governments in Belgium, Finland, France, Ireland and the Netherlands aimed at promoting understanding of ethical values and the responsibilities of public servants and in supporting those public servants who speak up against abuse (see Annexure B for more details on these initiatives).

The Dialogue

Although EU experts presented examples of good practice from EU Member States, they also acknowledged that promoting ethics is 'work in progress' and that no country, irrespective of how wealthy, was invulnerable to corruption. Many northern European states might have a longer history of political and economic stability, but they still have a lot to learn about embedding ethical values in politics and public service. While there is much that South African policy makers and public servants could learn from good practice in the EU, both the Danish Ambassador and EU experts spoke of how much they could learn from dialogue with their South African counterparts.

Delegates from UNISA and other speakers including Professor Obiora Ike and Professor Mpilo Sithole expanded on the need for mutual learning by stressing the importance of partnerships between South Africa's third level education institutions and its public service. Director General Phindile Baleni of Gauteng Office of the Premier and Professor Ike underlined the need to think generationally and invest time and resources in promoting understanding of what is meant by ethics and public service values in South Africa's schools and universities. In collaborating with academia, speakers also reflected on the need to assist with building 'moral capital' and character formation among students, not just the technical skills that are needed when beginning their working lives.

Similarly, numerous speakers spoke of the need to look 'beyond compliance' with Professor Sithole talking about how public servants could feel enslaved by compliance, particularly where compliance with ministerial instructions were unlawful or posed a risk to the public interest. Monica Newton, DG of the Department of Sports, Arts and Culture in the Province of Gauteng, who talked about the need to rethink how we measure performance within the public service, echoed this. This would need to be a collective exercise and reflect the needs and values of South African communities and society as a whole. There was wide consensus among the participants that societal, and public service ethics cannot be divorced, and that a national dialogue on public service ethics would need to be supported by a broad constituency of community and political representatives, as well as public servants, trade unions, academia and civil society.

Notwithstanding the need for dialogue on ethics, participants agreed that there was no time to waste time in demonstrating strong political leadership, fighting corruption and supporting those public servants that expose wrongdoing. There are numerous examples of good practice that South African policy makers and public servants could draw from, and ongoing engagement and dialogue with our friends in the EU could help maintain much-needed momentum for action as well as reform.

C. Dialogue Outcomes

The following section gives a synopsis of the issues that were discussed in relation to the five overarching dialogue themes. A thematic analysis was done on the discussions in each of the five groups, and the issues are arranged as they relate to the

overarching themes, and not according to the group they were discussed in. In other words, an issue might have been mentioned in Group 1, but if it was more relevant to the theme of Group 3, it was moved there.

1. Alignment on Values and Principles

1.1 We have words on paper, but fall short on implementation

We do have our values clearly articulated on paper. In fact, the international experts were very impressed by what South Africa has on paper with regard to our Constitution and values-statements. They expressed the view that SA is ahead in terms of policies, and

that there is likely not much to add in this regard. The discussion however concluded that we are good on statements, but implementation remains a challenge. There is however willingness and commitment among many role-players to make things work.

1.2 Public sector values do not operate in isolation from societal values

There were discussions across all the thematic groups on the fact that issues of ethics and morality in the public service cannot be divorced from ethics and morality in broader society. Invariably the ethics of society will influence the ethics in the public service since public servants come from society, and interact with the societal culture on a daily basis. There needs to be one shared societal values-system, and this has to be built on shared cultural practices.

Participants pointed to many international examples of countries that find ethics management easier due to a shared culture. Finland shared their experience that public servants are not all that familiar with the handbook on values, but ethical standards are quite high, which could be indicative of a strongly shared values-system. Denmark does not have ethics officers, but by and large, they do have values alignment. Rwanda was mentioned as having a culture where no-one litters. It was pointed out that South Africa's would be a long-term journey, and that we have to keep in

mind that the Danes have been building a public service for more than a century.

We can promote an ethical culture in the public service, but one will need to ensure that the constitutional values and principles are also known and lived outside of the public service. Societal culture has an impact on how values are entrenched. To ensure that values are widespread there has to be a shift in the cultural practices, and education must play a key part in helping us achieve this.

We should also look at the messages that are sent out in popular media. Some soap operas promote the 'worship' of unethical and even criminal behaviour. However, in the past there have been examples of using TV programmes to promote positive behaviour, for example in the HIV/Aids campaigns, or the 'Civics' programme that dealt with things such as safety and road signs.

Ubuntu has traditionally had an influence on our society, but some expressed concern that we are

The Dialogue

losing that culture. The importance of the family unit was emphasised in building a moral society.

People internalise values through either persuasion or experience. People need to rationally understand the benefit of behaving in a manner that is different from how they may currently be behaving.

Suggestions:

- The PSC should engage with the Departments of Sports, Arts and Culture, Basic Education and Higher Education on social cohesion and ethics.
- There should be engagement with the public

broadcaster, as well as private broadcasters about messaging that goes out to society.

- Social media must be used in advocacy to reach the youth. This should be led by the Department of Communications and Digital Technologies.
- There should be greater involvement of civil society. This should not be in the traditional format of only engaging with established organisations, but also through individuals who have expressed interests and frustrations, as well as in communities.
- Public servants must remain good examples outside of work hours, even in their communities.

1.3 A strong role to be played by educational institutions

This section links directly to the previous issue, but was so much emphasised that it requires a dedicated section. We need to think generationally. Those who come into the system should already have an ethical foundation. We therefore need to look to external stakeholders like universities and schools.

When thinking of the person one is trying to groom, the focus of universities should not only be on technical skills, but also on character formation. This has sadly been neglected in curricula and teaching methods. In schools, there is scope for strengthening the ethics aspects of the life skills curricula, and ensuring there are programmes that run from pre-school to universities.

The focus should however not only be on ethics in the curricula, but also on changing the schooling environment to be more ethical. Because learners probably learn more about ethics from their school

environment, The Ethics Institute mentioned that it is launching a 'Schools as Moral Communities' project.

Suggestions:

- There should be structured engagement with universities and the departments of Basic Education, and Higher Education and Training. Strengthening values education should at the very least be the topic of a new dialogue session. Other stakeholders to be engaged include churches, the Moral Regeneration Movement, and the Human Rights Commission.
- Universities, for example through their Humanities and Law faculties, or ethics clubs could discuss the Constitutional Values and Principles. Moot courts debate societal issues and similar competitions could be launched related to values.

1.4 Societal Accountability

We also have a need for informed communities to achieve an 'active citizenry' as envisioned by the NDP. Citizens must hold Parliament, the President, and all public servants accountable. Watchdogs and Chapter 9 institutions should also continue playing their role

in this regard. A question was asked about where the Human Rights Commission was when public servants were harassed under state capture, and what the role of PSC and other Chapter 9 institutions are in this regard.

1.5 Which stakeholders should be part of the solutions?

- | | |
|--|---|
| i. PSC | vii. Department of Arts and Culture |
| ii. DPSA | viii. Public and private broadcasters |
| iii. The NSG | ix. Civil society and religious organisations |
| iv. Department of Basic Education | x. Moral Regeneration Movement |
| v. Department of Higher Education and Training | xi. Chapter 9 institutions |
| vi. Universities and tertiary education institutions | |

2. Stable, Capable, Ethical and Credible Leadership

2.1 The importance of leadership

There was a clear message that the tone at the top is critical for the ethical culture in departments and government as a whole. Leaders shape the culture of their organisations, and leadership and ethics are completely inter-connected.

For that reason, HoDs have to show ethical leadership with regard to ethical challenges in their sectors - for example, the issue of bribes in community safety. HoDs need to have a very good understanding of the ethical issues that relate to their department.

Leadership can however also curtail an ethical environment and it was pointed out that the tone at the top is not always positive. This is exceptionally problematic, since people watch how seniors conduct themselves and are socialised accordingly. What leaders do is more important than what

they say. For example, how management responds to reports from internal auditors is key. If the internal auditors are told to shelve their reports, it disempowers all staff from raising concerns again.

Other destructive practices that some leaders engage in include empire building, as well as the manipulation of the performance management system.

Suggestions:

- There is a need for a structured dialogue with role-players at leadership level.
- There should be compulsory ethics training for leaders focusing on ethical dilemmas and ethical decision-making for those in top leadership.
- There could be a role for peer review among heads of department.

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2.2 Politicians and political parties need to be engaged

An ethical public service is very dependent on ethical leadership provided from political leaders. There are however frequently challenges at the political-administrative interface, and one needs to find constructive means of addressing these with EAs. When raising issues such as unlawful instructions, one had to be careful of not alienating the Executive Authorities.

There was an underlying sense that the incentives for politicians to remain ethical are not very strong. We therefore need strong involvement of civil society structures at the grass-roots level to hold leadership to account, thereby assisting them to do right.

We also need to deal with ethics at the level of political parties as the Executive (and many public servants) have strong links to parties. Society needs to put pressure on political parties to do the right thing.

The challenge remains for EAs to provide the environment where ethics will thrive.

Suggestion:

- There is a need for constructive dialogue with EAs (and administrative leaders) on the challenges at the political-administrative interface.

2.3 The appointment process for DGs and HoDs must be reviewed

Considering the challenges at the political-administrative interface, and the need to create an environment where top public servants can do their work without fear, there is a need to change the appointment process to remove the power for their appointment and career incidents from the EAs. A number of suggestions were made along the lines of the interventions outlined in the NDP – of involving a newly established Head of the Public Service, as well as the PSC in the appointment process. HoDs should not be appointed by EAs only.

These recommendations have however been made many times in the past in one version or another, most notably in the NDP. The sense is that it has not been implemented as the Executive are unlikely to surrender their appointing powers. We need to find a way past this impasse. It was suggested that this solution would be one of the best structural fixes for dealing with patronage and its

ripple effect on procurement corruption.

HoDs should also have the power to appoint their own staff. Currently legislation provides that the human resources (HR) system is the responsibility of the EA. This should ideally be the responsibility of the HoD. In the private sector, you would not have the chairperson of the board making appointments.

Suggestions:

- The legislation should be amended to change the appointment process for senior public administrators in line with the NDP.
- The PSC should engage with the Minister for the Public Service and Administration, as well as the Minister in the Presidency in this regard.
- In the interim, the powers of staff establishment should be delegated to HoDs.

2.4 Senior managers must be supported

Considering the challenges at the level of DGs/ HoDs and DDGs, there is a need to support these senior managers to do their work bravely and with resilience. Among other things, they need to be supported to have the difficult conversations with their political leaders.

Suggestions:

- The PSC should advertise/announce itself as a

body where HoDs must inform them each time there are threats of suspensions, transfers and terminations before the deed is done.

- DGs and DDGs should have a network amongst themselves to raise concerns with government. Challenges in the political-administrative interface should be raised with Executive Authorities not in a confrontational manner, but as learning experiences.

2.5 More discussion and clarity is necessary regarding staff in the political office

EAs appoint staff in their own office, frequently without consideration or checks for qualifications and skills. These staff members however have an impact on the departments and can interfere with the smooth operation of the system. When EAs leave departments, it sometimes happens that these staff members are left behind in the departmental system even though there is no funding or suitable posts to accommodate them. This dynamic and its impact on the system needs to be better understood.

Suggestions:

- The DPSA should expressly set out a skill-set for the chief of staff, given their impact on the system.
- There needs to be training for staff in the EA's office given the role that they play. The existing NSG Chief of Staff training programme can help build capacity in this area, and should include issues of values and ethics.

2.6 Party political neutrality must be maintained

While no specific suggestions were made on the theme, it was reiterated that, as is expressly stated in the Danish Code VII, South Africa should strengthen the practice of public servants remaining neutral in terms of party politics. Section 13(k) of the Public Service Regu-

lations do require that employees 'refrain from party political activities in the workplace', but it was felt that this is not enforced. It may also be required to review the rule to strengthen the focus on party-political neutrality, which is arguably a higher standard.

2.7 Which stakeholders should be part of the solutions?

- | | |
|--|----------------------------|
| i. PSC | v. The NSG |
| ii. Minister for the Public Service and Administration | vi. Political parties |
| iii. Minister in the Presidency | vii. Executive Authorities |
| iv. DPSA | viii. DGs and HoDs |

The Dialogue

3. Skilled, professional, and ethical staff

3.1 Appointments – Get the right apples into the barrel

For a values-based public service, it is essential that one get the right people into the organisation. One needs to set the scene right from the start. There are however many failures in the appointment processes, for example:

- Outcomes are frequently pre-determined, and we too easily allow for deviations to the process.
- The wrong people are appointed due to conflicts of interest and nepotism.
- Political appointees frequently facilitate the appointment of inappropriate people into the public sector, and these have a negative impact on the work environment. (It was again mentioned that there is political neutrality in the Danish system.)
- Administrators frequently recruit 'in their own image' and very little new blood can come in.

The systems need to be strengthened to ensure recruitment on merit and making sure that there is values-alignment with people who come into the system. Traditionally in finance departments and entities there is a strong focus on the technical skill of the people who are appointed. This practice is however not followed to an equal extent in other departments. Competency assessments should not only assess for general managerial competency, but also for specific technical abilities that align with the job requirements and the department's mandate. This is needed throughout the public service.

It was mentioned that previous iterations of the PSC (which was first formed in 1912) promoted the practice of writing entry exams for people to

join the public service. Previous study tours of the PSC also came up with the suggestion that there should be entry exams. There needs to be a body that manages entry exams and, as with any other professional body, if people transgress, they should be struck off the roll.

Suggestions:

- There is a need for stronger vetting and pre-employment screening. This could include pre-employment lifestyle audits, integrity testing and competency assessments during the recruitment process.
- Competency assessments should not only assess for general managerial competency, but also for specific technical abilities that align with the job requirements and the department's mandate.
- There should be independent oversight by the PSC to ensure that those who do not fulfil the requirements are not appointed.
- There should be a requirement that professional employees be affiliated to their relevant professional bodies.
- A structure (akin to a professional body) should be established to deal with directors / senior managers who transgress professional ethical standards.
- There is a need for continuous integrity checks and lifestyle audits, and any ethical breaches ought to be grounds for disqualification of potential candidates.

3.2 Culture – Ensure a healthy barrel

If the culture of public sector organisations are values-driven, it should lead to them being employers of choice. There is however a sense that the highly bureaucratised and compliance-driven nature of the public sector stifles creativity. The culture can be rigid and not conducive to professionalism. People are hired for competence but are not given the authority. At the same time, it was discussed that individuals also need to take

responsibility for their own values.

Suggestion:

- There was a request for learning and exchange with international partners in terms of culture change.
- There could also be similar exchanges between provinces.

3.3 Strengthen on-boarding processes

A question was asked whether all public servants understand the constitutional values and principles in the same way. To ensure they do, we must clarify the organisational purpose and ensure alignment on our values and what they mean in practice when people enter the organisation. Clarity must be given at that point.

Suggestions:

- On-boarding people into the organisation is a key recommendation.
 - o There is a need to define the public service culture underpinned by the values and prin-

ciples which should be embedded across the entire public service.

- o As people come into the organisation we need to make them understand, what the culture is that we want. This induction is not a once-off exercise. There needs to be continuous dialogue and training.
- o While NSG can fulfil part of this induction, departments have to address issues that are unique and specific to them – e.g. its high-risk areas and its unique culture. We also need to train stakeholders who work with our system, e.g. suppliers.

(Note: Many of the discussion points and recommendations made under the other themes were also mentioned in this section. These are most notably discussions on the appointment of senior officials, as well as the mechanisms for reinforcing values.)

3.4 Which stakeholders should be part of the solutions?

- i. DPSA
- ii. PSC
- iii. NSG

The Dialogue

4. Direction and Accountability

4.1 Active Management and Direction

A key point was made that there is an obligation on the part of employees to be professional and accountable by virtue of their offices and duties assigned to them. In reality, they come into environments that have an existing culture, and there is a responsibility on management to give direction from the moment employees enter the organisation. In fact, it was mentioned that direction on the organisational culture starts during the recruitment of staff. Whom we employ is indicative of the type of standards we require.

Staff remain engaged when they receive active management and direction, focusing their attention on the work at hand. This requires a mutual understanding about the work of the public service. Although compliance with Auditor General requirements is important, the ultimate goal should be to provide services to the people of the country and changing the lives of the vulnerable for the better.

This requires continuous training and development, from induction and on-boarding, but also managers who know the work that they are doing and want to get the most from their employees. It is the duty of managers to engage employees. Alienated workers do not care about performing

their jobs. Engagement occurs best where there is a shared space in which members participate to define their actions, decisions and behaviours. Good work should also be acknowledged - no one likes their work to go unrecognized.

Active management is very dependent on middle managers to deal with issues pro-actively. They must sanction bad practices when these things are still small matters. They are however frequently passive and that becomes enabling of poor conduct. When issues come to the DG/HoD, it is too late. Once misconduct has been committed, we must be able to reflect on it as a team or organisation.

Suggestions:

- There is a need for non-judgemental engagement with employees to get a better sense of their realities and challenges.
 - o In the EU, such studies are conducted by anthropologists on workers in organisations. Understanding what people feel when they are going through experiences can inform how we tackle issues.
- Middle managers must be trained on their role in managing discipline.

4.2 Acknowledge positive behaviour

Consequence management must also be used positively. People must know it is not only aimed at punishing employees, but also recognising people for the good work that they have done. We need to 'catch those who do right' and acknowledge them.

The question was asked of how we change incentives to ensure that good people and deeds are acknowledged. We should integrate the language of accountability, ethics, consequences, etc. with every-

day work processes such as performance bonuses.

Suggestions:

- Key Performance Areas (KPAs) should be changed to include values and ethics. This is something for further discussion.
- Managers should be sensitised to ensure they acknowledge positive behaviour.

4.3 Role of the unions

The role of the unions is to represent the employee in the workplace and to ensure that their rights are observed and respected. However, it was mentioned that unions wield tremendous power within the public service, and that this can lead to the undermining of a values-based culture. Examples that were given include:

- Managers giving staff a high performance rating because they are scared of unions.
- HoDs being challenged by a secretary/PA who is also the chairperson in the union.
- Unions applying pressure to ensure that those who transgressed do not face sanctions.

At the same time, it was mentioned that where departments are inconsistent in their investigations and disciplinary action, it legitimises action from the unions. The PSC reported that it had a productive engagement with the unions to ensure the constitutional values and principles are not undermined.

Suggestions:

- The engagement between the unions and PSC should be continued, or another platform launched to ensure that the unions remain engaged in the values-driven public sector conversation.
- Strengthen role of unions in reporting/whistle-blowing processes.

The Dialogue

4.4 Protection of those who stand up (Whistle-blowing)

There was significant discussion on the price paid by people who raise challenges or stand up against wrongdoing. Those who do the right thing are said to often suffer consequences. The following views were expressed:

- Whistle-blowing mechanisms are not believed to have worked in the South African context. People turn a blind eye because the system does not protect them.
- Anonymous reporting helps in some cases, but to report still requires a lot of courage. The Protected Disclosures Act needs to be tightened.
- There is no faith in the witness protection programme; therefore, the PSC could venture into improving this based on the cooperation and support from private institutions.
- Public servants do not feel protected, they feel vulnerable that once they speak out, they stand alone with no support.
- We have seen people who stood up for the constitution losing their jobs with no recourse. The state uses public funds to fight whistle-blowers, and whistle-blowers are the ones left penniless.

The French expert shared an experience of a collective initiative from France called the House of Whistle-blowers – an independent entity that gives people legal, psychological and financial support in their whistleblowing matters.

Participants also heard of similar initiatives in the Netherlands where the government had established the Dutch Whistleblowing Authority and in Ireland, where the Irish government was supporting an independent whistleblowing advice line provided by Transparency International and participating in a training and awareness-raising programme.

It is however not only whistle-blowers who need protection. Some professions, notably internal auditors, often uncover irregularities as part of their work, and may be required to pronounce against management. We need to find practical ways of protecting these people.

Suggestions:

- Review of the Protected Disclosures Act to be more effective.
- Strengthen the implementation of protected disclosures mechanisms in public service departments in line with the DPSA guide, and strengthen oversight.
- Consider establishing a body to assist whistle-blowers (similar to the House of Whistle-blowers in Belgium, Netherlands, France and Ireland)
- Professionals (including ethics officers and internal auditors) should be informed of the protection they can get under the Anti-Intimidation and Ethical Practices Forum.
- Actively communicate successes in investigations and where reports have led to convictions. Such transparency may encourage more people to report.
- Review the PSC investigation model of referring reported cases back to the transgressing department for investigations.
- Improve coordination of data and reporting to Parliament.
- Launch an advocacy campaign through national media.

4.5 Ensuring accountability and consequences for misconduct

The lack of accountability and the resulting sense of impunity that is experienced with regard to corruption and misconduct was discussed in most groups.

- When investigations are conducted but disciplinary action does not take place, it perpetuates unethical behaviour.
- On the accountability side, it was mentioned that there are many failures. People bring whistle-blowing reports forward, but there are no consequences. This most frequently happens at the top where leaders can circumvent controls. We are dealing relatively well with things at the lower levels. We want the same rigour of the law to apply at the top levels.
- Ethics officers find that their role is undermined, and they are even mocked because there is no enforcement and consequence management. Employees say that ethics is clearly not taken seriously.

In order for trust to be rebuilt, we need a social compact with the people of South Africa. This will

only be achieved by translating our words into action. We need to see visible action of people being disciplined and held to account. If there is one big message that people must be getting it is that there will be visible action where there is wrongdoing.

At the same time, it is critical that we are not inconsistent and unfair in our action against wrongdoing. Inconsistency strengthens the hand of the unions. The value of accountability must go hand in hand with other values such as transparency and fairness.

Suggestions:

- The Public Administration Ethics, Integrity, and Disciplinary Technical Assistance Unit (EIDTAU) should be resourced and capacitated to fulfil its functions as outlined in section 15 of the Public Administration Management Act 2014.
- There is a need for visible, consistent action, including for those who have done wrong in the past.

4.6 Holding EA and HoDs accountable

Considering the huge impact and powers that EAs and HoDs have on the culture of their departments, the question was posed as to how one could engage them and hold them accountable to the Constitutional values and principles.

There more senior you are the more necessary it is to account on ethical conduct as part one's performance appraisal. This should start with EAs then cascade to HoDs and further down in management.

It was pointed out that Cabinet and the President take a public oath. Ministers will have an agreement with the HoDs that talk to ethical conduct and accountability. The HoD will let that cascade down. However, there are no public records of

such oaths and agreements, leading to a call for these to be publicly available.

Suggestions:

- PSC must engage Parliament to provide a structure to hold EAs accountable for ethics through the portfolio committees.
- The PSC has developed a 'Guide on Governance Practice for Executive Authorities and Heads of Department', which focuses on challenges at the political-administrative interface. EAs and HoDs should be trained on this guide with the inclusion of real-life scenarios.
- Public availability of all oaths and commitments taken by leaders.

The Dialogue

4.7 Develop a 'high-level reporting mechanism'

The PSC needs to find ways to intervene with regard to procurement matters when illegal instructions are given or service providers are required to give 'brown envelopes' (bribes). The institutions that receive these reports should be able to react promptly. This proposal sounds similar to an emerging international practice of 'high-level reporting mechanisms' whereby citizens can report attempts at soliciting bribes to a high-level mechanism and it will be addressed independently and immediately. An example would be a solicitation

for a bribe at a border-post where a citizen can phone the line and someone from central government will intervene to prevent the bribe. South Africa has the National Anti-Corruption Hotline, but this is not independently investigated. Reports are merely sent back to the departments for investigation, and these can take months to kick in.

Suggestion:

- A high-level reporting mechanism, with independent action should be explored.

4.8 Which stakeholders should be part of the solutions?

- | | |
|---|---|
| <ul style="list-style-type: none"> i. Directorate for Priority Crime Investigation (Hawks) ii. National Prosecuting Authority iii. Special Investigating Unit iv. Public Administration Ethics, Integrity and Disciplinary Technical Assistance Unit (EIDTAU) | <ul style="list-style-type: none"> v. At the departmental level, line managers, because discipline is their role. vi. Communities. (We need informed communities.) vii. Parliament viii. President and Premier because they get voted in. |
|---|---|

5. Mechanisms to reinforce values

5.1 Better utilisation of ethics officers

There are about 300 Public Service ethics officers who are our allies in achieving our objective of a values-driven public sector. Their role is however frequently understood in an overly-mechanistic fashion, requiring predominantly the management of other remunerative work (ORW) and disclosures of interest. This understanding of their role needs to be challenged and changed to be more strategic. Section 23 of the Public Service Regulations specifies a much more comprehensive list of responsibilities. They are however not cur-

rently being used with regard to the real ethical issues in the public service, and they can play a much larger part in the values conversation. This limited application is frequently because they are designated officials with other responsibilities as well, and their workload does not allow them to get to all responsibilities.

They need to be capacitated to fulfil this larger responsibility of ensuring that values are instilled. The DPSA and NSG does provide support in the

form of Ethics Officers Fora and capacity building interventions. However, the Ethics Officers can only be effective if they are taken seriously and given support within their departments. They need easy access to leadership and audit committees, as well as effective ethics committees. The DPSA's PAEIDTAU should provide further support, but does not have the capacity for this.

Suggestions:

- Look into permanency of Ethics Officers.
 - Broaden the responsibilities of Ethics Officers to focus more on values promotion. This is already
- so on paper but should also be done in practice.
 - Capacitate Ethics Officers for this broader responsibility: more guides.
 - The DPSA PAEIDTAU needs to be fully capacitated to ensure that Ethics Officers receive ongoing support.
 - The PSC needs to issue a directive or circular to HoDs outlining the strategic role of Ethics Officers and should increase its oversight of the effectiveness of this function.
 - There needs to be more guides and tool kits (e.g. ethics management 101, etc.).

5.2 Guide departments on ethics interventions

With regard to ethics interventions there was agreement that there is no single magic wand to reinforce the values. We need a multidimensional systems approach consisting of:

- Advocacy (where we need to engage with stakeholders to get buy-in).
- Awareness
- Monitoring, and
- Corrective enforcement (to help us erode the sense of impunity)

It is not just one aspect that will have impact, but we should feel the cumulative effect. It was mentioned that we had experience of dealing with challenges of similar proportions when we started the Anti-HIV campaign. There were indicators

in every performance agreement of every senior manager with an aspect related to wellness. We should be addressing our ethical deficit in the same way, using the same strategies. We do not need to re-invent the wheel.

Suggestions:

- Guidance should be provided to departments on what to do to manage ethics and change culture (e.g. a compendium of good practise).
- Provide Ethics Officers with tools on how to conduct a basic ethics risk assessment for their department.
- There should be a directive to ensure structured reporting on ethics management interventions in annual reports. A template of sorts should provide guidance to HoDs.

The Dialogue

5.3 Strengthen training and awareness

There was consensus that we understand some of the bad practices that occur in the public sector. Ethics training does take place, although not as frequently as it should. The question was asked whether the training is relevant and whether it deals with the dilemmas that public servants deal with on a daily basis.

Where there is wrongdoing, these events should be explored. We should get to the truth, document the findings and include these events in our training. The rumours should be demystified. Where incidents have occurred there must be overt messaging that such behaviours are not desired in our departments.

(It should be noted that the compulsory NSG 'Ethics in the Public Service' online course deals with the 18 common ethical dilemmas that officials face as identified in Public Sector Ethics Survey conducted in 2015 (e.g. disrespectful treatment of the public; inappropriate acceptance of gifts; sexual harassment / sexual favours). This will help officials to anticipate the kinds of specific ethical dilemmas that they might face and sensitize them to these potential conflicts. In addition, there is an ethical decision-making tool that will equip officials to make ethical decisions. The directive to departments has not yet been finalised so the uptake for the compulsory course is still growing.)

Suggestions:

- Some suggested that a challenge of this seriousness requires a correspondingly serious intervention. There should be training on a massive scale and of significant intensity.
- It was suggested that there should be four days of dedicated ethics training per year for EAs and HoDs using real-life case studies.
- Case studies should be written up of real-life ethics failures.
- To raise awareness of values we should utilise digital platforms.
- The NSG online platform is available for ethics 'community of practice' dialogues for officials who have already completed the online course. The PSC and DPSA can play a role in proposing relevant ethics-related topics and availing guest experts to facilitate discussions.
- Some training does and should happen through the NSG but some training, workshops and discussions relate to departments specifically and should be driven by departments themselves on an ongoing basis.

5.4 Introduce advice avenues

It is telling that in the public service we have a hotline (in the National Anti-Corruption Hotline), but no advice line to give employees guidance on ethical issues should they need clarity. There is a need for an avenue for advice that does not create a threat.

After the dissolution of the Open Democracy Advice Centre (ODAC), there is also no source of independent advice regarding reporting/whistle-blowing (such as the House of Whistle-blowers in France and the Netherlands.)

Suggestions:

- Explore the establishment of an ethics advice line in the Public Service on ethics matters.
- Explore the establishment of an advice facility specifically on reporting/whistle-blowing, perhaps in partnership with labour and civil society. (Also, see the suggestions at section 4.4.)
- The DPSA PAEIDTAU needs to be fully capacitated to ensure that Ethics Officers as well as other officials receive ongoing technical support.

5.5 Integrity to be included in annual reports

In annual reports, there is a need for a section dedicated to ethics reporting.

It could be incorporated with the section dealing with fraud and corruption, risk and integrity. Departments should report not only on the negatives (i.e. investigations and disciplinary issues) but also the positive interventions for promoting ethical conduct. This might even encourage positive competition among departments.

Suggestion:

- Include a requirement for a dedicated section on proactive and reactive ethics matters in departments' annual reports.
- DPSA to release a Directive on this issue.

The Dialogue

5.6 Ethics management and the Fourth Industrial Revolution (4IR)

There must be greater use of modern technology in integrity management. We should explore the benefits to new technology especially in risk management and identification – for example using data analytics to check declarations of interest.

Inasmuch as we need to make better use of technology in promoting values, we also need to think about ethical challenges related to the Fourth Industrial Revolution.

Suggestions:

- Government's new Integrated Financial Management System could be adapted to include systems that support organisational integrity – e.g. HR systems that include verified certificates of employees, data on disciplinary hearings, criminal records, etc.

5.7 Which stakeholders should be part of the solutions?

- i. PSC
- ii. DPSA
- iii. National School of Government
- iv. Public sector ethics committees and ethics officers
- v. Civil society organisations working in whistle-blowing / protected disclosures
- vi. SITA

Way Forward – Key Priorities



Way forward – Key priorities

Taking cognisance of the focus on building a values-based public sector, and the PSC's continued drive to blow life into the Constitutional Values and Principles, the following recommendations are made:

1. Ensuring stable, capable and credible leadership

The Dialogue showed that initiatives for building a values-driven public sector that do not also address the critical challenges at leadership level, will be purely cosmetic. Leadership shapes our public sector organisations and every attempt should be made to ensure we have stable, capable, ethical and credible leadership.

The first priority is to ensure that the appointment processes of DGs and HoDs are addressed in line with the NDP. The changing tide in committed political leadership should be harnessed to drive the required legislative changes. The PSC will have a key role in engaging with relevant stakeholders, including the Minister for the Public Service and Administration, as well as civil society organisations (such as the Public Affairs Research Institute) that have done work in this area.

At the same time, more should be done to address challenges at the political-administrative interface, which are indicated in many ethical failures. This will require constructive engagement with EAs and HoDs. The PSC can play a role in creating platforms for such constructive engagement, perhaps as part of an initiative to entrench training on good governance practice between EAs and HoDs.

The Dialogue indicated that the political-administrative interface challenges have such a significant impact on our public sector that a commission or a national dialogue should be considered to address them. The steering group would support such an initiative, provided that the appointment processes for DGs and HoDs are prioritised.

2. Strengthening mechanisms for reinforcing values

A number of initiatives are in place for promoting a values-driven public sector, and the following is recommended:

Public sector Ethics Officers are a key resource to drive public sector integrity, but are frequently under-capacitated. They should be further supported to drive values-communication in departments in the following ways:

- The PSC should issue a guideline to HoDs outlining the strategic role of ethics officers, not only in managing conflicts of interest, but also promoting integrity and ethical behaviour in the department. The guideline should clarify the support that needs to be given to them, as well

as the role of departmental ethics committees.

- The PAEIDTAU should be resourced and capacitated to play a support role to ethics officers. The PSC should engage with the Minister for the Public Service and Administration to ensure the full capacitation of this unit.
- Technical resources and guidance should be developed to support Ethics Officers with implementing their responsibilities.

Besides supporting Ethics Officers, the PAEIDTAU should also host an ethics advice line for public servants. There is currently no such resource available, except where departments host these themselves.

Furthermore, there is no independent organisation that provides advice and support to whistle-blowers in South Africa. The PSC should engage with the DPSA and civil society integrity role-players to conceptualise a whistle-blower support entity similar to the Dutch and French

models discussed during the dialogue.

The above are the two main focal areas recommended by the steering group. The following activities are however also recommended:

3. Development of an accountability framework

The PAEIDTAU should, in consultation with the PSC, develop an accountability framework that clarifies sanctions for specific transgressions, as

well as providing guidance on disciplinary and accountability processes that should be followed.

4. Implementing improved competency assessment for the appointment of senior managers

The DPSA should develop a competency-testing framework that incorporates job-specific technical

competency assessment for senior managers over and above the current general managerial competencies.





Further Dialogue



Further Dialogue

Further dialogue should be explored in the following areas:

1. Societal Values

The dialogue made it clear that public sector values cannot be seen as separate from societal values, and that significant engagement is required with societal partners. The most prominent theme identified as requiring further dialogue is the development of a national strategy for the promotion of societal values.

Besides civil society stakeholders, the following should be part of such a dialogue: Department of Sports, Arts and Culture, Department of Basic Education, Department of Higher Education and Training, as well as tertiary education institutions, the public broadcaster, as well as private broadcasters, and the Department of Communications and Digital Technologies.

2. Reporting/Whistle-blowing

The one area where South Africa can benefit from further dialogue with EU partners is on the topic of Whistle-blowing. The Dialogue made it clear that there are many more role-players that should be part of such a discussion from both the SA and EU perspectives, and that there is a critical need for such a conversation.

3. Provincial Dialogue

Although this was an SA-EU dialogue session, the Gauteng Province was much more represented than other provinces. This was partly due to the Gauteng-based venue, but also because the dialogue served as the Gauteng-province's closing event for Public Service Month. Nonetheless, it was felt that similar conversations should also be held in the other provinces.

Conclusion



Conclusion

Overall, the Dialogue managed to elicit constructive discussion and peer learning from South African and EU participants alike. Many of the issues raised, and many of the interventions suggested, were not new. There was however, a sense that South Africa has entered a new phase where lead-

ers are more amenable and supportive of change. This is therefore a rare opportunity in time, and efforts should be renewed for bringing about critical changes to ensure the foundation is laid for a values-driven' public sector.



Annexures

Annexure A – Dialogue Programme

**Annexure B – SA EU Dialogue Concept Document
Desktop Study Sept 2019**

Annexure C – Overview of EU initiatives



Annexure A – Dialogue Programme

The Public Service Commission in partnership with the South Africa–European Union Strategic Partnership's Dialogue Facility and the UNISA will host a Dialogue under the theme:

Values-Driven Public Sector: Building State Capacity through Professional Ethics and Integrity

📅 30 September to 1 October 2019 📍 The Royal Elephant Hotel at Gauteng Centurion

Programme Director: Commissioner Phumelele Nzimande, PSC

The objective of this Dialogue is to create a platform for knowledge building and experience sharing between like-minded EU and SA stakeholders on the critical challenges and opportunities related to strengthening ethics and integrity in the public service and embedding constitutional values.

Time	Day One
Session 1: Official Opening Facilitator: Commissioner Dr Moeletsi Leballo, PSC	
08:30 - 09:00	Arrival and registration
09:00 - 09:20	Welcome and opening remarks, Deputy Chairperson of the Public Service Commission: Commissioner Ben Mthembu
09:20 - 09:40	Walking the Talk: Gauteng perspective on living the Constitutional values, Message from the Gauteng Premier by Ms Nomantu Nkomo-Ralehoko, MEC
09:40 - 09:50	Message from the Ambassador of Denmark to South Africa, Mr Tobias Elling Rehfeld
09:50 - 10:00	Message from the UNISA Head of the Thabo Mbeki African Leadership Institute, Dr Edith Phaswana
10:00 - 10:30	Keynote Address by the Minister for Public Service and Administration, Mr Senza Mchunu, MP
10:30 - 11:00	Tea Break
Session 2: Plenary Panel Discussion: Setting the scene “Constitutional Values and Principles and the Current State of Professional Ethics and Integrity” Facilitator: Commissioner Phumelele Nzimande, PSC	
11:00 - 11:20	a) The Culture Change Management Journey of Education in Gauteng through embedding the Constitutional Values and Principles, Mr Panyaza Lesufi, MEC
11:20 - 11:40	b) The Culture Change Management Journey of Implementing the 7 Key Duties for Civil Servants through embedding the Constitutional Values, Mr Jesper Schaumburg-Muller (Denmark)
11:40 - 12:00	c) South African Perspective on Professional Ethics and Integrity, Mr Kris Dobie, Senior Manager, Organisational Ethics, Ethics Institute
12:00 - 12:20	d) European Perspective on Professional Ethics and Integrity, Dr John Devitt, Founder and Chief Executive, Transparency International Ireland
12:20 - 13:00	Discussion Conceptualising the Thematic Area Discussions - give structure to the conversations - Dr Dovhani Mamphiswana, Director-General, PSC
13:00 - 14:15	Lunch
Session 3: Break away sessions	

Day 1

30 September 2019

14:15 -16:00	<p>1. Alignment on values and principles (Common purpose) - Facilitator: Ms Irene Mathenjwa, DDG: Monitoring and Evaluation: PSC</p> <p>a) Are we, in SA, on the same page regarding the values, principles and common purpose that drives the public sector?</p> <p>b) How do we define the DNA of an ethical public servant?</p> <p>Discussion</p>	<p>EU Expert: Ms Anna Gau (Finland), Senior Specialist, Legal Affairs from Ministry of Finance Advisory Body on Civil Service Ethics</p> <p>SA Expert: Prof Mashupye Maserumule, Professor of Public Affairs at the Tshwane University of Technology (TUT)</p>
	<p>2. Stable, capable, ethical and credible leadership - Facilitator: Ms Kholofelo Sedibe, DDG: Leadership and Management Practices: PSC</p> <p>a) What does ethical courage of senior administrators mean?</p> <p>b) What insulation approach can be put in place in terms of the appointments and removal of senior administrators?</p> <p>Discussion</p>	<p>EU Expert: Ms Laurène Bounaud (France), former Executive Director at Transparency International France</p> <p>SA Expert: Dr Tracy Ledger, Head of Research, Public Affairs Research Institute (PARI)</p>
	<p>3. Skilled, professional and ethical staff - Facilitator: Ms Fatima Rawat, Associate from the Ethics Institute</p> <p>a) How do we ensure we appoint the right people in the right position with the required the skills and competencies?</p> <p>b) How are public servants 'socialised' into their professional and ethical values?</p> <p>c) Becoming a career of choice</p> <p>Discussion</p>	<p>EU Expert: Professor Dr Obiora Ike (Switzerland), Global Ethics Centre (Globethics), Executive Director</p> <p>SA Expert: Ms Faith Ngwenya Technical and Standards Executive, South African Institute of Professional Accountants</p>
	<p>4. Direction and accountability - Facilitator: Mr Matome Malatsi, DDG: Integrity and Anti-Corruption: PSC</p> <p><i>Incentives and disincentives for ethical conduct</i></p> <p>a) What does direction and accountability mean in a values-base environment?</p> <p>b) What are the accountability roles of internal (e.g. management and labour) and external role payers (civil society, citizens, media, business, labour)</p> <p>Discussion</p>	<p>EU Expert: Ms Jane Ellis (UK), Former Director of Good Corporation and Director Research at International Bar Association</p> <p>SA Expert: Professor Dr Divya Singh, Chief Academic Officer for Private Higher Education (Stadio Holdings) and Executive Director of Globethics</p>
	<p>5. Mechanisms for reinforcing values alignment - Facilitator: Ms Dadisai Taderera (Accountability Lab South Africa Country Director)</p> <p>a) What are the systems and capacity for managing ethics in the public sector?</p> <p>b) Are we utilising our ethics officers effectively in building a values-based public sector?</p> <p>c) What opportunities are there for utilising 4IR/automation (and what does this free ethics officers up for?)</p>	<p>EU Expert: Mr Janos Bertok (France), Head of Division, Public Sector Integrity, OECD Public Governance Directorate</p> <p>SA Expert: Mr Robert McBride, Project Manager: Public Administration Ethics, Integrity and Disciplinary Technical Assistance Unit (Ethics Enforcement Unit)</p>
16:00 – 16:20	Wrap-up (emerging issues and how it is shaping the Dialogue), way forward - Ms Phindile Baleni DG Gauteng OtP	

Annexure A – Dialogue Programme

The Public Service Commission in partnership with the South Africa–European Union Strategic Partnership's Dialogue Facility and the UNISA will host a Dialogue under the **theme**:

Values-Driven Public Sector: Building State Capacity through Professional Ethics and Integrity

📅 30 September to 1 October 2019 📍 The Royal Elephant Hotel at Gauteng Centurion

Programme Director: Commissioner Michael Seloane, PSC

The objective of this Dialogue is to create a platform for knowledge building and experience sharing between like-minded EU and SA stakeholders on the critical challenges and opportunities related to strengthening ethics and integrity in the public service and embedding constitutional values.

Time	Day Two	
	Session 1	
08:30 - 09:00	Arrivals	
09:00 - 09:10	Introduction to the Day by Commissioner Michael Seloane, PSC	
09:10 - 10:00	Plenary Panel Discussion on Setting the scene “Building blocks for a values driven public sector” Facilitator: Commissioner Michael Seloane, PSC	
10:00 - 10:20	Thematic areas, including feedback from Day 1 - Mr Kris Dobie and Mr John Devitt	
10:20 - 10:40	Presentation: Professor Dr Obiora Ike on Ethical Culture and Professionalism in the Public Sector: Best practices from Globethics	
10:40 - 11:00	Response: Professor Mpilo Sithole, Vice-Principal: Academic and Research, University of the Free State	
11:00 - 11:15	Discussion	
11:00 - 11:15	Tea Break	
11:15 - 12:30	Session 2: DGs/CEOs Panel Discussion: What challenges are there to ethical leadership and conduct for DGs/CEOs Facilitator: Commissioner Moira Marais-Martin, PSC	
	Panellist a) Richard Sizani, current Chairperson of the PSC former DG in the Office of the KZN Premier b) Phindile Baleni, DG: Gauteng OtP c) Nompumelelo Mpfu, DG: Planning, Monitoring and Evaluation d) Mashwahle Diphofa, DG: Traditional Affairs e) Nosipho Ngcaba, DG: Environmental Affairs	Panellist Response by Mr Jesper Schaumburg - Muller (Denmark) - EU perspective in dealing with challenges to ethical leadership and conduct
12:30 - 13:30	Lunch	

Day 2

01 October 2019

13:30 - 15:00	Session Two: Thematic Area Discussions - taking into consideration feedback from Day 1	
	<p>1. Alignment on values and principles (Common purpose) - Facilitator: Ms Irene Mathenjwa, DDG: Monitoring and Evaluation: PSC</p> <p>a) How do we take the key issues or interventions forward?</p> <p>b) Who are the key role players and stakeholders, and who should do what?</p> <p>Discussion</p>	<p>EU Expert: Ms Anna Gau (Finland), Senior Specialist, Legal Affairs from Ministry of Finance Advisory Body on Civil Service Ethics</p> <p>SA Expert: Prof Mashupye Maserumule, Professor of Public Affairs at the Tshwane University of Technology (TUT)</p>
	<p>2. Stable, capable, ethical and credible leadership - Facilitator: Ms Kholofelo Sedibe, DDG: Leadership and Management Practices: PSC</p> <p>a) How do we take the key issues or interventions forward?</p> <p>b) Who are the key role players and stakeholders, and who should do what?</p> <p>Discussion</p>	<p>EU Expert: Ms Laurène Bounaud (France), former Executive Director at Transparency International France</p> <p>SA Expert: Dr Tracy Ledger, Head of Research, Public Affairs Research Institute (PARI)</p>
	<p>3. Skilled and professional staff - Facilitator: Ms Fatima Rawat, Associate from the Ethics Institute</p> <p>a) How do we take the key issues or interventions forward?</p> <p>b) Who are the key role players and stakeholders, and who should do what?</p> <p>Discussion</p>	<p>EU Expert: Professor Dr Obiora Ike (Switzerland), Global Ethics Centre (Globethics), Executive Director</p> <p>SA Expert: Ms Faith Ngwenya, Technical and Standards Executive, South African Institute of Professional Accountants</p>
	<p>4. Direction and accountability - Facilitator: Mr Matome Malatsi, DDG: Integrity and Anti-Corruption: PSC</p> <p>a) How do we take the key issues or interventions forward?</p> <p>b) Who are the key role players and stakeholders, and who should do what?</p> <p>Discussion</p>	<p>EU Expert: Ms Jane Ellis (UK), Former Director of Good Corporation and Director Research at International Bar Association</p> <p>SA Expert: Professor Dr Divya Singh, Chief Academic Officer for Private Higher Education (Stadio Holdings) and Executive Director of Globethics</p>
	<p>5. Mechanisms for reinforcing values alignment - Facilitator: Ms Dadisai Taderera (Accountability Lab South Africa Country Director)</p> <p>a) How do we take the key issues or interventions forward?</p> <p>b) Who are the key role players and stakeholders, and who should do what?</p> <p>Discussion</p>	<p>EU Expert: Mr Janos Bertok (France), Head of Division, Public Sector Integrity, OECD Public Governance Directorate</p> <p>SA Expert: Mr Robert McBride, Project Manager: Public Administration Ethics, Integrity and Disciplinary Technical Assistance Unit (Ethics Enforcement Unit).</p>
15:00 - 15:15	Tea Break	
15:15 - 15:45	<p>Session Three: Body of knowledge and Experiences Shared</p> <p>Summary from EU perspective on lessons learnt - Mr Bernard Rey, Head of Cooperation from the Delegation of the EU to the RSA</p> <p>Summary from SA representative on lessons learnt - Dr Edith Phaswana, Head of the Thabo Mbeki African Leadership Institute (UNISA)</p>	
15:45 - 16:00	Vote of thanks & Closure PSC Commissioner LV Sizani	

Annexure B

Concept document for the SA-EU Dialogue on: A values-driven public sector: Building State Capacity through Professional Ethics and Integrity

September 2019



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Background

What Is It About?

The Constitution envisions a public sector, with high standards of professional ethics, that enshrines principles such as efficiency, responsiveness, fairness, transparency and accountability. It envisions that abiding by these principles will lead to 'human dignity, equality, and freedom' for the people of South Africa.

When the public sector is driven by factors other than our Constitutional values and principles, it inevitably leads to failures, frequently with far-reaching consequences. Some of the most severe recent values-failures were revealed at the Life Esidimeni, SARS and State Capture inquiries.

To build a public sector that serves South Africans in the way that the Constitution intended, the Public Service Commission (PSC) embarked on a Programme to promote and evaluate the Constitutional Values and Principles (CVPs). To maintain the focus, and ensure we move forward on becoming a truly values-driven public sector, the Public Service Commission is hosting a dialogue in partnership with the SA-EU Strategic Partnership Dialogue Facility.

What will be discussed?

Although we are reminded about the need for a values-driven public sector when there are ethics failures and corruption, this is not an anti-corruption conversation. Rather than focusing on 'what we want to see less of', we want to consider the culture change journey that will enable 'what we want to see more of'. In other words, what needs to be done to change the public sector culture to become more values-driven?

One does not build a values-driven public sector merely by appealing to public servants to take the values more seriously. What is required is a focus on the entire system within which public servants operate and within which they are socialised into

their professional roles and values. There needs to be a stable, professional system where values play a central role in keeping the focus on the common purpose.

The following theory of change will guide the conversation:

If:

1. We are aligned on our common purpose, and the values and principles that should guide us as a public sector;
2. And we ensure stable, capable, ethical and credible leadership in the public administration;
3. And build a competent, professional and ethical staff;
4. And there is sufficient direction and accountability from management;

Then we should see:

5. successful delivery of services;
6. which will lead to improved pride and staff morale in the public sector;
7. which will make it easier to attract and retain professional staff; which will give us a better pool of people from which to select a stable corps of capable and ethical leaders.



How will the conversation be structured?

The morning of day 1 will comprise of the official closing ceremony of the Public Service Month (PSM), political and introductory presentations, after which we will break into 5 groups that discuss various elements from the theory of change.

Each session will have a 10-minute presentation to provide context by a South African expert, and a 10-minute presentation by an EU Member State expert to share international experience on the topic. These conversations will be facilitated and will take us to the close of day 1.

Day 2 will kick off with feedback from day 1 with some reflection from an international expert and a South African expert. After that, there will be a panel of past and present DGs/CEOs and heads of organisations reflecting on the question: What challenges are there to ethical leadership and conduct for DGs/CEOs and senior administrators? Taking us into round two of the breakaway conversations, focusing on the practicalities of going forward. While the dialogue is aimed at knowledge exchange and experience sharing, it is also the first step in building networks and identifying opportunities for future collaboration between South Africa and EU member states.

The following pages set out brief background notes to inform each of the breakaway discussions. The themes are:

1. Alignment on Values, Principles & Common Purpose

- Are we on the same page about our values, principles and common purpose? Are these formulated in format where they can be referred to in daily conversation?
- Are they referred to in daily conversation? Are we doing enough to make this happen?

2. Stable, Capable, Ethical and Credible Leadership

- Ensuring stability in senior officials. What is the way forward?
- How do we ensure our senior officials are capable, credible, and aligned to the constitutional values and principles?

3. Skilled, Professional & Ethical Staff

- How do we ensure we appoint the right people into the right positions?
- How are public servants 'socialised' into their professional and ethical values?

4. Direction and Accountability

- What does direction and accountability mean in a values-based environment?
- How do we build the soft skills required to have hard conversations?

5. Mechanisms for Reinforcing Values

- Are we utilising our ethics officers effectively in building a values-based public sector?
- What opportunities are there for utilising 4IR/automation (and what does this free ethics officers up for)?

Background

1. Alignment on Values, Principles & Common Purpose

Values are enduring beliefs about what is good, important and desirable. To be a values-driven public sector means that we all pull together in the same direction. We have strong agreement about our common purpose and the values and principles that will get us there. These values are important to us, are alive in our day to day conversations, and inform our decisions and actions. We recruit, and design our organisations, to give effect to the values and purpose. When we are in doubt about the direction to take, we refer back to our values. When we are under pressure to break the rules, there is a supportive ethical culture that makes it easier to do the right thing as opposed to the wrong thing. Being values-driven also means that we look beyond minimal legal compliance in the achievement of our objectives.

SA situation

The values and principles that guide a values-driven public sector are largely derived from the Constitution and are also given expression in the Batho Pele Principles.

Below are the main formulations of the relevant values and principles:

Section 1 of the Constitution – Founding provisions

The Republic of South Africa is one, sovereign, democratic state founded on the following values:

- a. Human dignity, the achievement of equality and the advancement of human rights and freedoms.
- b. Non-racialism and non-sexism.
- c. Supremacy of the constitution and the rule of law.
- d. Universal adult suffrage, a national common voters roll, regular elections and a multi-party system of democratic government, to ensure accountability, responsiveness and openness.

Section 9 of the Constitution – Rights

7.1. The Bill of rights is a cornerstone of democracy in South Africa. It enshrines the rights of all people in our country and affirms the democratic values of human dignity, equality and freedom.

Section 195 of the Constitution - Basic values and principles governing public administration

Public administration must be governed by the democratic values and principles enshrined in the Constitution, including the following principles:

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

The Batho Pele Principles

1. **Consultation** - Citizens should be consulted about the level and quality of the public services they receive and, wherever possible, should be given a choice about the services that are offered.

2. **Service standards** - Citizens should be told what level and quality of public service they will receive so that they are aware of what to expect.
3. **Access** - All citizens should have equal access to the services to which they are entitled.
4. **Courtesy** - Citizens should be treated with courtesy and consideration.
5. **Information** - Citizens should be given full accurate information about the public services they are entitled to receive.
6. **Openness and Transparency** - Citizens should be told how national and provincial departments are run, how much they cost and who is in charge.
7. **Redress** - If the promised standard of service is not delivered, citizens should be offered an apology, a full explanation and a speedy and effective remedy; and when complaints are made, citizens should receive a sympathetic, positive response.
8. **Value for Money** - Public services should be provided economically and efficiently in order to give citizens the best possible value for money.

These values and principles are often communicated in the public sector, most frequently through the Batho Pele principles. The 2018 Public Sector Ethics Survey however suggests that one cannot say that the values and principles play an important role in daily discourse and decisions, or that they drive behaviour sufficiently.

EU situation

The European Union's values are enshrined in law in the Treaty of Lisbon, signed by the EU's Member States in 2007. The Treaty provides the constitutional basis for the Union through amending and consolidating its two foundational treaties, namely the Treaty of the European Union (TEU) and the

Treaty on the Functioning of the European Union (TFEU).ⁱ Article 2 of the TEU clearly defines the EU's core values, stating that, 'The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities'.ⁱⁱ The Treaty underlines the fundamental importance of these values to the EU by affirming in Article 3 that the Union's very aim is to promote its values, alongside peace and the well-being of its peoples.ⁱⁱⁱ

The EU has also incorporated its core values into citizen rights, which are enshrined within the Charter of Fundamental Rights of the European Union. The Charter explicitly states that the rights derive from the foundation of the Union upon 'the indivisible, universal values of human dignity, freedom, equality and solidarity' and 'the principles of democracy and the rule of law'. Amongst these rights, Article 41 grants citizens a 'right to good administration', stating that 'Every person has the right to have his or her affairs handled impartially, fairly and within a reasonable time by the institutions, bodies, offices and agencies of the Union'.^v

Some Member States have also published overarching ethical principles that apply across the country's public services, such as the UK's 'Nolan Principles', while others, including Ireland, have developed specific codes of ethics tailored for individual sectors or organisations, with many Member States employing both methods, having a broad national code sitting above sector-specific codes. The Netherlands, for example, state that 'Specific ethical requirements often apply within a branch or professional group' since 'society... has expectations of each professional group or sector', with the detail of those requirements depending on the nature of the work and prevailing professional ethics in each sector.^{vi} For those Member States that have developed different codes of ethics for different categories of civil or

Background

public servants, a common delineation is drawn between separate codes for the most senior executive positions (which will often also apply to Ministers), all other civil servants, and law en-

forcement officers – indeed, this is a model that is recommended by the Council of Europe in its Group of States against Corruption (GRECO) evaluations.

The UK's Nolan Principles –Seven Principles of Public Life

The UK's Seven Principles of Public Life are the basis of the ethical standards expected of public office holders.

They are currently formulated as follows:

1. **Selflessness:** Holders of public office should act solely in terms of the public interest.
2. **Integrity:** Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.
3. **Objectivity:** Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
4. **Accountability:** Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
5. **Openness:** Holders of public office should act and take decisions in an open and transparent manner
6. **Honesty:** Holders of public office should be truthful.
7. **Leadership:** Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs. lence poor behaviour wherever it occurs.

Pointers for discussion

1. Are we, in SA, on the same page about our values and common purpose? Are these formulated in format where they can be easily referred to in daily conversation?
2. Are they referred to in daily conversation? Are we doing enough to make this happen?

2. Stable, Capable and Credible Leadership

Values start with tone at the top. This means we need to attract and retain capable, ethical and credible leaders to top administrative positions. We need leaders who are aligned to the Constitutional values and principles and understand their role in promoting these. We can only expect a consistent message to come from these senior officials (i.e. DGs and HoDs) if they remain in their positions for extended periods. Furthermore, they need to be insulated against political pressures for short-term objectives that may undermine their single-minded focus on the common purpose and values.

SA situation

One of the largest challenges to a professional and values-driven public sector is the lack of stability in top administrative leadership. This is seemingly linked to the fact that the appointment of DGs and HoD (and in fact all appointment, promotion, and dismissals) vests in the EA^{vii}.

A study by the IRR^{viii} into the first 100 months of previous President Jacob Zuma's presidency found the following:

National Executive (includes Deputy President, Ministers and Deputy Ministers)

- During this time, he made 126 changes to his national executive (which consisted of 74 people at its maximum);
- On average, he made cabinet changes every 8.6 months.

Directors General

- 172 people held the position of DG in the 38 departments;
- This is on average 4.5 DGs per department over the 8.3 years, which means that DGs only served 22 months on average.

It is clear that this level of instability will make it impossible to lead effectively.

In 1994, there was a need to transform the Public Service from its apartheid past. This made it prudent to give EAs the authority over the appointment of staff, and it has been largely effective in achieving that goal. The practice of EAs having control over staffing issues is however not in line with building a professional public service that supports a developmental state^{ix}.

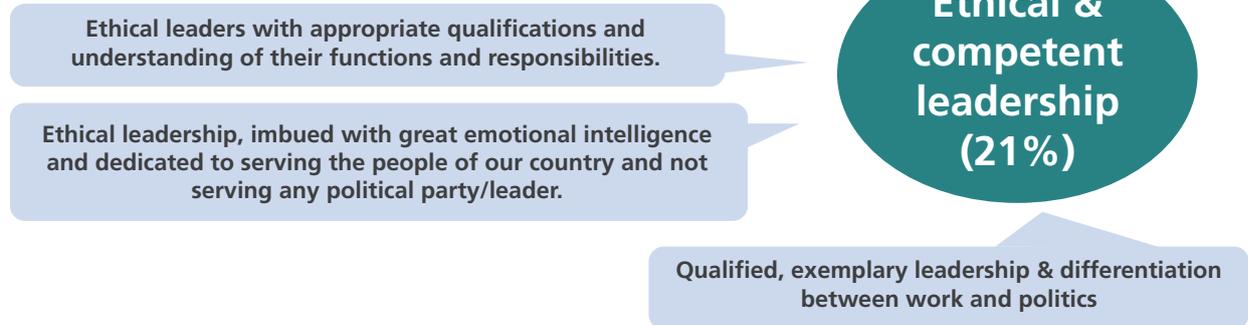
Added to this is the concern that DGs are appointed on a temporary contract. In other words, if they progressed from being a DDG, they lose their permanent employment status to go into a volatile position. This insecurity might mean that some good leaders may avoid these positions, or if they do go into them, they are less likely to take a principled stance when faced with pressures for short-term objectives that go against the values.

To address these concerns, the National Development Plan (NDP) sets out a new process for the appointment, promotion and dismissal of senior administrators. It suggests an administrative head of the public administration and the Public Service Commission play a larger role in appointments and career incidents of senior administrators. A recent paper by the Public Affairs Research Institute (PARI) builds on and refines these NDP suggestions.

In the 2018 **South African Public Sector Ethics Survey** respondents were asked an open-ended question about *"the one thing is that should be done to improve the ethical culture in the public sector"*. The second most prominent mention by public servants was a call for 'ethical and competent leadership' (mentioned by 21% of respondents).

Background

Extract from more than 6000 verbatim comments:



In the survey, about 60% of respondents do not agree that public sector leaders set a good example of honest and responsible behaviour. There is also significant concern about the abuse of cadre deployment and political interference in the administration.

The data from the survey therefore suggests that the time is ripe for a renewed discussion about how we appoint senior officials, how they are insulated, and how we ensure they are capable, credible, and aligned to the constitutional values and principles.

EU Situation

Academic studies, staff surveys and empirical evidence across the EU have repeatedly identified ethical leadership as an essential component of a values-driven public sector.^x A 2015 survey of values and ethics in the Finnish civil service found that, 'In the respondents' opinions, the overwhelmingly most effective factor impacting civil service ethics is an example given by the management through its own conduct'.^{xi} Practices adopted by management quickly permeate through the entire organisation'.^{xii} In other words, managers wield both 'transactional' influence through the authority that they hold over their subordinates and on wider organisational policy, as well as 'so-

cial' influence through the example that they set to their subordinates; their standards dictating the limits of acceptable behaviour in that particular agency or department. The norm-setting influence of leaders' behaviour should not therefore be underestimated; they can have an immensely beneficial or corrosive effect upon both staff morale and governance standards.

A number of EU Member States, including Belgium, Denmark, Ireland and Portugal are considered to have a low level of politicisation in the appointment process of senior civil servants.^{xiii} This is in part due to a stronger tradition of coalition governments and lower degrees of political polarisation. In Ireland, for example, Secretaries General are appointed after an open recruitment process managed by the independent Public Appointments Service Top Level Appointments Committee (TLAC). Each Secretary General is appointed for a period of seven years.^{xiv}

Greater emphasis is also placed on promoting integrity and transparency within European civil services over the past two decades.

The Council of Europe's Group of States Against Corruption (GRECO) has previously highlighted that 'lobbying, management of conflicts of interest and the phenomenon of so-called "revolving doors", asset declarations, and immunities' were areas in which those exercising top-level func-

tions may be especially vulnerable due to their executive powers and/or influence, and suggest alignment of codes of conduct for government ministers with those entrusted with top executive functions. The rationale for such a measure is that 'state secretaries, special advisors and senior civil servants - who fall, in principle, under the general civil service regime and its applicable rules ... may face similar challenges and ethical dilemmas as those of ministers in their daily routines because

of the type of top management/decision-making work they perform'.^{xv}

Though such an approach is more akin to the compliance-based emphasis of anti-corruption frameworks, GRECO nevertheless highlights the importance of integrity training and awareness for senior personnel, recommending that such top officials 'should be systematically briefed upon taking up their positions on integrity matters'.^{xvi}

Pointers for discussion

1. Ensuring stability in senior officials. What is the way forward?
2. How do we ensure our senior officials are capable, credible, and aligned to the constitutional values and principles?

3. Skilled, Ethical and Professional Staff

Professional people have a core set of skills that set them apart from others. They have a pride in these skills and this pride is the foundation of their professional values. They share a belief about what is important about their work and will never go against their values – thereby corrupting their profession – for short-term gains. To build a skilled and professional public service, we need to appoint people with the right skills, who can succeed at their jobs, and who share our values.

SA situation

The following data from the 2018 South African Public Sector Ethics Survey shows significant concern among public sector employees of the following practices:

- Incompetent / unqualified people being appointed
- Abuse of cadre deployment (inappropriate political interference in appointments)
- Jobs being given to family members and friends

Furthermore, almost half of public servants do not feel that their colleagues are dedicated and professional. In its report on 'Building a capable, career-oriented and professional public service' (2016), the PSC identifies a number of contributing factors. Among these are a fragmented career system, lack of strategic planning and organisational development skills honed through long-term careers in the Public Service, a lack of standardised job requirements, and a lack of structured experiential learning.

Background

“...if employers choose to employ a “C player” instead of an “A player”, the likelihood is that C players will employ other C players and drive away A players and the trend will continue.”

- Extract from PSC Fact Sheet on Irregular Appointments (2016)

The picture is however not all doom and gloom. A number of interventions and programmes have been put in place to promote a more professional staff in the public service.

- A directive on minimum entry requirements for appointment into the senior management service was put in place in 2014.
- A number of compulsory programmes have been developed by the NSG to support the entry requirements.
 - This includes an Executive Induction Programme as well as an online course for Ethics in the Public Service (to be taken by all public servants) which has recently been added to this list.
- Competency assessments have been introduced for the senior management service.
 - The PSC, however, found that a major weakness of the minimum entry requirements is that it specifies qualifications and years of service while underplaying “acquired knowledge, skills and experience linked to the inherent requirements of the job”.^{xvii} In line with this, the competency assessment framework only focuses on generic management skills and does not assess candidates “against the functional or task requirements of the job”.^{xviii}

There have also been attempts to celebrate exemplary public servants (of which there are many) to re-instil professional pride. Among these are the public sector driven Public Service Month, and the

National Batho Pele Excellence Awards. From the civil society side, the Accountability Lab’s annual Integrity Icon programme ‘names and fames’ exemplary public servants, and it is now in its second year. While much progress has been made, the area of appointment, promotions and professionalisation in the public sector requires significantly more attention.

EU situation

The most recent OECD model for public integrity – adopted as best practice within many European public administrations – sees ‘cultivating a culture of integrity’ as one of the crucial building blocks of a values-based public sector. The European Court of Auditors, in its 2019 audit of ethics within the EU institutions (which used the OECD model as its benchmark), stated that a culture of integrity ‘can only develop if the people working for the organisation are equipped with the necessary ethical skills and knowledge’, requiring ethics to become mainstream elements of public servants’ training and guidance.^{xix}

That said, the topic of ethics appears in recent years to have been overlooked in some European contexts in favour of solely technical development. This has caused some ethicists to argue for an urgent renewal of ethics as a core and mandatory component of European civil servants’ education, selection, initial training and in-service professional development. A 2016 study of ethical formation within university-level public administration programs in The Netherlands concluded that ethics education was ‘limited, fragmented, intellectual

and optional', with students receiving 'very little assistance in their moral development to become good public professionals' – mirroring similar omissions in business and management courses. The main obstacle to inserting ethical components into such programs was identified as 'resistance to a more normative, practical and developing content of ethics education'.^{xx}

A separate 2017 study of values formation within French public administration also found problems with ethical training and education, although in this case the main obstacle was identified not as ethics being absent from curricula, but rather the lack of preparation for reconciling the inevitable tensions between what are termed 'traditional' or 'classic' values (those inherited from a sense of national, local or organisational community), and 'newer' values based around the imperatives of effectiveness and efficiency.^{xxi} The study concluded that ethical formation – whether by way of education, initial training or in-service professional development – should focus on the practical, contextualised application of ethical reasoning so that public servants have the tools to deal with the inevitable contradictions and tensions that arise in modern public service environments.^{xxii}

The approach taken by some European public bodies combines an emphasis on legal compliance with the promotion of ethical values and culture. For instance, the National Police of the Netherlands (NPN) and the Royal Netherlands Marechaussee (KMar) have a strategy that is aimed

at making ethical norms part of the daily job of employees and managers, based on a balance between compliance (standards, codes, procedures and enforcement) and discretionary powers for employees. Their respective integrity policies are updated annually.^{xxiii}

The Flemish government, which was an early user and proponent of dilemma training, has found that tailoring the scenarios used in such sessions to the specific work context of the participants has produced richer and more rewarding learning outcomes. Such courses are designed not so much to provide answers to specific ethical dilemmas (although that can be a useful corollary of the sessions), but rather to equip public servants with the conceptual framework for how to deal with such situations, even if highly complex. In a fully integrated integrity training system, suitably anonymised case studies based on participants' real-life experiences can then be fed back into 'dilemma databases' for future training sessions or even university courses.^{xxiv}

The Flemish Integrity Office's campaign - 'Does work keep you awake at night?' - has been particularly creative in raising awareness (<http://www.bestuurszaken.be/spreekbuis>). The helpline number, Spreekbuis, which any official can approach in confidence, provides an outlet for staff to express their concerns about ethics at work, if they are frustrated or unhappy, and talk through their options.^{xxv}

Pointers for discussion

1. How do we ensure we appoint the right people into the right positions?
2. How are public servants 'socialised' into their professional and ethical values?

Background

4. Direction and Accountability

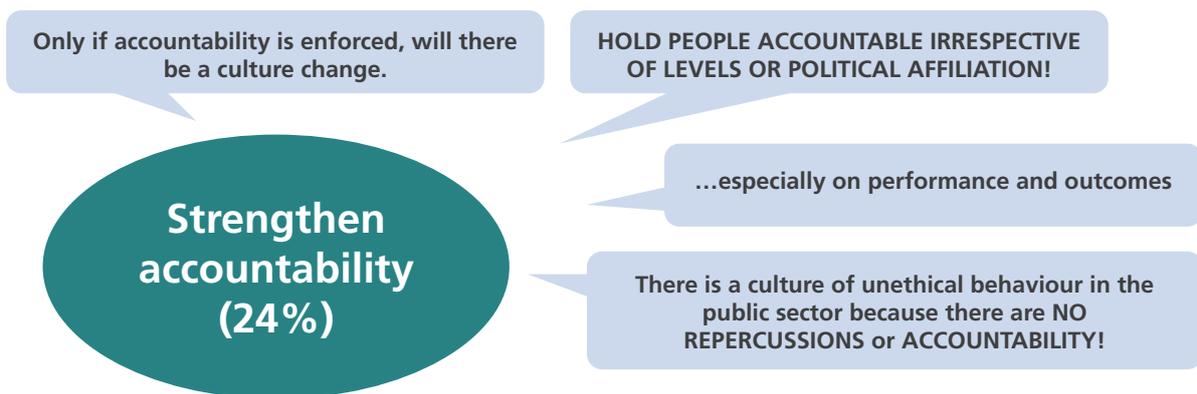
Good managers manage actively to keep the focus on what is important. They are continuously engaged with their staff, supporting them to get the job done, and keeping levels of performance high. Values should be a constant part of this conversation, and these discussions should be held with respect and integrity. If we do not actively focus on our values and performance, these things are trumped by more short-term issues.

SA situation

Discussions around improved performance frequently turn to the formal Performance Management and Development System (PMDS). The PSC however found significant challenges with implementing this system in the Public Service that it frequently causes unhappiness and conflict, and indications are that it may be counterproductive to improving performance. The PSCs report on 'Building a capable career-oriented public service' suggests that performance management should

not be limited to the formal PMDS system, but should be part of the day to day management functions of managers – *"A key role of the supervisor is to give feedback on performance, reprimand, motivate, mentor, lead teamwork, use incentives, make his/her own personal contribution to solving problems, and add value to the products produced by the unit."* ^{xxvii}

It is this active management that seems to be missing. It is not only the management of performance that is of concern, but also the management of unethical behaviour. The South African Public Sector Ethics Survey found high levels of misconduct and counterproductive employee behaviours on the one hand, and low levels of consequences for unprofessional or unethical behaviour on the other. When asked what the one thing is that should be done to improve the ethical culture in the public sector, the number one solution mentioned by public servants was the strengthening of accountability (mentioned by 24% of respondents).



Extract from more than 6000 verbatim comments:

Instilling discipline and consequence management in the public sector is however seen as a major challenge. This is sometimes linked to blurred lines of accountability, in that HoDs are accountable for departmental performance, but do not have full control over recruitment and discipline management of staff. There is also a sense that in the highly unionised environment it is difficult to hold non-performing or transgressing officials to account. Employees frequently feel that discipline is applied inconsistently and that people at higher levels in the organisation are less likely to face consequences. The frustrations at the lack of consequences and lack of uniformity of consequences are expressed in the Public Sector Ethics Survey by general public servants who want to work in a more professional environment.

This conversation is not predominantly about the formal mechanisms for managing performance, or the mechanisms for instituting disciplinary action, but the soft skills for hard conversations that are required from managers.

EU situation

Within the EU institutions, for example, the European Commission has incorporated ethics as a core element of its current four-year Strategic

Plan, as well its Annual Management Plan and its annual risk assessment exercise, acknowledging the importance of being seen to live up to the EU's values in order to uphold public trust.^{xxviii} Adopting such an approach appears to be of particular importance for senior civil servants due to their leading role in strategy formation and values-promotion. As well as using values to shape and inform strategy at a cross-government level, the active promotion of such values by senior personnel increases the likelihood that departmental or sectoral strategies incorporate and successfully implement such an approach.

In Finland, a shared understanding of the purpose of the government's agenda, a common commitment to its objectives and a partnership-based relationship to achieve them is highlighted by the OECD. At the beginning of the government's term, a strategy document was approved on the role of this community, its tasks and its responsibilities from a whole-of-government values-and-ethics perspective. This has led to major changes in the way permanent secretaries meet as a group: from simply exchanging information, permanent secretaries now meet to discuss and debate policy content and decide on sharing responsibility on horizontal or multi-sector policy issues.^{xxix}

Pointers for discussion

1. What does direction and accountability mean in a values-based environment?
2. How do we build the soft skills required to have hard conversations?

Background

5. Mechanisms for reinforcing values

While values need to be integrated into our work, there is work to be done to achieve this. The King IV Report on Corporate Governance for South Africa (King IV) says that “the governing board should govern the ethics of the organisation in a way that supports the establishment of an ethical culture”. This means that ethics of an organisation should not be left to chance. It is everyone’s job to ensure that values remain part of the everyday conversation. At the same time it has to be someone’s job to make sure that we are doing that.

SA situation

Section 195 of the Constitution (which sets out the “Basic values and principles of public administration”) specifies, “a high standard of professional ethics must be promoted and maintained”. There is therefore a pro-active obligation on departments to actively manage ethics. This obligation received a boost in 2013 with the adoption of the Integrity Management Framework, and this was subse-

quently strengthened into the Public Service Regulations of 2016. Each department is now required to establish an ethics committee (“to provide oversight of ethics management in the department”), and must have designated ethics officers. Among their responsibilities are to: “promote integrity and ethical behaviour in the department” and “advise employees on ethical matters.”

In practice the ethics officer function is frequently an add-on designation to staff who also have other responsibilities. Lack of capacity means that they spend much of their time on administrative duties such as managing annual disclosures of interest, gifts and requests for permission for external remunerative work, and very little on the more pro-active, culture-building activities.

One positive sign is that the awareness of ethics management initiatives has improved from the 2015 to 2018 Public Sector Ethics Surveys. The biggest improvements were in the awareness of ethics officers and staff receiving ethics training.

Awareness of Ethics Management Initiatives



While it is clear that ethics officers are becoming more prominent in the public sector, there is not yet a change in the ethical culture. Since it is quite early in the conversation about the role of ethics officers, now is a good time to discuss what purpose we want them to fulfil, and how they can contribute to building a values-driven public sector. Issues of capacity (in the context of part-time designations) should also be considered.

EU situation

The growing tendency within many European public administrations is to pursue an integrated, holistic approach to integrity, in which sanctions and compliance are one (as opposed to the sole) element within a wider framework that aims to nurture a culture of public integrity. At an EU-level, this approach was originally promoted during the Dutch and Irish Team Presidency of the European Union in 2004^{xxx}, with a voluntary common ethical framework for the public sector adopted by the Directors General of Public Administration in 2005^{xxxi}, and then further developed during the subsequent Finnish Presidency.^{xxxii} Today, similar versions of this approach form the basis of several EU Member States' integrity frameworks, and reflects the current OECD Recommendation on Public Integrity.^{xxxiii}

Nevertheless, any framework that utilises the 'softer' methods outlined here must not lose sight of the corresponding need for effective methods of controls, restrictions, mandatory disclosures and declarations, as well as oversight and – if necessary – rigorous investigations and sanctions. It is also worth emphasising that current European best practice is to employ such methods on a risk-assessed basis.^{xxxiv} Such an approach means that while all staff are subject to basic controls

and training, more intrusive measures are used in those sectors assessed as being at greater risk from corruption, such as public procurement, public infrastructure and policy development.^{xxxv}

In line with this integrated approach, several EU Member States have found it worthwhile to establish dedicated integrity offices to coordinate the various integrity management efforts across government. Amongst the most well-established of these is the Flanders government Integrity Office, which operates on a virtual basis in close cooperation with various other stakeholders within the administration. Such offices are conceptually distinct from dedicated anti-corruption agencies, although in practice some countries' anti-corruption agencies are increasingly broadening their remit and scope of activity to include integrity-based approaches (the Flemish Integrity Office began as an internal audit body^{xxxvi}).

Other countries, such as Ireland, eschew a single coordinating office in favour of several, more narrowly-focussed bodies to perform specific integrity-related functions. Examples of such bodies might include parliamentary committees, ethics boards, audit agencies or independent advisory groups. Irrespective of the model used, the available evidence suggests that the commitment shown at a national level to a values-based public sector typically percolates down to departmental, regional and local government levels. In the Netherlands, for example, the active promotion of integrity, transparency and accountability within the national civil service over time led to many Dutch cities and communities implementing their own local integrity policies, to the point where integrity plans have become 'an integral part of local governance' and detection of local integrity violations significantly increased.^{xxxvii}

Background

Pointers for discussion

1. Are we utilising our ethics officers effectively in building a values-based public sector?
2. What opportunities are there for utilising 4IR/automation (and what does this free ethics officers up for)?

ⁱ The TEU is an amended version of the original Treaty of Maastricht, and the TFEU is an amended version of the original Treaty of Rome. The Treaty of Lisbon, which consolidated and updated these two foundational treaties, was signed in 2007 and entered into force in 2009

ⁱⁱ EU (2012), 'Consolidated Version of the Treaty on European Union', Official Journal of the European Union, C326, Brussels, p. 17

ⁱⁱⁱ EU (2012), 'Consolidated Version of the Treaty on European Union', Official Journal of the European Union, C326, Brussels, p. 17

^{iv} Although the Charter was signed in 2000, it did not take full legal effect in EU law until the Treaty of Lisbon entered into force in 2009

^v EU (2016), 'Charter of Fundamental Rights of the European Union', Official Journal of the European Union, C202, Brussels, pp. 401 – 402

^{vi} Hoekstra, Alain; Talsma, Jitse; Zweegers, Marijntje (2017), 'Integrity in Practice: Towards an Ethical Culture', Whistleblowers Authority, The Hague, p. 6

^{vii} PSC, 2016, Building a capable, career-oriented and professional public service to underpin a capable and developmental state in South Africa, p. 60

^{viii} Gareth van Onselen, August 2017, Political Musical Chairs, Institute of Race Relations

^{ix} PSC, 2016, Building a capable, career-oriented and professional public service to underpin a capable and developmental state in South Africa, p.56

^x See, for example: Hoekstra, Alain & Zweegers, Marijn (2016), 'The Dutch National Integrity Office: Supporting Public Integrity', in Huberts, Leo & Hoekstra, Alain (Eds.) (2016), Integrity Management in the Public Sector: The Dutch Approach, Dutch National Integrity Office (BIOS), The Hague, pp. 53 – 62

^{xi} Moilanen, Timo (2017), 'State of Civil Service Ethics in Finland: A Survey of the Ethical Values and Principles of Central Government Employees', Ministry of Finance, Helsinki, p. 47

^{xii} Moilanen, Timo (2017), 'State of Civil Service Ethics in Finland: A Survey of the Ethical Values and Principles of Central Government Employees', Ministry of Finance, Helsinki, pp. 44 – 45

^{xiii} Cardona, Francisco, Recruitment in Civil Service Systems of EU Members and in some Candidate States, (OECD) p.3

^{xiv} Top-Level Appointments Committee (TLAC), <https://www.gov.ie/en/collection/baa380-top-level-appointments-committee-tlac/?referrer=/en/top-level-appointments-committee-tlac/>, 17 January 2019

^{xv} GRECO (2018), 'Fifth Evaluation Round: Evaluation Report – Finland', Group of States Against Corruption (GRECO), Council of Europe, Strasbourg, p. 15

- ^{xvi} GRECO (2018), 'Fifth Evaluation Round: Evaluation Report – Estonia', Group of States Against Corruption (GRECO), Council of Europe, Strasbourg, p. 4.
- ^{xvii} PSC, 2018, Evaluation of the effectiveness of the recruitment and selection system of the public service, p.vii
- ^{xviii} PSC, 2016, Building a capable, career-oriented and professional public service to underpin a capable and developmental state in South Africa, p. viii
- ^{xix} ECA (2019), 'The Ethical Frameworks of the Audited EU Institutions: Scope for Improvement', European Court of Auditors (ECA), Publications Office of the European Union, Luxembourg, p. 27.
- ^{xx} Hoekstra, Alain; Van Dijk, Marjolein; Talsma, Jitse (2016), 'Teaching Professional Ethics: Shaping Civil Servants', Dutch National Integrity Office (BIOS), The Hague, p. 24
- ^{xxi} Larat, Fabrice & Chauvigné, Christian (2017), 'Overcoming the Tensions Between Values: A Challenge for French Public Service Managers and their Training Schools', in *International Review of Administrative Sciences*, Vol. 83, No. 3, pp. 463 – 480
- ^{xxii} Larat, Fabrice & Chauvigné, Christian (2017), 'Overcoming the Tensions Between Values: A Challenge for French Public Service Managers and their Training Schools', in *International Review of Administrative Sciences*, Vol. 83, No. 3, p. 475
- ^{xxiii} GRECO (2019), 'Anti-corruption trends, challenges and good practices in Europe and the United States of America', Group of States Against Corruption (GRECO), Council of Europe, Strasbourg, p. 12
- ^{xxiv} Hoekstra, Alain; Van Dijk, Marjolein; Talsma, Jitse (2016), 'Teaching Professional Ethics: Shaping Civil Servants', Dutch National Integrity Office (BIOS), The Hague, p. 22
- ^{xxv} EC (2017), 'Theme 2: Embedding Ethical and Anti-Corruption Practices', in *Quality of Public Administration: A Toolbox for Practitioners*, European Commission (EC), Publications Office of the European Union, Luxembourg, p. 120
- ^{xxvi} PSC, 2016, Building a capable, career-oriented and professional public service to underpin a capable and developmental state in South Africa, p. 41-47
- ^{xxvii} PSC, 2016, Building a capable, career-oriented and professional public service to underpin a capable and developmental state in South Africa, p. 45
- ^{xxviii} ECA (2019), 'The Ethical Frameworks of the Audited EU Institutions: Scope for Improvement', European Court of Auditors (ECA), Publications Office of the European Union, Luxembourg, pp. 16 – 17
- ^{xxix} OECD (2015), 'OECD Public Governance Reviews: Estonia and Finland – Fostering Strategic Capacity Across Governments and Digital Services Across Borders', Organisation for Economic Cooperation and Development (OECD), Paris, p. 174
- ^{xxx} See, in particular: Bossaert, Danielle & Demmke, Christoph (2005), *Main Challenges in the Field of Ethics and Integrity in the EU Member States*, European Institute of Public Administration, Maastricht
- ^{xxxi} EC (2017), 'Theme 2: Embedding ethical and anti-corruption practices', in *Quality of Public Administration: A Toolbox for Practitioners*, European Commission (EC), Publications Office of the European Union, Luxembourg, pp. 106 – 107
- ^{xxxii} See, in particular: Moilanen, Timo & Salminen, Ari (2007), 'Comparative Study of the Public Service Ethics of the EU Member States', Ministry of Finance, Helsinki
- ^{xxxiii} OECD (2017), 'OECD Recommendation on Public Integrity', Organisation for Economic Cooperation and Development (OECD), Paris.
- ^{xxxiv} See: GRECO (2019), 'Anti-Corruption Trends, Challenges and Good Practices in Europe and the United States of America', Group of States Against Corruption (GRECO), Council of Europe, Strasbourg
- ^{xxxv} OECD (2017), 'OECD Recommendation on Public Integrity', Organisation for Economic Cooperation and Development (OECD), Paris, p. 4
- ^{xxxvi} EC (2017), 'Theme 2: Embedding ethical and anti-corruption practices', in *Quality of Public Administration: A Toolbox for Practitioners*, European Commission (EC), Publications Office of the European Union, Luxembourg, p. 120.
- ^{xxxvii} EC (2014), 'EU Anti-Corruption Report', European Commission (EC), Brussels, p. 10

Annexure C – Overview of EU Initiatives

The following overview provides a sample of initiatives aimed at promoting integrity and supporting public servants in acting ethically in EU member states:

Codes

- European Union - the EU has incorporated its core values into citizen rights, which are enshrined within the Charter of Fundamental Rights of the European Union. The Charter explicitly states that the rights derive from the foundation of the Union upon 'the indivisible, universal values of human dignity, freedom, equality and solidarity' and 'the principles of democracy and the rule of law'. EU (2016), 'Charter of Fundamental Rights of the European Union',
- Denmark and the UK - Some Member States have published overarching ethical principles that apply across the country's public services, such as the UK's 7 Principles of Public Life or the 'Nolan Principles'. Denmark has published the Seven Key Duties for Civil Servants provides a summary of the ethical responsibilities for all civil and public servants.
- Belgium – The Flemish Government provides online guidance to its public servants on complying with six principles of its code of conduct <https://overheid.vlaanderen.be/integriteit>
- Other EU Member States including Ireland, have developed specific codes of ethics tailored for individual sectors or organisations, with many Member States employing both methods, having a broad national code sitting above sector-specific codes. See <https://www.transparency.ie/resources/NIS> p.163

Whistleblowing

- Belgium - The Flemish Integrity Office provides support to public servants through the 'Spreekbuis' (Flemish for Mouthpiece) helpline which any official can approach in confidence, and

provides an outlet for staff to express their concerns and seek advice about ethics at work.

- France – The Maison Des Lanceurs D'Alerte (House of Whistleblowers) was established by a coalition of NGOs and offers support and advice to French whistleblowers including legal advice and psychological support.
- Ireland – Transparency International (TI) Ireland operates the Speak Up Helpline is a national free-phone advice line offering information, referral and support to whistleblowers. Its partner organisation, the Transparency Legal Advice Centre provides the equivalent of €9,000 of free legal advice to each whistleblower. TI Ireland also coordinates the Integrity at Work programme which provides support to employers (including Irish government departments) aimed at promoting safe working environments for people to speak up.
- Netherlands – The Dutch Whistleblowing Authority (DWA), is a state run agency that provides advice and support to whistleblowers and can investigate concerns as well as reports of reprisal against anyone exposing wrongdoing. In May 2019 a European network of whistleblowing and integrity authorities was established by the DWA with a view to sharing experiences and good practice.

Training

- Belgium - The Flemish government, has been an innovator in ethical dilemma training and found that tailoring the scenarios used in such sessions to the specific work context of new and experienced employees has produced better learning outcomes. <https://overheid.vlaanderen.be/integriteit>
- Ireland – Senior management in 25 public bodies receive training and support on receiving and managing whistleblowing reports, while their policies and procedures are reviewed annually www.integrityatwork.ie

Appointments

- European Union - The European Personnel Selection Office, EPSO, is responsible for recruitment to European Union's institutions taking applications from 28 Member States, representing 24 official languages. Senior candidates may undergo a series of aptitude tests, interviews and due diligence – which can test a candidate's suitability for key positions.
- Ireland - Secretaries General are appointed after an open recruitment process managed by the independent Top Level Appointments Committee (TLAC). Each Secretary General is appointed for a period of seven years. The Irish police also request new candidates to undergo psychometric testing to ensure their behavioural style, values and motivation are aligned with that of the organisation.

ⁱ The TEU is an amended version of the original Treaty of Maastricht, and the TFEU is an amended version of the original Treaty of Rome. The Treaty of Lisbon, which consolidated and updated these two foundational treaties, was signed in 2007 and entered into force in 2009

ⁱⁱ EU (2012), 'Consolidated Version of the Treaty on European Union', Official Journal of the European Union, C326, Brussels, p. 17

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^{vi} Hoekstra, Alain; Talsma, Jitse; Zweegers, Marijntje (2017), 'Integrity in Practice: Towards an Ethical Culture', Whistleblowers Authority, The Hague, p. 6

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^{xii} Moilanen, Timo (2017), 'State of Civil Service Ethics in Finland: A Survey of the Ethical Values and Principles of Central Government Employees', Ministry of Finance, Helsinki, pp. 44 – 45

^{xiii} Cardona, Francisco, Recruitment in Civil Service Systems of EU Members and in some Candidate States, (OECD) p.3

^{xiv} Top-Level Appointments Committee (TLAC), <https://www.gov.ie/en/collection/baa380-top-level-appointments-committee-tlac/?referrer=/en/top-level-appointments-committee-tlac/>, 17 January 2019

^{xv} GRECO (2018), 'Fifth Evaluation Round: Evaluation Report – Finland', Group of States Against Corruption (GRECO), Council of Europe, Strasbourg, p. 15

Annexure C – Overview of EU Initiatives

^{xvi} GRECO (2018), 'Fifth Evaluation Round: Evaluation Report – Estonia', Group of States Against Corruption (GRECO), Council of Europe, Strasbourg, p. 4.

^{xvii} PSC, 2018, Evaluation of the effectiveness of the recruitment and selection system of the public service, p.vii

^{xviii} PSC, 2016, Building a capable, career-oriented and professional public service to underpin a capable and developmental state in South Africa, p. viii

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^{xxv} EC (2017), 'Theme 2: Embedding Ethical and Anti-Corruption Practices', in *Quality of Public Administration: A Toolbox for Practitioners*, European Commission (EC), Publications Office of the European Union, Luxembourg, p. 120

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^{xxvii} PSC, 2016, Building a capable, career-oriented and professional public service to underpin a capable and developmental state in South Africa, p. 45

^{xxviii} ECA (2019), 'The Ethical Frameworks of the Audited EU Institutions: Scope for Improvement', European Court of Auditors (ECA), Publications Office of the European Union, Luxembourg, pp. 16 – 17

^{xxix} OECD (2015), 'OECD Public Governance Reviews: Estonia and Finland – Fostering Strategic Capacity Across Governments and Digital Services Across Borders', Organisation for Economic Cooperation and Development (OECD), Paris, p. 174

^{xxx} See, in particular: Bossaert, Danielle & Demmke, Christoph (2005), *Main Challenges in the Field of Ethics and Integrity in the EU Member States*, European Institute of Public Administration, Maastricht

^{xxxi} EC (2017), 'Theme 2: Embedding ethical and anti-corruption practices', in *Quality of Public Administration: A Toolbox for Practitioners*, European Commission (EC), Publications Office of the European Union, Luxembourg, pp. 106 – 107

^{xxxii} See, in particular: Moilanen, Timo & Salminen, Ari (2007), 'Comparative Study of the Public Service Ethics of the EU Member States', Ministry of Finance, Helsinki

^{xxxiii} OECD (2017), 'OECD Recommendation on Public Integrity', Organisation for Economic Cooperation and Development (OECD), Paris.

^{xxxiv} See: GRECO (2019), 'Anti-Corruption Trends, Challenges and Good Practices in Europe and the United States of America', Group of States Against Corruption (GRECO), Council of Europe, Strasbourg

^{xxxv} OECD (2017), 'OECD Recommendation on Public Integrity', Organisation for Economic Cooperation and Development (OECD), Paris, p. 4

^{xxxvi} EC (2017), 'Theme 2: Embedding ethical and anti-corruption practices', in *Quality of Public Administration: A Toolbox for Practitioners*, European Commission (EC), Publications Office of the European Union, Luxembourg, p. 120.

^{xxxvii} EC (2014), 'EU Anti-Corruption Report', European Commission (EC), Brussels, p. 10



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