

**MANUAL FOR THE PUBLIC SERVICE COMMISSION & THE OFFICE OF THE  
PUBLIC SERVICE COMMISSION**  
**In terms of section 14 of the Promotion of Access to Information Act, 2000  
(Act No. 2 of 2000)**

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## 1. FUNCTIONS OF PUBLIC SERVICE COMMISSION (PSC)

The Public Service Commission (PSC) is an independent and impartial public institution, established in terms of Section 196 of the Constitution of the Republic of South Africa, 1996. The PSC is tasked and empowered to, amongst others, investigate, monitor, and evaluate the organisation and administration of the Public Service. This mandate also entails the evaluation of achievements, or lack thereof of Government programmes. Linked to the aforementioned powers, the PSC has an obligation to also promote measures to ensure effective and efficient performance within the Public Service and to promote values and principles of public administration as set out in the Constitution, throughout the Public Service.

### **Mandate of the PSC**

The Commission derives its mandate from section 195 and 196 of the Constitution, 1996. Section 195 sets out **the values and principles** governing public administration that must be promoted by the Commission:

- A high standard of professional ethics.
- Efficient, economic and effective use of resources.
- A development orientated public administration.
- Services must be provided impartially, fairly, equitably and without bias.
- People's needs must be responded to, and the public must be encouraged to participate in policy-making.
- Public administration must be accountable.
- Transparency.
- The cultivation of good human-resource management and career-development practices.
- A representative public administration with employment and personnel management practices based on ability, objectivity, fairness, and the need to redress the imbalances of the past.

In terms of section 196(4) of the Constitution, 1996, **the main functions and powers** of the Commission are:

- To promote the values and principles of public administration set out in section 195 of the Constitution, 1996 throughout the Public Service.
- To investigate, monitor and evaluate the organisation, administration and personnel practices of the Public Service, and in particular the adherence to the values and principles set out in section 195, as well as to Public Service procedures.
- To advise national and provincial organs of state regarding personnel practices.
- To report its findings and recommendations at least once a year to the National Assembly or provincial legislatures as applicable.
- To report issues of immediate operational concern to the relevant executive authority.

- To investigate grievances of employees and recommend appropriate remedies.

## **KEY PERFORMANCE AREAS**

The work of the Commission is structured around the following six **key performance areas**:

- Labour Relations Improvements
- Public Administration Investigations
- Professional ethics and human resource reviews
- Governance Monitoring
- Leadership and Performance Improvement
- Service delivery and Quality assurance

These areas are organised into two programmes, namely: Investigations & HR Reviews; as well as Monitoring and Evaluation.

## **2. STRUCTURE OF THE PSC**

### **Background**

The Commission was established in terms of Section 196 of the Constitution of the Republic of South Africa, 1996. The Constitution requires a single Public Service Commission for the Republic of South Africa consisting of fourteen members, five of whom are appointed by the President on the recommendation of the National Assembly, while one member for each of the nine provinces is appointed after nomination by the Premier. The Commission is accountable to the National Assembly to which it must report at least once a year. It must also report on its activities in provinces to the Provincial Legislatures.

In line with the Constitution as mentioned above, the PSC comprises 14 Commissioners: 5 Pretoria-based Commissioners and one Commissioner resident in each province. The PSC is supported by the Office of the Public Service Commission (OPSC), headed by the Director-General, (who is the Accounting Officer), with its head office in Pretoria and one regional office in each province. These offices serve as a base for the provincially-based Commissioners and are administered by Regional Directors, with a small staff complement. Specific roles and key performance areas have been identified for the regional offices.

The Members of the Commission were appointed by the President, with effect from 1 January 1999. The commencement of formal operations by the Commission was, however, delayed until 1 July 1999 because of legal difficulties around certain aspects of the Public Service Laws Amendment Act, 1997.

On 1 July 1999, the Public Service Laws Amendment Act, 1997 and section 15 (1) of the Public Service Commission Act, 1997, and the abolition of the Commission for Administration Act, 1984, came into effect, making the Commission fully operational.

## **Members**

As required, the President appointed fourteen Members of the Commission. Five of these Members are based at Head Office in Pretoria and nine are based in each province.

The following are Members of the Commission:

### **Nominated by the National Assembly:**

Professor SS Sangweni, Chairperson  
Mr JH Ernstzen, Deputy Chairperson  
Dr EG Bain  
Ms MRV Mokgalong.  
Ms N Mxakato-Diseko

### **Nominated by the Provincial Legislatures:**

Mr JDS Mahlangu (North West Province)  
Mr DW Mashego, (Mpumalanga)  
Mr M Msoki, (Eastern Cape).  
Mr KL Mathews, (Northern Cape)  
Dr R Mgijima, (Gauteng ).  
Ms PM Tengeni, (KwaZulu/Natal)  
Mr P Helepi, (Free State)  
Dr NV Maharaj, (Western Cape)  
Mr KE Mahoai, (Limpopo).

## **Management Systems**

The organisational structure of the PSC is designed around its strategic objectives and consequently its performance areas.

The work of the Commission is structured around six performance areas as reflected under item 1 above. These areas are divided into two line function Branches, each with three key focus areas. The two line function Branches are supported by the **Corporate Services and Regional Liaison Branch** in terms of administration support.

This Branch provides general and financial management; personnel and provisioning administration; communication and information technology services and other support services used to formulate policy.

**Branch: Investigations and HR Reviews** - The purpose of this branch is to enable the Commission to undertake labour relations and management improvement, audits and investigations into public administration practices, to promote anti-corruption practices, and to review the implementation of human resource policies in the public service.

**Branch: Monitoring and Evaluation** - The purpose of this branch is to establish a high standard of public service leadership, good governance and improved service delivery through public participation.

### 3. CONTACT DETAILS OF INFORMATION OFFICER AND DEPUTIES

The Director-General of the OPSC, Mr Mpume Sikhosana, is the Information Officer in terms of the Promotion of Access to Information Act. Mr Sikhosana's contact details are as follows: [mpumes@opsc.gov.za](mailto:mpumes@opsc.gov.za), Tel (012) 352-1204. The following people have been appointed Deputy Information Officers:

1. Mr Mashwahle Diphofa, Deputy Director-General: Monitoring and Evaluation – [Mashwahle@opsc.gov.za](mailto:Mashwahle@opsc.gov.za) , (012) 352-1011
2. Ms Odette Ramsingh, Deputy Director-General: Investigations And HR Reviews – [odetter@opsc.gov.za](mailto:odetter@opsc.gov.za), Tel (012) 352-1005
3. Mr Dumisani Maphumulo, Deputy Director-General: Corporate Services and Regional Liaison – [dumisanim@opsc.gov.za](mailto:dumisanim@opsc.gov.za) , Tel (012) 352-1194, and
4. Mr Humphrey Ramafoko, Director: Communication & Information Services - [humphreyr@opsc.gov.za](mailto:humphreyr@opsc.gov.za), Tel (012) 352-1196

#### General Information:

Postal address: Private Bag X121  
PRETORIA, 0001

Street address: Commission House  
C/o Hamilton and Ziervogel Streets  
PRETORIA

Website: [www.psc.gov.za](http://www.psc.gov.za)

Telephone: (012) 328-7690

Fax: (012) 325-8382

#### **4. GUIDE OF SOUTH AFRICAN HUMAN RIGHTS COMMISSION ON HOW TO USE THE ACT**

The guide on how to use the Promotion of Access to Information Act, 2000, will be available from the South African Human Rights Commission by not later than August 2004. Queries can be made at:

South African Human Rights Commission:  
PAIA Unit  
The Research and Documentation Department  
Postal address: Private Bag x2700  
Houghton  
2041  
Telephone: 011-484 8300  
Fax: 011 484 1360  
Website: [www.sahrc.org.za](http://www.sahrc.org.za)  
E-mail: PAIA@sahrc.org.za

#### **5. ACCESS TO RECORDS**

##### **5.1 DESCRIPTION OF THE SUBJECTS ON WHICH THE PSC HOLDS RECORDS AND CATEGORIES OF RECORDS HELD ON EACH SUBJECT**

For purposes of facilitating a request in terms of the Act, a description of the subjects on which the PSC holds records and the categories of records held on each subject are as follows:

###### **5.1.1 ADMINISTRATION**

**Public Service Commission:** Papers presented by Commissioners and records of workshops and conferences they have attended.

**Corporate Services:**

Communication & Information Services - Internal newsletters and magazines  
- Annual Report of the PSC  
- Submissions to the PSC.  
- Minutes of all management meetings.

Human Resources: - Personnel policies

Procurement:

- Procurement policies
- Departmental Asset Register
- Tender documents received from the suppliers, after the tender has been awarded
- Contracts with suppliers.

Financial Management:

- Budgets
- Strategic Plans
- MTEF Submissions
- Financial statements.

### **5.1.2 INVESTIGATIONS AND HR REVIEWS**

**Public Administration Investigations matters relating to:**

- Audits and investigations into public administration practices.

**Professional ethics and human resource reviews matters relating to:**

- Prevention of corruption and the review of implementation of human resource policies and practice.

**Labour Relations Improvements matters relating to:**

- The enhancement of public service labour relations and management practices.

### **5.1.3 MONITORING AND EVALUATION**

**Service delivery and quality assurance matters relating to:**

- The promotion of improved service delivery through public participation and compliance audits.

**Leadership and Performance Improvement matters relating to:**

- The promotion of a high standard of public service leadership and improved public service delivery.

## **Governance Monitoring matters relating to:**

- The promotion of good governance and the enhancement of governance practices

## **5.2 VOLUNTARY DISCLOSURE AND RECORDS AUTOMATICALLY AVAILABLE**

Section 15 Notice regarding the categories of records of the PSC/OPSC, which are available without a person having to request access in terms of the procedures in the Promotion of Access to Information Act will be published in a Government Gazette. Once published, the gazette number will be indicated in the updated manual. The Section 15 Notice gives access to among others, all the reports that have been published and presented to Parliament, as well as all the other records on the PSC website, [www.psc.gov.za](http://www.psc.gov.za), without a person having to make a request in terms of the said Act.

It should be noted that certain province- and department-specific reports that were compiled by the PSC are available from respective provinces and departments and not the PSC/OPSC. In addition, the Annual Report of the PSC, newsletters/magazines, posters, and pamphlets, are automatically available from the Communication & Information Services through Mr Ben De Villiers, at [Bend@opsc.gov.za](mailto:Bend@opsc.gov.za), or Tel. (012) 352-1059. A full list of easily accessible documents is contained in the Section 15 Notice referred to above.

## **5.3 REQUEST PROCEDURE**

**5.3.1 When is a request granted or refused:** A requester must be given access to a record of a public body if the requester complies with the following -

- the requester complies with all the procedural requirements in the Act relating to the request for access to that record; and
- access to that record is not refused on any ground of refusal mentioned in the Act.

**5.3.2 How does one request access to a record:**

- A requester must use the form (Form A) that was published in Government Gazette (Government Notice R187 of 15 February 2002).

- The requester must also indicate if the requester wants a copy of the record or if the requester wants to come in and look at the record at the offices of the public body (PSC/OPSC). Alternatively, if the record is not a paper document, it can then be viewed in the requested form, where possible.
- If a person asks for access in a particular form (e.g. a paper copy, electronic copy, and so forth) then the requester should get access in that form, unless doing so would interfere unreasonably with the running of the public body concerned (PSC/OPSC), or damage the record, or infringe a copyright not owned by the state. If for practical reasons access cannot be given in the required form but in another form, then the fee must be calculated according to the way that the requester first asked for it.
- If, in addition to a written reply to their request for the record, the requester wants to be told about the decision in any other way, e.g. telephone, this must be indicated.
- If a requester is asking for the information on behalf of somebody else, the capacity in which the request is being made must be indicated.
- If a requester is unable to read or write, or has a disability, then the request for the record can be made orally. The information officer must then fill in the form on behalf of such a requester and give them a copy of the completed form.

### **5.3.3 Fees payable**

There are two types of fees required to be paid in terms of the Act, namely; the request fee and the access fee (for notification of the decision regarding granting of access).

- A requester who seeks access to a record containing personal information about that requester is not required to pay the request fee. Every other requester must pay the request fee of R35 (payable to public bodies).
- The information officer must notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed request fee (if any) and deposit (if any) before further processing the request.
- The requester may lodge an internal appeal, where appropriate, or an application to the court against the tender or payment of the request fee.
- After the information officer has made a decision on the request, the requester must be notified of such a decision in the way in which the requester wanted to be notified in.

- If the request is granted then a further access fee must be paid for the reproduction and for search and preparation for any time required in excess of stipulated hours to search and prepare the record for disclosure.
- Access to a record will be withheld until the requester has paid all the applicable fees.

## **6. SERVICES AVAILABLE TO THE PUBLIC AND HOW TO ACCESS THEM**

### **6.1 Services**

The functions of the PSC/OPSC, as set out in item 1, are such that its clients are the National Assembly, Provincial Legislatures, other government departments and public institutions/organisations and it does not directly deliver services to the public. However, certain information about the public service, for example, the status of the public service and the survey on citizens' satisfaction about government services, can be obtained from the Communication & Information Services: [Bend@opsc.gov.za](mailto:Bend@opsc.gov.za). The public also have access to the toll-free National Anti-Corruption Hotline.

### **6.2 How to gain access to services**

Clients of the PSC/OPSC can gain access to its services by making requests to:

The Director-General  
Office of the Public Service Commission

Postal address: Private Bag X121  
PRETORIA  
0001

Street address: Commission House  
C/o Hamilton and Ziervogel Streets  
PRETORIA

Telephone: Millicent Shai - (012) 352-1202 OR  
Koos Marais – (012) 352-1093

Fax: (012) 325-8379

Email address: [Millicents@opsc.gov.za](mailto:Millicents@opsc.gov.za)

Website: [www.psc.gov.za](http://www.psc.gov.za)

## **7. ARRANGEMENT ALLOWING FOR PUBLIC INVOLVEMENT IN THE FORMULATION OF POLICY AND PERFORMANCE OF DUTIES**

### **Informing Policy and Legislation:**

The PSC monitors and evaluates public service programmes with the purpose of providing advice, and where necessary, conducting an investigation to find out ways to improve service delivery in the public service. Although PSC is not directly involved in policy making, in line with its mandate to monitor and evaluate the quality of management and service delivery, it gives the community direct say in how they want policies to be structured, through the community consultation and performance assessment programmes listed below -

- citizen satisfaction surveys, to assess the effectiveness of service delivery from the perspective of citizens who are the users of the particular service;
- citizen forums that use participatory methodologies to solicit suggestions from people on how to improve the outcomes of government programmes;
- assessments of organisational performance and structuring to provide advice to heads of departments and political leadership on how these two areas can be improved; and
- programme and systems evaluations that include in-depth assessments of the relevance of programmes and systems, the effectiveness and the efficiency of programmes and systems as well as programme/system preparation and design.

The PSC conducts various investigations culminating in reports presented to the National Assembly, Provincial Legislatures, and individual departments. These reports inform policy and legislation making processes.

Whenever necessary, the PSC comes up with rules or guidelines that could help improve governance and/or service delivery within the public service. At times existing rules and guidelines/policies are reviewed to fit in with the operational/structural changes within the public service.

## **8. REMEDIES AVAILABLE IN RESPECT OF ACTS OR FAILURES TO ACT**

The following procedures exist for persons to report or remedy alleged irregular, improper or unlawful official acts or omissions by the PSC/OPSC or any of its employees.

### **8.1 Procedures for reporting or remedying:**

- 8.1.1 Remedies in respect of acts or failures to act in terms of the Promotion of Access to Information Act: The internal appeal authority for purposes of this Act is the Chairperson for the Public Service Commission (sections 74 – 77). After exhausting the internal appeal remedy, an application may be lodged with a court (sections 78 – 82).
- 8.1.2 A public service employee may lodge a grievance or complaint for investigation by the Public Service Commission concerning an official act or omission (section 35 of the Public Service Act, 1994). Rules on how to lodge such a complaint/grievances were published in Government Gazette 23635 of 19 July 2002.
- 8.1.3 A person may use labour remedies regarding official acts or omissions of a labour nature, namely disputes of rights (the Public Service Act, 1994, and Labour Relations Act, 1995);
- 8.1.4 A person may lodge a complaint with a labour inspector concerning any alleged contravention of the Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997 - section 78(1)(a)), or the Employment Equity Act, 1998 (Act No. 55 of 1998 - section 34(e)).
- 8.1.5 A person may lodge a complaint with the Public Protector concerning a suspected unlawful or improper official act or omission (the Constitution and the Public Protector Act, 1994 (Act No. 23 of 1994)).
- 8.1.6 A person may lodge a complaint with the South African Human Rights Commission concerning an official act or omission that is suspected to constitute a violation of or threat to any fundamental right (Human Rights Commission Act, 1994 (Act No. 54 of 1994)).
- 8.1.7 In order to be protected from reprisals because of a disclosure regarding unlawful or irregular conduct by an employer or a fellow employee, the person in question may follow the disclosure procedures in the Protected Disclosures Act, 2000 (Act No. 26 of 2000).
- 8.1.8 The use of other legal remedies such as the institution of proceedings for the judicial review of an administrative action in terms of the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000).

## **8.2 Other supportive remedies:**

- 8.2.1 A person may request reasons for an administrative action in terms of the Promotion of Administrative Justice Act, 2000 (section 5).
- 8.2.2 A person may request access to records of a government department or

other public body in terms of the Promotion of Access to Information Act, 2000 (section 11).

### **8.3 Duty to report:**

8.3.1 A public service employee, in the course of his or her official duties, is obliged in terms of the Code of Conduct for public service employees to report to the appropriate authorities, fraud, corruption, nepotism, mal-administration and any other act which constitutes an offence or which is prejudicial to the public interest. An employee, who fails to comply with this, is guilty of misconduct. (Regulation B.3 and C.4.10 of Chapter 2 of the Public Service Regulations, 2001).

8.3.2 The responsibility of every employer and employee to disclose criminal and any other irregular conduct in the workplace also underpins the Protected Disclosures Act, 2000 (Preamble).

## **9. UPDATING OF THE MANUAL**

The PSC/OPSC will, if necessary, update and publish its manual referred to in subsection (1) of section 14, at intervals of not more than a year.

## **10. AVAILABILITY OF THE MANUAL**

This manual will in terms of Regulation 187 of the Act, be made available in at least three of the official languages in the following manner:

- published in the Government Gazette.
- submitted to the South African Human Rights Commission
- placed at every office of the PSC/OPSC;
- posted onto the PSC website, [www.psc.gov.za](http://www.psc.gov.za) and
- posted onto the PSC/OPSC intranet, PSC Online.

## **11. REQUEST TO THE MINISTER FOR THE COMPILATION OF ONE MANUAL**

The functions of the Public Service Commission (political) and the Office of the Public Service Commission (administrative) are so intertwined that for purposes of this Act, the PSC and OPSC cannot be seen as separate institutions. In essence, the OPSC is the support service arm of the PSC and as such, they cannot be regarded as separate public bodies that have to comply with the provisions of Section 14(4) (a) of the Act.

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