



PUBLIC SERVICE COMMISSION

STRATEGIC PLAN

for the

fiscal years

2015/16 to 2019/20

February 2016



FOREWORD

The Public Service Commission (PSC) is honoured to submit its Strategic Plan for the periods 2015/16 to 2019/20. The Strategic Plan serves as a framework for implementing the work of the PSC during this period.

Government's outcomes priorities for the period 2014 to 2019, which are the building blocks of the National Development Plan (NDP), served as a basis for the development of this Strategic Plan. The NDP highlights the importance of the PSC with regards to its advisory and oversight role and therefore, the PSC also had to consider the role that the NDP has envisaged for it.

In striving to become a key driver of Public Service discourse, the PSC is repositioning itself in order to remain relevant and play a more meaningful role towards building a capable developmental Public Service.

The PSC will continue to discharge its duties in supporting Parliament and the Provincial Legislatures' oversight role over the Executive and the Public Service.

This Strategic Plan reflects the PSC's priorities to strengthen its impact in the Public Service as well as its attempts to contribute in building a Public Service that is developmental oriented.

As Chairperson of the PSC, I endorse this Strategic Plan and commit to ensuring its implementation.

A handwritten signature in black ink, appearing to read 'Rizani', written in a cursive style.

RK SIZANI
CHAIRPERSON: PUBLIC SERVICE COMMISSION

OFFICIAL SIGN-OFF

It is hereby certified that this Strategic Plan was developed by the PSC through the assistance of the management of the Office of the PSC under the guidance of Advocate Richard Sizani. The Strategic Plan takes into account all the relevant policies, legislation and other mandates for which the PSC will endeavour to achieve over the period 2015/16 to 2019/20.



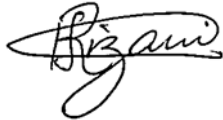
MS BONTLE P LERUMO
Chief Financial Officer



MS THEMBI M NKUNA
Director: Planning and Reporting



DR DOVHANI MAMPHISWANA
Acting Accounting Officer



RK SIZANI
Chairperson
Executive Authority

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PART A: STRATEGIC OVERVIEW

1. VISION

A champion of Public Service excellence in democratic governance in South Africa.

2. MISSION

To promote the constitutionally enshrined democratic values and principles throughout the Public Service by-

- investigating, monitoring, evaluating the organisation and administration, and personnel practices;
- proposing measures to ensure the effective and efficient performance;
- issuing directions with regards to personnel procedures relating to the recruitment, transfers, promotions and dismissals;
- advising on personnel practices; and
- reporting on its activities.

3. VALUES

The PSC's values give direction to our actions and describe how we behave. We uphold the following values:



4. LEGISLATIVE AND OTHER MANDATES

4.1 Constitutional Mandate

The PSC is an independent institution established in terms of Chapter 10 of the Constitution. It derives its mandate from Sections 195 and 196 of the Constitution, 1996¹, which set out the values and principles governing public administration which should be promoted by the PSC, as well as the powers and functions of the PSC. It is important to note that the Constitution distinguishes between public “*administration*” (Section 195) and public “*service*” (Section 196 and 197). In respect of public administration, Section 195 (2) makes it clear that the principles of public administration apply to administration in “*every sphere of government*”.² The PSC is required by the Constitution to exercise its powers and to perform its functions without fear, favour or prejudice. The Constitution links the PSC’s independence firmly with its impartiality and no organ of state may interfere with the functioning of the PSC.

The PSC is vested with custodial oversight responsibilities for the Public Service and monitors, evaluates and investigates public administration practices. It also has the power to issue directions regarding compliance with personnel procedures relating to recruitment, transfers, promotions and dismissals. The PSC is accountable to the National Assembly and must annually report to the National Assembly on its activities and performance, and to Provincial Legislatures on its activities in a province.

Given the broad mandate of the PSC, which covers all areas of public administration and the limited resources at its disposal, the PSC has elected to focus on six key performance areas:

- a. human resource management and leadership evaluation;
- b. handling labour relations and labour practices;
- c. service delivery evaluation and improvement;
- d. promotion of the democratic values and principles;
- e. conducting Public Service investigations; and
- f. promoting professional ethics.

The PSC has a responsibility to promote the values and principles governing public administration contained in Section 195 of the Constitution. The values and principles are set out below:

VALUES AND PRINCIPLES	SECTION OF THE CONSTITUTION
A high standard of professional ethics must be promoted and maintained.	195 (1) (a)
Efficient, economic and effective use of resources must be promoted.	195 (1) (b)
Public administration must be development-oriented.	195 (1) (c)
Services must be provided impartially, fairly, equitably and without bias.	195 (1) (d)
People’s needs must be responded to, and the public must be encouraged to participate in policy-making.	195 (1) (e)

¹ The Constitution of the Republic of South Africa, 1996 (promulgated by Proclamation No. 108 of 1996).

² Legal Opinion obtained from Advocate Nasreen Rajab-Budlender, representing Advocate Gilbert Marcus SC

VALUES AND PRINCIPLES	SECTION OF THE CONSTITUTION
Public administration must be accountable.	195 (1) (f)
Transparency must be fostered by providing the public with timely, accessible and accurate information.	195 (1) (g)
Good human-resource management and career-development practices, to maximise human potential, must be cultivated.	195 (1) (h)
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.	195 (1) (i)

The PSC's powers and functions in terms of the Constitution are set out below:

POWERS AND FUNCTIONS	SECTION OF THE CONSTITUTION
The PSC must exercise its powers and perform its functions without fear, favour or prejudice.	196 (2)
The PSC must promote the values and principles, as set out in Section 195, throughout the Public Service.	196 (4) (a)
The PSC must investigate, monitor and evaluate the organisation, administration and the personnel practices of the Public Service.	196 (4) (b)
The PSC must propose measures to ensure effective and efficient performance within the Public Service.	196 (4) (c)
The PSC must give directions aimed at ensuring that personnel procedures relating to recruitment, transfers, promotions and dismissals comply with the values and principles set out in Section 195.	196 (4) (d)
The PSC must report on its activities and the performance of its functions, including any finding it may make and directions and advice it may give, and to provide an evaluation of the extent to which the values and principles set out in Section 195 are complied with.	196 (4) (e)
The PSC may either of its own accord or on receipt of any complaint, <ul style="list-style-type: none"> o investigate and evaluate the application of personnel and public administration practices and to report to the relevant executive authority and legislature; o investigate grievances of employees in the Public Service concerning official acts or omissions and to recommend appropriate remedies; o monitor and investigate adherence to applicable procedures in the Public Service; and o advise national and provincial organs of state regarding personnel practices in the Public Service, including those relating to the recruitment, appointment, transfer, discharge and other aspects of the careers of employees in the Public Service. 	196 (4) (f)
The PSC must exercise or perform the additional powers or functions prescribed by an Act of Parliament.	196 (4) (g)
The PSC is accountable to the National Assembly.	196 (5)
The PSC must report at least once a year to the National Assembly.	196 (6) (a)
The PSC must report at least once a year in respect of its activities in a province, to the legislature of that province.	196 (6) (b)

In terms of the Constitution and other legislation relevant to the PSC, the key responsibilities are as follows:

KEY RESPONSIBILITIES	POWERS AND FUNCTIONS	SECTION OF THE LEGISLATION
Access documents and information	Official documents and information as may be necessary for the performance of its functions under the Constitution or the Public Service Act.	PSC Act: 9
Advise	On own accord or on receipt of any complaint, advise national and provincial organs of state regarding personnel practices in the public service, including those relating to the recruitment, appointment, transfer, discharge and other aspects of the careers of employees in the Public Service.	Constitution: 196 (4) (f)
Call upon and administer oath/ accept affirmation	The PSC may call upon and administer an oath, or accept an affirmation from any person present at an inquiry.	PSC Act: 10 (2) (b)
Conduct inquiry	Conduct an inquiry into any matter authorised by the Constitution or the Public Service Act.	PSC Act: 10 (1)
Consider grievances	Grievances of employees and Heads of Department under certain circumstances.	Public Service Act: 35
Evaluate	Evaluate the organisation, administration and the personnel practices of the Public Service.	Constitution: 196 (4) (b)
	On own accord or on receipt of any complaint, the application of personnel and public administration practices and to report to the relevant executive authority and legislature.	Constitution: 196 (4) (f)
Examine or require a person to act	Any person to produce any book, document or object which may have a bearing on the subject of the inquiry.	PSC Act: 10 (2) (c)
Exercise/perform functions	The additional powers or functions prescribed by an Act of Parliament.	Constitution: 196 (4) (g)
	The powers and the duties entrusted to it by the Constitution, the PSC Act and the Public Service Act.	PSC Act: 8
	Its powers and perform its functions without fear, favour or prejudice.	Constitution: 196 (2)
Inspect	Departments and other organisational components in the Public Service.	PSC Act: 9
Investigate	The organisation, administration and the personnel practices of the Public Service.	Constitution: 196 (4) (b)
	On own accord or on receipt of any complaint, the application of personnel and public administration practices and to report to the relevant executive authority and legislature.	Constitution: 196 (4) (f)
	On own accord or on receipt of any complaint, grievances of employees in the Public Service concerning official acts or omissions and to recommend appropriate remedies.	Constitution: 196 (4) (f)
	On own accord or on receipt of any complaint, adherence	Constitution:

KEY RESPONSIBILITIES	POWERS AND FUNCTIONS	SECTION OF THE LEGISLATION
	to applicable procedures in the Public Service.	196 (4) (f)
	Compliance with the Public Service Act.	Public Service Act: 5 (8) (a)
	Grievances of employees and Heads of Department under certain circumstances.	Public Service Act: 35
Issue directions	Aimed at ensuring that personnel procedures relating to recruitment, transfers, promotions and dismissals comply with the values and principles set out in Section 195.	Constitution: 196 (4) (d)
	Contemplated in Section 196 (4) (d) of the Constitution in order to ensure compliance with the Public Service Act.	Public Service Act: 5 (8) (a)
Make rules	On the investigation, monitoring and evaluation of those matters to which Section 196 (4) of the Constitution relate.	PSC Act: 11 (a)
	On the powers and duties of the chairperson, deputy chairperson or any other commissioner and the delegation and assignment of any power and duty entrusted to the PSC by the PSC Act, the Constitution or the Public Service Act to provincial commissioners.	PSC Act: 11 (b)
	On the manner in which meetings of the PSC shall be convened, the procedure to be followed in meetings and the conduct of its business, quorum and the manner in which minutes should be kept.	PSC Act: 11 (c)
Monitor	The organisation, administration and the personnel practices of the Public Service.	Constitution: 196 (4) (b)
	On own accord or on receipt of any complaint, adherence to applicable procedures in the Public Service.	Constitution: 196 (4) (f)
Promote	Values and principles, as set out in Section 195, throughout the Public Service.	Constitution: 196 (4) (a)
	Ethical conduct amongst members of the SMS and to supplement the Code of Conduct contemplated in Chapter 2 and the Financial Disclosure Framework contemplated in Chapter 3.	Public Service Regulations: B.1
Propose measures	Measures to ensure effective and efficient performance within the Public Service.	Constitution: 196 (4) (c)
Provides advice	The PSC provides advice to the MPSA on issuing directives to promote ethical conduct amongst members of the SMS and to supplement the Code of Conduct contemplated in Chapter 2 and the Financial Disclosure Framework contemplated in Chapter 3.	Public Service Regulations: B.1
Recommend	Appropriate remedies regarding the investigation of grievances of employees in the public service.	Constitution: 196 (4) (f)
	That executive authorities act in terms of a particular provision(s) of the Public Service Act or any other law.	Public Service Act: 35
Report	On its activities and the performance of its functions, including any finding it may make and directions and	Constitution: 196 (4) (e)

KEY RESPONSIBILITIES	POWERS AND FUNCTIONS	SECTION OF THE LEGISLATION
	advice it may give, and to provide an evaluation of the extent to which the values and principles set out in Section 195 are complied with.	
	To the relevant executive authority and legislature on the application of personnel and public administration practices.	Constitution: 196 (4) (f)
	At least once a year to the National Assembly.	Constitution: 196 (6) (a)
	At least once a year in respect of its activities in a province, to the legislature of that province.	Constitution: 196 (6) (b)
	The PSC is responsible for reporting on the level of compliance as well as trends on financial misconduct in the public service.	Treasury Regulations: 4.3
	As part of conducting its oversight work, the PSC also reports to Parliament.	
	The accounting officer of a department must, as soon as the disciplinary proceedings (financial misconduct) are completed, report to the executive authority, the Department of Public Service and Administration and the PSC on the outcome, including –	
	(a) the name and rank of the official against whom the proceedings were instituted;	
	(b) the charges, indicating the financial misconduct the official is alleged to have committed;	
	(c) the findings;	
	(d) any sanction imposed on the official; and	
	(e) any further action to be taken against the official, including criminal charges or civil proceedings.	
Summons	Any person who may be able to give information of material importance concerning the subject matter of the inquiry.	PSC Act: 10 (2) (a)

4.2 Legislative Mandates

The PSC is a constitutional oversight body, established in 1996, primarily to promote “*a high standard of professional ethics in the Public Service*”³. The PSC operates in terms of the *PSC Act, 1997*⁴. The Act provides for the regulation of the PSC with regard to:

- a. the constitution of the PSC;
- b. appointment of Commissioners;

³ Certification of the amended text of the Constitution of the Republic of South Africa, 1996 (Case CCT 37/96, para 142).

⁴ Republic of South Africa. Public Service Commission Act, 1997 (promulgated by Proclamation No. 46 of 1997).

- c. designation of the Chairperson and Deputy Chairperson;
- d. conditions of appointment of Commissioners;
- e. removal from office of Commissioners;
- f. functions of the PSC (inspections, inquiries, etc.);
- g. rules according to which the PSC should operate;
- h. the Office of the PSC (OPSC); and
- i. transitional arrangements with regard to service commissions (created under the Interim Constitution).

The powers and functions of the PSC in terms of legislation is set out above.

4.3 Rules and Cooperative Agreements

The outcomes approach as developed by Government⁵ provides a framework used by the PSC to assist in its prioritisation and strategic development. In particular, the PSC contributes to Outcome 12: “*An efficient, effective and development-oriented Public Service*” and can lend its contribution to the other outcomes.

The following rules and protocols have been put in place by the PSC in terms of Section 11 of the PSC Act, in order to facilitate its operational functioning:

4.3.1 Rules for Dealing with Grievances of Employees in the Public Service, published in Government Gazette No.25209 dated 25 July 2003

The Grievance Rules, 2003, is one of the sets of prescripts that gives effect to the mandate of the PSC as provided in the Constitution of the Republic of South Africa, Section 196(4)(f)(ii), as well as the provisions of Section 35 of the Public Service Act, 1994 (as amended). Both laws provide the PSC with powers to investigate grievances of employees in the Public Service and make recommendations on appropriate remedies. The Grievance Rules, 2003, apply to employees on salary levels 1 to 12 and determine the process that should be followed by a department in investigating grievances, and the circumstances under which grievances should be referred to the PSC. Once the PSC has finalised its investigation, the relevant Executive Authority (EA) is informed of its findings and recommendations. The latter is expected to inform the PSC and aggrieved employees about his or her decision based on the PSC’s recommendations. The PSC also reports on the outcome of its investigations in respect of grievances to the National Assembly and Provincial Legislatures on at least an annual basis.

4.3.2 Rules for the summoning of witnesses in connection with inquiries and investigations of the Public Service Commission, published in Government Gazette No.23267 dated 28 March 2002

The mandate of the PSC to issue summonses, is contained in Section 10 read with Section 11 of the PSC Act, 1997, as well as Section 196 (3) of the Constitution of the Republic of

⁵ <http://www.info.gov.za/issues/outcomes/index.html>

South Africa. In order to manage the process in terms of which witnesses can be summonsed, the PSC published Rules for the summonsing of witnesses during 2002. The Rules provide for the process that should be followed when a person is summonsed to appear before an inquiry of the PSC.

4.3.3 Rules of the PSC: Lodging of complaints regarding the Public Service, published in Government Gazette No 23635 dated 19 July 2003

The PSC may investigate complaints lodged with it and report to the EAs. To give effect to this mandate, the PSC has developed Rules for the lodging of complaints. In terms of the Rules, public servants and members of the public can lodge complaints by making use of a prescribed complaints form. Upon receipt of complaints lodged in terms of the Complaints Rules, such complaints are investigated and reported on by the PSC in terms of its constitutional mandate.

4.3.4 Rules for dealing with grievances of members of the Senior Management Service, including Heads of Department, published in Government Gazette No 33540 of 17 September 2010

In order to comply with its constitutional mandate to deal with grievances of all employees in the Public Service, as well as the provisions of Section 35 of the Public Service Act, 1994 (as amended), the PSC published Grievance Rules for dealing with grievances of members of the SMS as well as Heads of Department (HoDs). The Grievance Rules are included in Chapter 10 of the Senior Management Service (SMS) Handbook. The Grievance Rules provide for the procedure to be followed by a department as well as the PSC in dealing with grievances of SMS members. These Rules also provide for the direct lodging of grievances with the PSC by HoDs. The PSC makes recommendations in respect of its findings to the EA.

4.3.5 Rules of the PSC: Managing conflicts of interest identified through the Financial Disclosure Framework for Senior Managers, published in Government Gazette No 32298 of 12 June 2009

These Rules provide for a procedure to identify and manage potential conflicts of interest disclosed through the Financial Disclosure Framework for the SMS as prescribed in Chapter 3 of the Public Service Regulations, 1999, as amended. This Chapter requires of the PSC to verify that Financial Disclosure Forms submitted are correctly completed and to scrutinise the contents of the Forms in order to establish whether potential conflicts of interest exist and to alert EAs accordingly.

4.3.6 Governance Rules of the PSC, published in Government Gazette No 38620 of 30 March 2015

The Governance Rules have been put in place to ensure the effective functioning of the PSC. These Rules, inter alia, define the powers and duties of commissioners; delegations and assignment of powers and duties; and the manner in which the meetings of the PSC

must be convened. The Governance Rules are read in conjunction with the other Rules promulgated by the PSC.

4.3.6 *Cooperative agreements*

In addition to the above-mentioned Rules, the PSC also performs the following functions, emanating from Cabinet decisions:

a) Management of the National Anti-Corruption Hotline

In 2003, Cabinet decided to assign the PSC with the responsibility of establishing and managing the National Anti-Corruption Hotline. The PSC is responsible for outsourcing the call center, housing a central case management system and for the referral system through the case management system which is governed by explicit protocols on referrals.

b) Resolution of Parliament

The National Assembly adopted as its resolution the recommendation of the Portfolio Committee on Public Service and Administration with regards to the work of the PSC. The resolution requires the PSC to report on the implementation of Section 195 (1) by the administration of all spheres of government, organs of state and public enterprises in South Africa and to include its report in the annual report of the entity it is reporting on every year. In order for the PSC to fully implement the resolution, this will require legislative amendments.

c) Memoranda of Understanding

The PSC has entered into Memoranda of Understanding (MoUs) with various institutions. These MoUs aim to enhance co-operation, efficiency and effectiveness and to avoid duplication of activities. In promoting best practice and in pursuit of cooperation and collaboration with other institutions, the PSC has entered into MoUs with the following institutions:

Institutions Supporting Democracy:

- Auditor-General
- Financial and Fiscal Commission
- Public Protector.

Associations:

- Association of Public Account Committee
- South African Monitoring and Evaluation Association.

Tertiary Institutions:

- University of South Africa.

4.4 Relevant Court Rulings

The following judgments have helped to clarify the role and functions of the PSC:

- a) Certification of the Constitution of the Republic of South Africa, 1996 (CCT 23/96) [1996] ZACC 26; 1996 (4) SA 744 (CC); 1996 (10) BCLR 1253 (CC) (6 September 1996).

In terms of the Constitution of the Republic of South Africa, the Constitutional Court was tasked to consider, evaluate and certify whether the new constitutional text was aligned to the constitutional principles as contained in the 1993 Constitution. With regard to the PSC, it dealt with the certification of the formulation of the wording of the role and functions of the PSC. It also ruled that the independence and impartiality of the PSC shall be provided for and safeguarded in the Constitution.

- b) Ex Parte Chairperson of the Constitutional Assembly: In Re Certification of the Amended Text of the Constitution of the Republic Of South Africa, 1996 (1997 (2) SA 97 (CC))

In the second certification case, the Court was then presented with the full Constitutional provisions relating to the PSC, including its powers and functions.

The Court had to deal with the contention that “the role of the PSC is similar to the roles of the Public Protector and the Auditor-General, and that the procedures laid down for the protection of the independence of Public Service commissioners should be no less stringent than those for the removal from office of the Public Protector and the Auditor-General, which require a resolution of at least two-thirds of the members of the NA”.

The Court decided that Section 196 (1) *“provides that there shall be a single PSC for the Republic. As a commission it will have joint responsibility for the work that it does. This, and the fact that it consists of 14 members appointed by 10 different legislatures, enhances its independence and makes any individual commissioner less vulnerable to unfair dismissal than the Public Protector and the Auditor-General might be. The dismissal of one of 14 commissioners will not necessarily have a significant impact on the work of the PSC; the removal of the Public Protector or the Auditor-General could have a profound impact on the functioning of that office.”*

During the proceedings, the Court also dealt with the argument that Section 196 (13) provides that a commissioner appointed by a province may perform the functions of the commission in that province 'as prescribed by national legislation'. The Court found that *“that is so, but it will not relieve the PSC of joint responsibility for the work that it does, nor prevent the 13 remaining commissioners from coming to the support of an individual commissioner wrongly accused of misconduct, incompetence or incapacity.”*

The Court also held that *“The functions of the PSC are materially different to those of the Public Protector and the Auditor-General. Inherent in the functions of the Public Protector is the 'investigation of sensitive and potentially embarrassing affairs of government', whilst the Auditor-General has a crucial role in 'ensuring that there is openness, accountability and propriety in the use of public funds'. They perform sensitive functions which require their independence and impartiality to be beyond question, and to be protected by stringent provisions in the Constitution. The PSC's primary function is to promote 'a high standard of professional ethics in the Public Service'. While it has important supervisory and watchdog functions, a good deal of its work will be of a routine or advisory nature. A similar distinction is to be found in the IC which affords a lesser protection to the PSC than it does to the Public Protector and the Auditor-General...”*

- c) Premier, Western Cape v President of the Republic of South Africa 1999 (3) SA 657 (CC).

In this case, the Western Cape government sought an order declaring certain provisions of the 1998 Amendment of the Public Service Act to be inconsistent with the Constitution. The outcome of the case confirms that financial independence is a key component of institutional independence and it is for Parliament and not the Executive to determine what funding is available to the PSC to enable it to carry out its constitutional mandate.

In addition, the Constitutional Court made clear that the reference in the Constitution to “a public service in the Republic” is intended to mean a public service which applies to both national and provincial spheres of government. The Court held that:

“Section 197 (1) deals with the way in which the public service, as a particular administrative entity within public administration, must be structured and function. This is consistent with the interim Constitution and the 1994 Act. If a distinction were to be made between the structuring of public administration as a provincial power, and the structuring of the public service as a national power, one would have expected this to be set out explicitly in the Constitution. This was not done in the new constitutional text, submitted to this Court for certification in the first certification proceedings, and when the provisions of s 197 were reconsidered by the Constitutional Assembly, the only change made to the section to accommodate the concerns expressed in the first certification judgment, was to vest in the provinces the power to 'employ, promote, transfer and dismiss' personnel in the provincial administrations of the public service. The competence to make laws for the structure and functioning of the public service as a whole, vested in the national sphere of government was retained in the amended text. Section 197 (1) must be given effect to and should not be deprived of its content by finding as an implied power, a provincial legislative competence inconsistent with the express provisions of the Constitution.”

d) Independent Electoral Commission (IEC) v the Langeberg Municipality⁶

The case also has relevance for the PSC in that the Court confirmed the independence of the IEC as articulated in Section 181 (2) of the Constitution. The Court held that *“the very reason the Constitution created the Commission was that it should be and manifestly be seen to be outside government”* and *“the Commission is accordingly not an organ of state in the national sphere of government”*. Given its standing as an Institution Supporting Democracy, as in the case of the IEC, the PSC would therefore also be regarded as an institution outside government.

The Constitutional Court has furthermore pronounced on different occasions on the meaning of a requirement of “independence” contained in the Constitution and what safeguards are necessary to achieve it. Some of these cases include:

- Ex Parte Chairperson of the Constitutional Assembly: In re Certification of the Constitution of the Republic of South Africa 1996 (4) SA 744 (CC) at paras 163 and 165
- Ex Parte Chairperson of the Constitutional Assembly: In re Certification of the Amended Text of the Constitution of the Republic of South Africa 1997 (2) SA 97 (CC) at para 134
- De Lange v Smuts NO and Others 1998 (3) SA 785 (CC) at paras 69 – 73
- Van Rooyen and Others v The State and Others 2002 (5) SA 246 (CC) at paras 29 – 34
- South African National Defence Union and Others v Minister of Defence and Others 2007 (5) SA 400 at paras 99 – 103
- Glenister v President of the Republic of South Africa and Others 2011 (3) SA 347 (CC) at para 117

e) Macssand v City of Cape Town and Others unreported judgment of the Constitutional Court, [2012] ZACC 7

There will in most instances be no overlap in the functions of the PSC and Institutions Supporting Democracy, established in terms of Chapter 9 of the Constitution. Each of these institutions and the PSC operates independently of each other. There is also nothing preventing the PSC from entering into a MoU with the Institutions Supporting Democracy to regulate how such overlaps will be managed and dealt with, or the broader relationship between such institutions.

In a different but analogous context, the Constitutional Court⁷ has ruled as follows in relation to the overlap of functions and role between spheres of government: *“. . .these powers are not contained in hermetically sealed compartments, sometimes the exercise of powers by two spheres may result in an overlap. When this happens, neither sphere is intruding into the functional area of another. Each sphere would be exercising power*

⁶ Independent Electoral Commission v the Langeberg Municipality (as successor to the Stilbaai Municipality). Case CCT 49/00

⁷ Macssand v City of Cape Town and Others unreported judgment of the Constitutional Court, [2012] ZACC 7

within its own competence. It is in this context that the Constitution obliges these spheres of government to cooperate with one another in mutual trust and good faith, and to co-ordinate actions taken with one another.”

- f) Chirwa v Transnet Ltd and Others 2008 (4) SA 367 (CC) at paragraphs 74-76, (relying on the decision of Institute for Democracy in South Africa and Others v African National Congress and Others 2005 (5) SA 39 (C) (2005 (10) BCLR 995)

In the above matter it was confirmed that the rights in Section 195 of the Constitution are not justiciable. In other words, while Section 195 of the Constitution provides important interpretative assistance, it does not found a right to bring an action for breach of any the principles. The court held that: *“The values enunciated in s 1 of the Constitution are of fundamental importance. They inform and give substance to all the provisions of the Constitution. They do not, however, give rise to discrete and enforceable rights in themselves. This is clear not only from the language of s 1 itself, but also from the way the Constitution is structured and in particular the provisions of Chapter 2, which contains the Bill of Rights ... the same considerations apply to the other sections of the Constitution . . . [including] Section 195(1). These sections all have reference to government and the duties of government, inter alia, to be accountable and transparent. . . . In any event, these sections do not confer upon the applicants any justiciable rights that they can exercise or protect ... The language and syntax of these provisions are not couched in the form of rights, especially when compared with the clear provisions of Chapter 2. Reliance upon the sections in question for purposes of demonstrating a right is therefore inapposite. . . . therefore although Section 195 of the Constitution provides valuable interpretive assistance it does not found a right to bring an action”.*

- g) Khumalo and Another v Member of the Executive Council KwaZulu-Natal Education J-CCT10-13A.

This case concerns a challenge by the Member of the Executive Council (MEC) for Education, KwaZulu-Natal, the respondent in Court, to the lawfulness of her own department's employment decisions. The matter raises the enforcement of the rule of law in the context of a significant delay by the MEC in bringing her challenge to court. The Labour Court held that Section 195 of the Constitution compelled the MEC, in the public interest, to avoid and eliminate illegalities in public administration. It held that the principle in this Court's decision in Njongi (that it is always open to a government official to admit, without qualification, that an administrative decision was wrongly taken) must apply to unlawful acts committed deliberately, negligently or even in good faith. The Labour Appeal Court agreed that the “MEC was not only entitled but also duty-bound to approach a court to set aside her irregular administrative act”. The Court further held that Section 195 provides for a number of important values to guide decision makers in the context of public-sector employment. When, as in this case, a responsible functionary is enlightened of a potential irregularity, Section 195 lays a compelling basis for the founding of a duty on the functionary to investigate and, if need be, to correct any unlawfulness through the appropriate avenues. This duty is founded, inter alia, in the emphasis on accountability and transparency in Section 195 (1)(f) and (g) and the

requirement of a high standard of professional ethics in Section 195 (1)(a). Read in the light of the founding value of the rule of law in Section 1 (c) of the Constitution, these provisions found not only standing in a public functionary who seeks to review through a court process a decision of its own department, but indeed they found an obligation to act to correct the unlawfulness, within the boundaries of the law and the interests of justice.

Section 195 (1)(i) stresses the importance of ensuring that appointment processes in the public sector are based on ability, objectivity and fairness. Fairness in employment practices and labour relations requires the state to be even-handed and transparent not only to those whom it employs, but so to those who may wish to apply for employment at a state institution. It would not be fair if the state were to employ persons who do not meet the very requirements that the state itself sets. It is neither fair nor in compliance with the dictates of transparency and accountability for the state to mislead applicants and the public about the criteria it intends to use to fill a post. The formulation and application of requirements for a particular post is a minimum pre-requisite for ensuring the objectivity of the appointment process. Persons who do not meet the requirements for a post in the public sector ought not to be appointed.

h) Minister of Defence and Military Veterans v Motau and Others [2014] ZACC 18

The Constitutional Court in this matter found that the implementation of legislation constitutes administrative action, except where there is a clear indication that it does not. *“Ordinarily the formulation of policy in broad terms does not amount to administrative action. This is because the power to develop and implement national policy in Section 85 (2) (b) of the Constitution is one of the exclusions in the definition section of Promotion of Administrative Justice Act (PAJA). The exercise of that executive power is not an administrative act. In this case it was concluded that I conclude that the Minister’s termination of the respondents’ membership of the Board constituted administrative action envisaged in Section 33 of the Constitution. Consequently, her decision is reviewable under PAJA. Since the respondents were not given a hearing before that decision was taken, it was procedurally unfair.”*

i) Public Protector v Mail & Guardian Ltd and Others 2011 (4) SA 420 (SCA) at paras 21-22

In considering what a proper investigation entails, the Supreme Court of Appeal in the above case held in as follows:

“...I think there is nonetheless at least one feature of an investigation that must always exist ... which is that the investigation must have been conducted with an open and enquiring mind. An investigation that is not conducted with an open and enquiring mind is no investigation at all. That is the benchmark against which I have assessed the investigation in this case. I think that it is necessary to say something about what I mean by an open and enquiring mind. That state of mind is one that is open to all possibilities and reflects upon whether the truth has been told. It is not one that is unduly suspicious

but it is also not one that is unduly believing. It asks whether the pieces that have been presented fit into place. If at first they do not then it asks questions and seeks out information until they do. It is also not a state of mind that remains static. If the pieces remain out of place after further enquiry then it might progress to being a suspicious mind. And if the pieces still do not fit then it might progress to conviction that there is deceit. How it progresses will vary with the exigencies of the particular case. One question might lead to another and that question to yet another, and so it might go on. But whatever the state of mind that is finally reached, it must always start out as one that is open and enquiring.”

While the above case was decided in relation to the office of the Public Protector, the scope and meaning of “an investigation” as defined above applies equally, in our view to an investigation carried out by the PSC.

In addition to the above, the court held that “His or her mandate is an investigatory one, requiring pro-action in appropriate circumstances. Although the Public Protector may act upon complaints that are made, he or she may also take the initiative to commence an enquiry, and on no more than “information that has come to his or her knowledge” of maladministration, malfeasance or impropriety in public life... But although the conduct that may be investigated is circumscribed I think it is important to bear in mind that there is no circumscription of the persons from whom and the bodies from which information may be sought in the course of an investigation. The Act confers upon the Public Protector sweeping powers to discover information from any person at all. He or she may call for explanations, on oath or otherwise, from any person, he or she may require any person to appear for examination, he or she may call for the production of documents by any person and premises may be searched and material seized upon a warrant issued by a judicial officer. Those powers emphasise once again that the Public Protector has a pro-active function. He or she is expected not to sit back and wait for proof where there are allegations of malfeasance but is enjoined to actively discover the truth”.(At paras 9-11)

The PSC also has the power to perform functions of its own accord and in this regard, some level of pro-activity is required of the PSC. In line with Section 197 (1) of the Constitution, Section 10 of the PSA Act provides the PSC with tools to be used during the course of an investigation, such as the power to summons a person to an inquiry for the person concerned to give information to the inquiry and/or to produce documents. The person so summoned can also be examined under oath.

4.5 Policy Initiatives

The PSC is not a policy-making institution, it conducts investigations, undertakes monitoring and evaluation, and provides advice and guidance in respect of policy development in the Public Service. Therefore, it plays an important advisory role in the policy making process within Public Service.

Within the organisation, the following policy initiatives will be explored:

a) *Alignment with the National Development Plan*

President Jacob Zuma appointed the National Planning Commission (NPC) in May 2010 to draft the vision and the NDP for consideration by Cabinet and consultation with various stakeholders were undertaken. The NDP is the blueprint for eliminating poverty and reducing inequality in the country by 2030 through uniting South Africans, unleashing the energy of its citizens, growing an inclusive economy, building capabilities, enhancing the capacity of the state and leaders working together to solve complex problems. In particular with regard to the PSC, Chapter 13 of the NDP provides that consideration should be given to the following:

- The PSC needs to be a robust champion of a meritocratic Public Service with a stronger oversight role. A strengthened role for the PSC is proposed in championing norms and standards, and monitoring recruitment processes.
- Strengthen the oversight role of the PSC by requiring departments to respond to PSC proposals and giving greater force to PSC recommendations.
- That the PSC should play a direct role in the recruitment of the most senior posts. The chair of the PSC, together with the proposed administrative head of the Public Service, should convene the selection panel for heads of department and their deputies. The Selection Panel would draw up a short-list of suitable candidates for senior posts, from which the political principal would select a preferred candidate. In order for the PSC to play a direct role, this would require amendments to the legislation.

In addition, the NDP indicates the following in respect of the OPSC:

“The Office of the Public Service Commission, which is the administrative arm of the PSC, is partially dependent on the executive for the appointment of its director-general and the allocation of its budget. This provides some important benefits including the scope to participate in the Governance and Administration Cluster, but there is also the potential for these links to compromise the PSC’s independence. These are issues that may need to be reflected on going forward.”⁸

b) *Building a capable, career-oriented and professional public service*

Chapter 13 of the NDP contains proposals for building a capable and developmental state. Section 195 of the Constitution also indicates that public administration must be development-oriented. A capable and developmental state must be underpinned by a values driven capable, career-oriented and professional Public Service.

The PSC has reflected upon the Public Service transformation journey from 1994. The achievements of government since the dawn of democracy should not be underestimated. Despite these achievements, the performance of the Public Service is still uneven, especially with regard to frontline service delivery. The PSC analysed the causes of this uneven performance and concluded that it can largely be ascribed to weaknesses in the capabilities,

⁸ National Development Plan 2030 – Our future – make it work. Chapter 13: Building a capable and Developmental State, p 412

career-orientation and professionalisation of the Public Service. Following this, the PSC considered what adjustments to the nature and character of the Public Service should now be made to improve the performance and service ethos of the Public Service. The PSC's analysis is contained in a Discussion Document that was discussed with policy-makers and other stakeholders at its Developmental State Conference.

In the Discussion Document, the PSC makes proposals about measures to ensure that the best are recruited into the Public Service. Proposals are also made to ensure that employees are developed to their full potential and that an ethos of devoted Public Service is inculcated. The PSC also makes proposals on the career paths of Public Service employees. With more predictable and attractive career paths, the Public Service will be able to develop a pool of critical skills over the long term.

The performance management system of the Public Service has become cumbersome without necessarily achieving its own aims of assessing performance objectively and fairly and improving performance and service delivery. The PSC makes specific proposals for the review of the system.

The proposals contained in the Discussion Document will form a key focus of the work of the PSC over the short to medium term period.

c) Institutional Practice Review

The PSC is conducting an Institutional Practice Review in respect of the efficacy, desirability and legal compatibility of an independent constitutional institution being supported by a Public Service department. The need for the Review emanated from discussions by the PSC which revealed that important stakeholders are of the view that the independence of the PSC is not best served by the OPSC being a Public Service department. As already indicated in paragraph 4.5 (a) above, where the PSC sets out its approach towards ensuring alignment with the NDP, it is indicated that the NDP specifies that there is potential for the OPSC's status as a Public Service department to compromise the PSC's independence⁹.

The PSC is therefore exploring models that will provide clear direction and a legal foundation for the demarcation of roles and responsibilities in respect of the PSC and the OPSC, and the definition of accountability lines.

d) Review of the PSC Act, 1997

The above processes will include a review of the PSC Act, 1997, so as to align the Act with the expectations in the NDP and matters connected with the Governance Rules and Delegations Framework.

⁹ Ibid

- e) *Review of the Grievance Rules, 2003 as well as the Rules for dealing with the grievances of SMS members, 2010*

The Grievance Rules will be reviewed in order to align the rules with the Guidelines on good practices in the management of grievances.

- f) *Monitoring the implementation of the e-Disclosure System*

The implementation of the Financial Disclosure e-Disclosure System, which focuses on the electronic submission of financial disclosure forms by members of the Senior Management Service in the Public Service, will be closely monitored to ensure that it is in line with the approved regulatory framework. The PSC will provide advice and make recommendations regarding the improvement of the System and on the legislative amendments required, in particular to Chapter 3 of the Public Service Regulations, which deals with the Financial Disclosure Framework. In addition, specific inputs on the interface between the Public Service and the business sector, especially with regards to gifts and facilitation fees will be provided.

- g) *Implementation of Parliament Resolution*

In November 2011, the National Assembly adopted as its resolutions the following recommendations of the Portfolio Committee of Public Service and Administration with regards to the PSC:

- *“the PSC reports on the implementation of Section 195 (1) by the administration of all spheres of government, organs of state and public enterprises in South Africa every year;*
- *the report of the PSC is contained in the annual report of the entity that the PSC is reporting on every year. This will allow users of the PSC reports to match the governance of their administration with the performance of the administration for the same period of time. Over time, the style of reporting will allow greater comparability, monitoring, evaluation and oversight of the progress any particular government entity makes in implementing Section 195 (1) of the Constitution;*
- *the National Assembly seeks to locate the budget of the PSC with Parliament’s budget vote, in order to preserve the PSC’s independence from the Executive, and allow for the PSC’s reporting and budget process to be aligned; and*
- *the Speaker of the National Assembly should, in future, refer the PSC’s reports to Committees for consideration and report. This will allow for the National Assembly to mandatorily critically contribute to the reporting style of the PSC, and allow for the PSC information reported to the National Assembly to contribute to Parliamentary oversight.”*

The PSC has considered the resolution of Parliament but due to resource constraints, it will

only be able to implement the resolution in an incremental manner. The PSC is in a process of developing a roadmap to progressively realise the resolution of Parliament. For the PSC to fully implement the resolution, such as the promotion of democratic values and principles in all spheres of government, would require legislative amendments.

5. SITUATIONAL ANALYSIS

5.1 Performance Environment

a) Impact of the global and local economy

Although there are continued signs that the global economic outlook is improving, unemployment and social inequality continue to be key challenges all over the world, while international capital flows to developing countries are becoming more volatile.

The World Bank revised South Africa's 2014 economic growth forecast down to 2% from 2.7%, and for 2015 from 3.4% to 3%. The forecast for South Africa's budget deficit for the 2014/15 financial year has been revised by analysts from 4% of Gross Domestic Product (GDP) (R153 billion) to between 4.1% and 4.5%.

With almost 25% of the population (and 65% of young people) without work, unemployment is one of South Africa's largest social challenges. The outcome of decent work and inclusive growth remains our greatest challenge. The NDP of 2012 outlines crucial measures for the acceleration of structural and education reforms. Skills remain one of the biggest constraints to economic growth. In this regard, the NDP highlights that the key to development is sustainable employment and economic growth through education and skills development.

Due to the impact of the global and local economy, the Minister of Finance has indicated that the budget allocation for government departments will be capped. Due to its limited financial resources, the PSC will therefore need to prioritise its focus areas in order to ensure that it still makes an impact.

b) Effective and efficient service delivery for enhanced economic growth and development

The dawn of democracy in 1994 created a new dispensation in which access to basic services such as housing, water and sanitation is recognised as a fundamental human right. The Bill of Rights enshrines the rights of all people in South Africa and affirms the democratic values of human dignity, equality and freedom. All organs of state are responsible for working towards achieving these rights. Although great strides have been made in the realisation of these rights (89.9% households have access to piped water and 77.97% have access to improved sanitation), the quality of such services remains a challenge.

Through the application of its monitoring and evaluation tools, the PSC has noted that the performance of the Public Service is uneven and impacts on the quality of service delivery.

Many obstacles impede the efficient delivery of services especially at local government. This has led to the rise of service delivery protests. These service delivery protests are clear signs that there is a need to address the service delivery challenges with a sense of urgency as citizens want to see tangible changes and concrete improvement in the quality of their life. Of equal importance is the need to improve the quality of public services in areas such as education, healthcare, housing, water and sanitation. Through its Citizens Forum, inspections and public hearings, the PSC has been able to identify service delivery lapses and come up with immediate solutions through engagement with communities, key stakeholders and relevant departments. Citizens' Forums have been found to be a useful and an exciting way of drawing ordinary people into governance processes so that the concerns of grassroots communities can be better understood and addressed by official structures. During this period, the PSC will target areas where there are gross social and economic inequalities such as the former homelands, remote rural areas and townships. The challenge however remains that the PSC can only apply these tools on a limited scale, therefore limiting its impact on the wider Public Service. In addition, the PSC is concerned about the limited adoption and use of these tools by other stakeholders.

c) *Meritocratic and professional Public Service*

The Public Service is labour intensive and the PSC recognises that in order to effectively achieve the socio-economic development goals of the NDP, there is a need to intensify the strategic management of human resources especially in the areas of recruitment and selection as well as the Performance Management and Development System. The NDP proposed that the PSC should be an active champion of a meritocratic Public Service with a stronger oversight role. In response to this, the PSC will need to focus on the creation of a Public Service that is capable, committed, ethical, development-oriented, responsive, transparent and accountable for efficient and effective delivery of quality services to all citizens. The PSC recognises that the effective implementation of the Performance Management and Development System has the potential to improve the performance of the Public Service.

The performance of the Public Service depends in part on the type of public servants that are recruited. Skills remain one of the biggest constraints to economic growth and the NDP highlights that the key to development is sustainable employment and economic growth through education and skills development. This is against a backdrop of where the outcome of decent work and inclusive growth remains South Africa's greatest challenge. Other major challenges include the quality of school education, the public health system, uneven performance within the Public Service and land reform.

The South African government has adopted the Developmental State model as the overarching development agenda of the country. This is based on the recognition that to overcome the triple developmental challenges – unemployment, poverty and inequality – and to transform the structural basis of the economy requires a Developmental State. The PSC has a central role in shaping the kind of public administration and Public Service that will help South Africa achieve its developmental goals. In order to assist in generating debates on the nature and characteristics of the Public Service that should underpin a

developmental state in South Africa, the PSC will host a high level conference on the Developmental State.

d) *Contributing to the prevention of corruption in the Public Service*

The South African Public Service has generally responded well to the demands for a clear, accountable and transparent government. A comprehensive legislative and infrastructural framework has been put in place by government, and this framework has been operationalised with the involvement of all sectors of society. The PSC has been at the forefront of ethics initiatives that protect the public interest from abuse by private and sectoral interests. Amongst others, it was instrumental in developing and implementing the Code of Conduct, the drive for senior managers in the Public Service to disclose their financial interests and the management of the National Anti-Corruption Hotline. As such, the PSC recognises the need to maintain a coordinated and sustained response to promoting integrity.

Through the National Anti-Corruption Hotline and the Complaints Rules, the PSC receives various allegations involving corruption. As a result of the nature of the allegations received, the PSC categorises the types and nature of alleged corruption into the following categories:

- Fraud and bribery
- Mismanagement of government funds
- Abuse of government resources
- Procurement irregularities
- Reconstruction and Development Programme (RDP) housing fraud
- Appointment irregularities
- Social grant fraud
- Identity document fraud
- Unethical behaviour.

Not all complaints lodged with the PSC fall within its jurisdiction. Such complaints are referred to the appropriate bodies for further handling, e.g. the South African Police Service, the Independent Police Investigative Directorate, the Auditor-General, the South African Human Rights Commission, etc.

The PSC indicators show an improvement in the prevention of corruption through the closure rate of National Anti-Corruption Hotline cases, decline in the cost of financial misconduct and increased compliance with the Financial Disclosure Framework. Corruption continues to undermine our development efforts and impede sustainable development. Although adequate legislation is in place, political will and clear communication is required to foster a sense of commitment to the public good. Public perception and concern around the abuse of public resources has grown, leading to a loss of trust in political, public and business leadership. In its contribution to the fight against crime and corruption, the PSC continues to conduct investigations in respect of complaints lodged through the Complaints Rules and the National Anti-Corruption Hotline. The complexity and scope of complaints lodged has also

increased. The PSC also serves as secretariat to the National Anti-Corruption Forum.

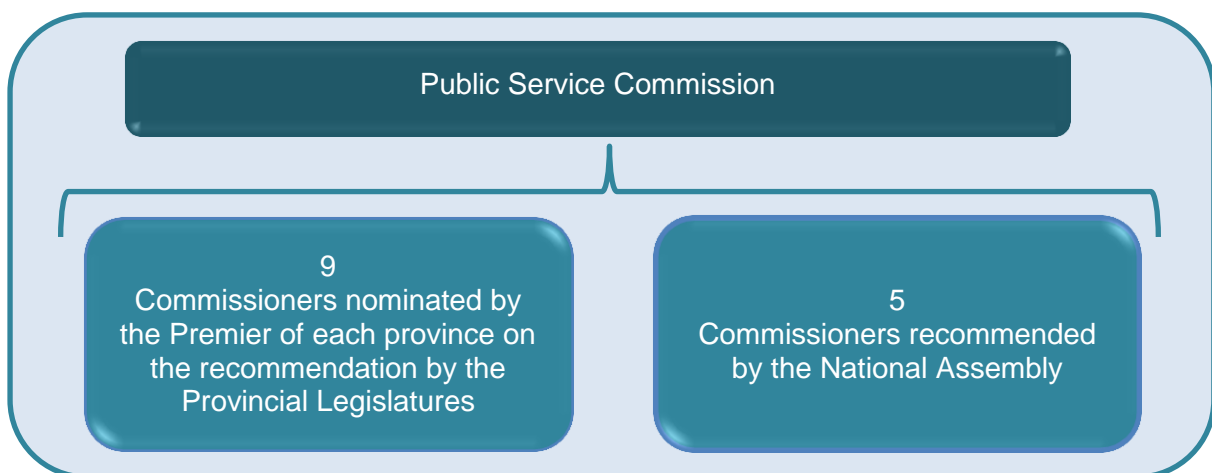
5.2 Organisational Environment

The organisational environment is discussed under four headings: the PSC and its governance structures, resources, financial matters and stakeholders.

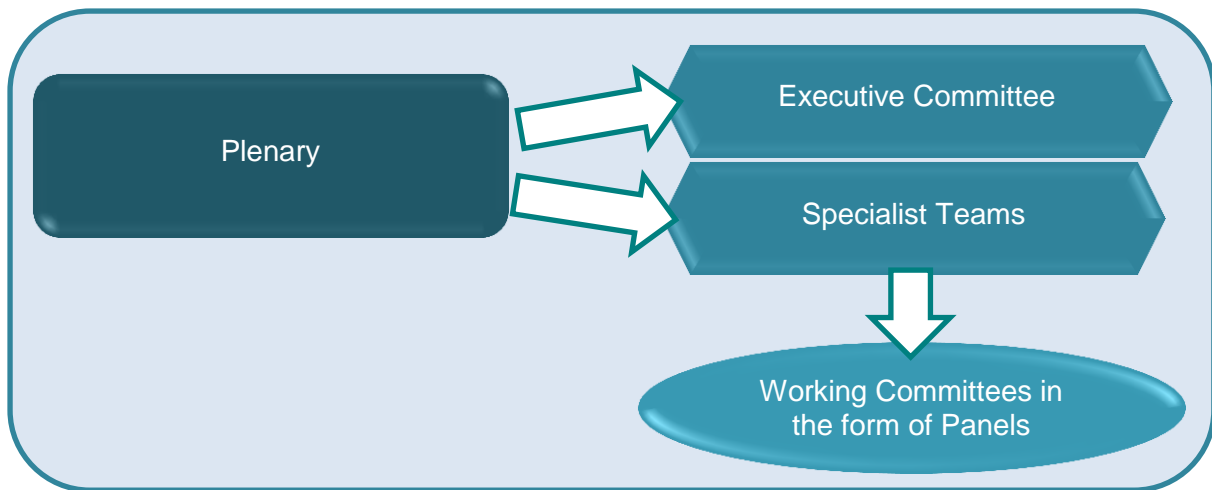
a) *The PSC and its Governance Structures*

The PSC is an independent entity that was established in 1999 in terms of Section 196 of the Constitution of the Republic of South Africa, 1996. The Constitution stipulates that there is a single PSC for the Republic of South Africa, consisting of 14 members, five of which are appointed by the President on the recommendation of the National Assembly. One member is appointed from each of the nine provinces, after nomination by the Premier of the province on the recommendation of the Provincial Legislature. The PSC is accountable to the National Assembly and must report to it annually. It must also report to the Legislature of a province on its activities in each province.

The diagram below illustrates the single PSC for the Republic:



The PSC Act provides for the President to designate one Commissioner as Chairperson and another as Deputy Chairperson of the PSC. The PSC has, in terms of Section 11 of the PSC Act, 1997, issued Governance Rules of the PSC. These Governance Rules are comprehensive and define the role and functions of Commissioners and provide for various governance structures within the PSC. The diagram below illustrates the governance structures of the PSC:



The *Plenary* is the highest decision making body of the PSC and is constituted by the 14 Commissioners. All policy decisions of the PSC are taken at Plenary. Plenary meetings are held at least once every quarter. The *Executive Committee* is responsible for monitoring the decisions of Plenary and meets at least once a month. It makes operational decisions within the parameters of the policy framework of the PSC and makes decisions regarding ad hoc projects based on recommendations submitted to it by the Director-General. In order to execute the PSC's mandate, subcommittees are established in the form of *Specialist Teams*. The Specialist Teams provide strategic oversight of the key performance areas of the PSC and as such assess the effectiveness of work produced by the PSC. Specialist Teams must take decisions and make findings and recommendations on behalf of the Commission in line with the delegations framework. *Working committees of Specialist Teams* in the form of panels are established to deal with decision-making in respect of investigations in terms of section 196 (4) (f) of the Constitution, in line with the Rules and the delegations framework.

The PSC is a separate and independent institution which functions independently of government departments, Ministers or institutions. The PSC is recognised as a constitutional body, however it is not listed in Schedule 1 of the Public Finance Management Act, that provides a list of the constitutional institutions. The PSC is supported by the OPSC.

The OPSC is established as a national government department in terms of Schedule 1 of the Public Service Act, 1994, as amended, and is an organ of state. The OPSC is headed by a Director-General, who is also the Accounting Officer. In terms of Section 14 of the PSC Act, the Director-General shall, subject to the control and directions of the PSC, be responsible for the administration of the relevant Office. The principal responsibility of the Director-General is to provide support and render advice to the PSC. As already indicated in paragraph 4.5 (a) above (refer to page 16), the NDP specifies that there is potential for the OPSC's status as a Public Service department to compromise the PSC's independence. This view is reinforced by the outcome of a workshop of the Office on Institutions Supporting Democracy held in September 2011 to discuss the Report of the Ad Hoc Committee on the Review of Chapter 9 and Associated Institutions. In respect of governance matters, it was recommended that there is a need to fast-track legislative amendments that will provide

clear demarcation of functions in respect of Chairpersons and Chief Executive Officers, and clearly define accountability lines.

At its Strategic Planning Session held in July 2014, the PSC identified the need to re-position the PSC as a key priority. In re-positioning the PSC, it should be decided whether the Office, as a department, has any negative impact on its functioning and independence, and if so whether the concern should be addressed through legislative changes. In the latter regard, the OPSC, established in terms of the Public Service Act, 1994, as amended, would have to be removed from Schedule 1 of the Act and the Department abolished.

The Chairperson of the PSC is the Executive Authority of the OPSC and as such has all the powers vested with executive authorities in terms of Section 3 of the Public Service Act, 1994 and the Public Service Regulations, 2001.

The PSC's national office is in Pretoria and has 9 provincial offices located in each province and a parliamentary office. The organisational structure of the OPSC is currently comprised of the following four branches:



In the current model, the PSC is supported by a government department. This model has a potential to create a conflict of role and responsibilities as the Commissioners are appointed according to provisions derived from Chapter 10 of the Constitution and the PSC Act while the OPSC is provided for in the PSC Act and regulations.

b) Resourcing

The organisational structure has 311 posts, including the 14 Commissioners. As at 19 January 2015, 3 posts of Commissioner were vacant and 26 posts within the OPSC were vacant. Over a period of 10 years, there has been a minor increase of 45 posts on the establishment, (from 252 posts in the 2004/05 financial year to 297 posts in the 2014/15 financial year, excluding Commissioners). However, the work of the PSC increased substantially. For example, in order for the PSC to fully implement the resolution of Parliament, there will be a need for a substantial increase on its budget allocation.

The PSC's budget is located within the budget appropriation of the Department of Public Service and Administration (DPSA). However, DPSA does not have any authority to adjust the allocation to the PSC, and merely acts as a conduit for the transfer of monies to the PSC. Although the PSC has an Executive Authority in the form the Chairperson, it is unable to defend its budgetary requirements before Parliament and is dependent on the Minister for Public Service and Administration to lobby for its needs.

The location of budgets of institutions supporting democracy and other constitutional bodies has been raised as a concern within the Forum for Institutions Supporting Democracy (FISD) as well as by the Portfolio Committee on Public Service and Administration. The Report of the ad hoc Committee on the Review of Chapter 9 and Associated Institutions recommends that budget allocations of institutions supporting democracy should be relocated from national departments to the Budget Vote of Parliament and that a revised funding model for all these institutions must be formulated.

The PSC's budget is limited to cover its wide mandate and most of the resources are allocated to the OPSC. The current budget structure is according to a department and not a constitutional institution. The PSC is in the process of re-organising the organizational structure in order to ensure that it supports the effective delivery of its mandate.

c) *Financial matters*

The PSC received additional funding in the 2013/14 financial year to intensify work in the area of anti-corruption, enhance the grievance management system as well as in anticipation of the PSC's mandate to include local government. This resulted in the creation of 38 additional posts on the establishment. The PSC has put various cost-saving measures in place, however, the PSC's limited budget and human resources impact negatively on its ability to discharge its oversight function to Parliament and has resulted in the PSC not being able to meet the increasing requests for assistance from its stakeholders. Given the PSC's limited resources, it will need to prioritise and focus on specific areas that have a potential for maximum impact.

d) *Stakeholders*

The PSC has a wide spectrum of stakeholders and partners who jointly contribute to its vision of being a champion of public administration excellence in democratic governance in South Africa. These stakeholders include the Parliament of South Africa, the provincial legislatures, members of the executive, the donor community, international stakeholders (the African Union and Association of African Public Services Commissions), Institutions Supporting Democracy, citizens and the media.

A longer term strategy of the PSC is to reposition itself so that it maintains its relevance and is able to play a more meaningful role in the consolidation of democracy and the creation of a professional Public Service. At the heart of the approach is for the PSC to become the driver of Public Service discourse through, for instance, Citizens' Forums, outreach programmes, roundtable discussions and public hearings.

The PSC is accountable to Parliament and regularly provides Parliament and the Provincial Legislatures with feedback on the implementation of its mandate. Over the years, the PSC has witnessed an increase in the demand for engagement with the various Portfolio Committees and Legislatures and also requests to conduct research on public administration matters. Some of the requests involve the PSC undertaking research in areas that have not been previously researched. The PSC cannot predict the number and nature of requests it

will receive and therefore has to take such requests into consideration when planning for the forthcoming financial years. Although offering assistance is part of the PSC's constitutional mandate, the PSC will need to develop methods to respond effectively to greater demands from its stakeholders and create sufficient space for meeting these demands.

In executing its mandate, the PSC recognises the importance of the cooperation of its stakeholders. The main challenge faced by the PSC is the responsiveness of stakeholders to its recommendations. This impacts on the PSC's ability to effectively deliver on its mandate. There has also been unevenness in its interaction with Parliament as there is greater demand for its interaction with selected Portfolio Committees. Another challenge is that the PSC lacks the authority to enforce its recommendations and thus the PSC is severely constrained in accounting to Parliament on the actual impact that it makes in other aspects of its mandate. In order to address these challenges, the PSC will therefore need to robustly engage with its stakeholders in the period ahead.

Through a resolution of Parliament in 2011, a need for the PSC to annually evaluate the performance of all departments against the nine values in Section 195 of the Constitution was identified. The evaluation would be done in such a manner that trends in performance over time could be shown and key weaknesses in public administration could be identified so that government could have a clear indication of what needs to be done to ensure excellence in public administration. Parliament expressed the expectation that the PSC's report on the governance and performance of departments could complement the Auditor-General's financial, regularity and performance information audits, and should be inserted in the annual report of a department in the same manner as the Auditor-General's report. The PSC has considered the resolution of Parliament but due to resource constraints, it will only be able to implement the resolution in an incremental manner.

The PSC is a member of the FIRD. The aim of the Forum is to provide a platform for the institutions supporting democracy to pursue cooperation, collaboration and an alliance while maintaining their independence and autonomy. Through the FIRD, the PSC will continue to forge better working relations with members of these institutions. The FIRD has also established working groups that will look into issues such as complaints management in order to avoid duplication of work, the funding of these institutions and how these institutions account to Parliament.

e) *Programme evaluations*

The PSC introduced a change management programme, which entails the review of the PSC's business processes. Two major business processes (grievance and complaints management) were identified as a priority to be re-engineered. The main objective of the re-engineering process was to enhance the internal processes of dealing with grievances and complaints as well as addressing some of the challenges identified.

Through the implementation of the re-engineered business processes, periodic reviews were conducted. Based on the achievements, challenges, stakeholder expectations and concerns, and lessons from other institutions, review reports were produced, which contains

recommendations for further strengthening these business processes.

5.3 Description of the Strategic Planning Processes

The PSC held its Strategic Planning Session from 7 – 10 July 2014 under the theme: *“Moving forward to strengthening the impact of the Public Service Commission in public administration in a developmental South Africa”*. The Session was attended by members of the PSC and senior managers in the OPSC. The purpose of this Session was to:

- Conduct a situational analysis of both internal and external environment impacting on the work of the PSC
- Conduct a review of the PSC’s performance
- Assess the extent to which the PSC has achieved its strategic objectives
- Generate and identify key flagship projects for the 2015/16 financial year
- Conduct a strategic risk assessment
- Generate inputs for the production of the 5 year strategic plan of the PSC
- Revisit some of the strategic issues raised during the 2013 PSC Strategic Retreat Session.

An external guest, Dr TV Maphai, who was the Chairperson of the Presidential Review Commission (PRC) and the Ministerial Committee on the review of the South African Management Development Institute, as well one of the Commissioners on the NPC made a presentation during the Session. He traced the evolution of the PSC since the promulgation of the Constitution and provided a critical reflection on the external environment impacting on the PSC since the PRC.

Commissioners led discussions on various topics that contributed to the success of the Strategic Planning Session. Commissioners undertook added planning sessions on 24 July and 22 August 2014 to finalise the strategic outcome oriented goals and strategic objectives for the next 5 years.

The PSC held its Strategic Planning Session from 14 to 16 July 2015, under the theme: *“Enhancing the role and impact of the PSC in building a capable and developmental state.”* The Session was attended by members of the PSC and senior managers in the OPSC. The purpose of this Session was to:

- To reflect on and create a shared understanding of the PSC’s holistic mandate.
- To create synergy between the work streams of the PSC with the Constitutional mandate
- To develop strategies and identify initiatives to take forward the proposals made in the Developmental State discussion document
- To review the first year performance of the implementation of the PSC’s strategic plan
- To conduct a review of policy changes that might have an impact on the work of the PSC
- To identify and generate key projects for the 2016/17-2018/19 financial years

The external guests included the following:

- Chief Justice Ngcobo from the Presidential Remuneration Review Commission (PRRC), who provided a briefing about the work of the PRRC and the possible collaborative relationship with the PSC;
- Adv Dumisa Ntsebeza and Adv Hendrik Kotze from Equillore, who made a presentation on conflict management approaches,
- Mr Enver Daniels, the Chief State Law Advisor and his team who provide support during discussions on the mandate of the PSC, and
- Mr George Tembo from the National Treasury who provided a briefing on the 2016 Medium Term Strategic Framework (MTSF) Outlook.

Emanating from the 2015 Strategic Planning Session and consultations with the Department of Planning, Monitoring and Evaluation the Strategic Plan for the 2015/16 to 2019/20, issued in January 2015 was revised. In particular, the Strategic Outcome Oriented Goals and Strategic Objectives have been amended.

6. STRATEGIC OUTCOME ORIENTED GOALS OF THE INSTITUTION

The PSC Strategic Planning Session identified the following strategic outcome oriented goals:

Strategic Goal 1	Outcome	Make a positive impact on the attainment of an efficient, economic, effective and development-oriented public service
Goal statement		People centered, value-driven capable, professional and ethical public service to ensure the optimal use of resources
Strategic Goal 2	Outcome	Make a positive impact on the attainment of impartial and equitable service delivery that responds to the needs of the people and treat them with dignity
Goal statement		Quality of service delivery is improved through building a values-based, capable and professional public service
Strategic Goal 3	Outcome	Strengthened institutional capacity
Goal statement		An independent, impartial, knowledge-based institution that promotes a development-oriented public service
Strategic Goal 4	Outcome	Make a positive impact on the attainment of sound labour relations and human resource management
Goal statement		A Public Service that is sensitive and responsive to needs of its employees

PART B: STRATEGIC OBJECTIVES

7. INTRODUCTION

During the Strategic Planning Session in July 2015, the PSC revised its strategic oriented outcome goals and strategic objectives. In addition, projects that will contribute towards a PSC that is impactful and developmental were identified and are discussed below:

7.1 PROGRAMME 1: ADMINISTRATION

Purpose of the Programme: The programme provides overall management of the PSC and centralised support services.

Programme overview: The programme objective is to provide strategic leadership, direction, management and administrative support to the PSC. The figure below provides an overview of the three sub-programmes.



- *Public Service Commission:* This sub-programme provides for the conditions of service of the 14 Commissioners appointed in terms of Section 196 of the Constitution, 1996.
- *Management:* This sub-programme handles the overall management of the OPSC. It comprises the Director-General and the heads of the three line-function branches, as well as Corporate Services.
- *Corporate Services:* The main aim of this sub-programme is to provide corporate support services to the PSC and its Office.

7.1.1 Strategic Objectives

Strategic Objective 1.1	Provide strategic direction to the PSC
Objective statement	To execute the PSC's mandate by providing sound direction and leadership through the implementation of the five year strategic and annual performance plans
Baseline 2013/14	Preparation of a Strategic Plan that supports the PSC's strategic priorities, within a framework that will ensure sustainability, effectiveness and efficiency
5 year target	Annual review of the Strategic Plan and Annual Performance Plan

By means of strategic direction, leadership, management and control, the PSC ensures that the Strategic Plan and Annual Performance Plan is executed in an effective manner. In addition, the management of the OPSC ensures that the PSC is adequately supported on all matters emanating from its constitutional mandate. The sub-programme also provides –

- comprehensive legal support to the PSC;
- support for planning, monitoring and delivering the PSC's activities; and
- strategic and secretariat support services to the PSC and manages liaison with Parliament, Provincial Legislatures and other stakeholders.

Strategic Objective 1.2	Provide corporate support services
Objective statement	Provide corporate support services to the PSC and Office to enable the PSC to achieve its strategic objectives through the continuous improvement of governance and financial management, the appropriate use of resources and maintaining an unqualified audit
Baseline 2013/14	Unqualified audit report
5 year target	Unqualified audit reports

This sub-programme is headed by the Deputy Director-General: Corporate Services who is also the Chief Financial Officer, appointed in terms of Chapter 2 of the National Treasury

Regulations, and reports directly to the Accounting Officer. The main activities of this sub-programme are as follows:

- *Financial Management:* The Financial Management Directorate ensures accountable financial administration and management through the development, implementation and regular review of financial management systems and processes in line with the prevailing prescripts, most importantly the Public Finance Management Act, 1999. The Directorate will ensure that the PSC continues to receive unqualified audit opinions.
- *Supply Chain Management and Security Services:* The Directorate amongst others provides efficient and effective Supply Chain Management and logistical support. It will continue to promote transparency and support value for money with prevailing prescripts. The Facilities Management will ensure that alternative accommodation in respect of expired PSC leases is procured. The Security Services will ensure protection of property, assets, employees, visitors and contractors.
- *Information Technology:* The Directorate provides effective and efficient information and communication technology services, through provision of ongoing and maintenance and support of Information Technology (IT) infrastructure and systems. The Directorate will align Information Communication Technology services with the business strategy through the automation of critical business processes. The Directorate will also ensure that all the IT governance structures are in place in line with the Corporate Governance of Information and Communication Technology Policy Framework (CGICTPF) implementation guideline.
- *Communication and Information Services:* The Directorate provides communication support to the PSC. In an effort to increase visibility, the PSC will strengthen its engagements with stakeholders through hosting stakeholder engagements in all the provinces. Likewise, the PSC will hold quarterly interactions with members of the media in an effort to popularise its work. In order to strengthen internal communication, the PSC will create platforms such as learning networks, Brown Bag Lunch and Information Sessions with the view of sharing knowledge and information relevant to the work of the organisation.
- *Human Resource Management and Development:* The objective of the Directorate is to implement and maintain sound human resource management and development practices. The Directorates will improve on providing strategic human resource management. The focus during the next Medium Term Strategic Framework will be on aligning the structure with the strategy, strengthening the recruitment and selection processes, conducting skills audit, capacity development, talent management and retention of staff.

7.1.2 Resource Considerations

Per Sub-programme	Voted Main appropriation	Adjusted appropriation	Revised Estimate	2016/17	2017/18	2018/19
	R m	R m	R m	R m	R m	R m
PSC	19.7	19.8	19.8	19.5	22.2	23.7
Management	5.9	6.3	6.5	5.5	6.5	7.0
Corporate Services	50.6	53.5	50.5	54.3	57.1	60.6
Property Management	24.0	19.0	19.0	26.5	28.2	29.7
Total	100.2	98.6	95.8	105.8	114.0	121.0

Per economic classification	Voted Main appropriation	Adjusted appropriation	Revised Estimate	2016/17	2017/18	2018/19
	R m	R m	R m	R m	R m	R m
Compensation of Employees	64.0	63.6	65	67.5	69.1	73.7
Goods and services	35.3	34.1	30.6	38.3	44.7	47.2
Transfers and subsidies	0	0.0	0.1	0.0	0.0	0.0
Payment for capital assets	0.9	0.9	0.1	0.0	0.1	0.1
Total	100.2	98.6	95.8	105.8	114.0	121.0

The emphasis of the PSC over the medium terms is to enhance its role and impact in building a capable and developmental state. The reduction of the PSC's budget on Goods and Services will have an adverse effect on the delivery of services, as the budget covers mainly fixed costs associated with the day-to-day running of the PSC. The PSC has already implemented cost-saving measures on non-essential items such as travel and accommodation, catering and communication. It must, however, be kept in mind that the PSC cannot execute its mandate by being office based. By its very nature its mandate requires of the PSC to engage with stakeholders on site, such as in the case of investigations, inspections and Citizens' Forums.

Over the medium term the PSC will focus on improving its spending trends by containing its compensation budget in order to direct a greater share of its resources towards outputs with greater impact.

The PSC has implemented the reviewed Governance Rules and Delegations Framework during the 2015/16 financial year. Central capacity will have to be created to monitor the implementation of the Delegations Framework. In addition, the Management Performance Assessment Tool requires that departments establish internal monitoring and evaluation units. The PSC does not have such a unit in place to perform internal monitoring and evaluation.

Depending on the availability of resources, the PSC would create an Internal Control and Risk Management Unit as required in the prevailing prescripts.

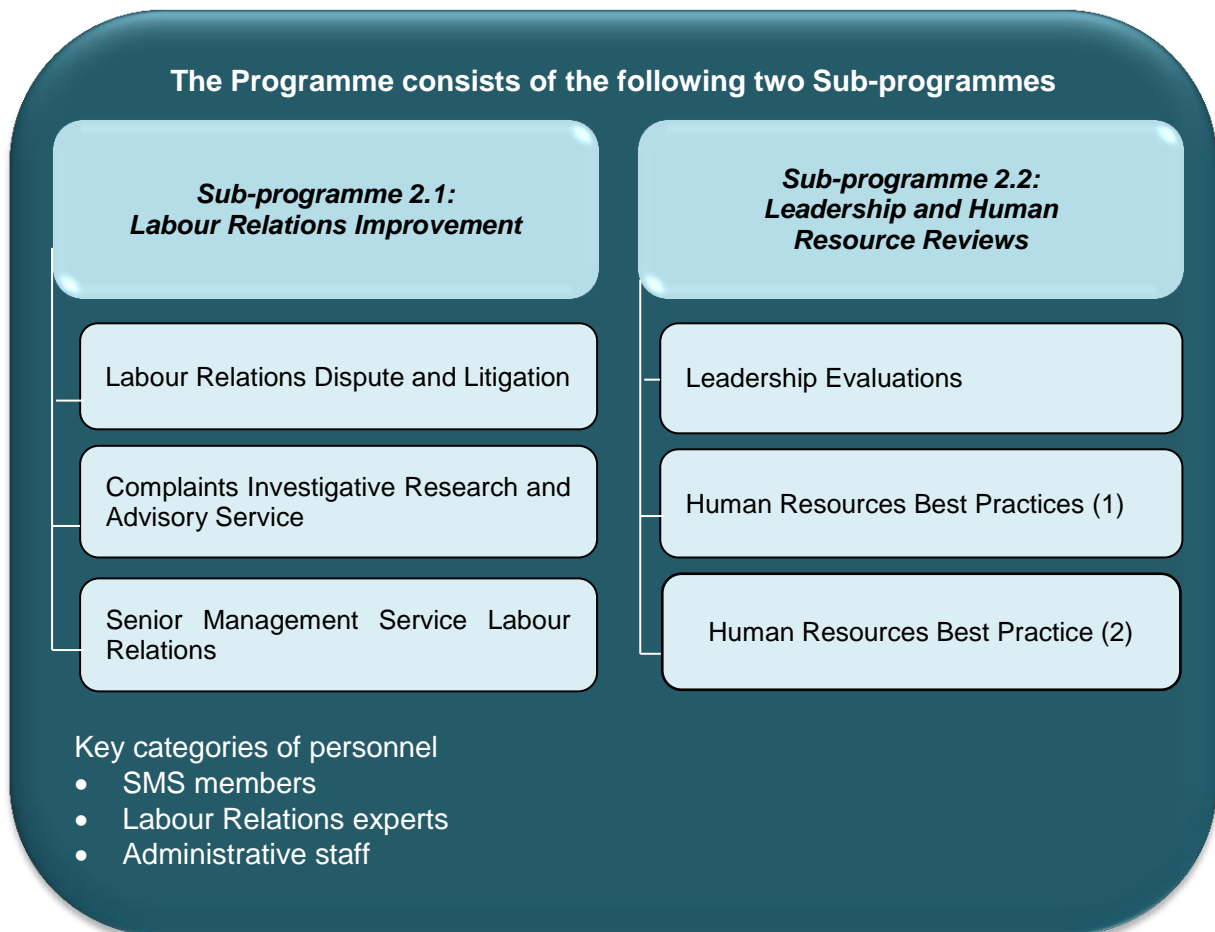
7.1.3 Risk Management

Risk	Risk mitigation
Possible disruption in continuity as a result of the impending move of the national office and selected provincial offices	<ul style="list-style-type: none"> • Task Team, led by a Public Service Commissioner, appointed to drive the move to the new building and manage challenges around the process • Regular follow-ups are made until problems are resolved
Over and or under spending in relation to the approved budget	<ul style="list-style-type: none"> • Budget, expenditure and cash flow management process • Project budgeting and costing undertaken regularly • Budget committee meetings are held on a monthly basis with the programme managers • Programme meetings are held with National Treasury
No or ineffective IT governance	<ul style="list-style-type: none"> • IT Governance issues are discussed at the Audit Committee meetings and Executive Management Meetings • IT Steering Committee has been established
Loss of reputation / public confidence	<ul style="list-style-type: none"> • Communication Strategy in place • Stakeholder Management Strategy in place

7.2 PROGRAMME 2: LEADERSHIP AND MANAGEMENT PRACTICES

Purpose of the Programme: The programme promotes sound Public Service leadership, human resource management, labour relations and labour practices.

Programme overview: The programme monitors and investigates grievances of employees and makes recommendations in line with applicable prescripts to enhance Public Service labour relations. It provides advice and guidance to different stakeholders and conducts research and advocacy in the areas of human resource management and labour relations. The programme also evaluates the efficiency of Public Service leadership, proposes improvements to leadership practices as well as promote accountable public administration. The figure below provides an overview of the two sub-programmes in the Programme:



7.2.1 Strategic Objectives

Strategic Objective 2.1	Improve labour relations in the Public Service
Objective statement	Public Service labour relations and practices enhanced through timely investigation of all properly referred grievances and provision of best practices
Baseline 2013/14	<ul style="list-style-type: none"> • Effective management of 63% of properly referred grievances in the Public Service • Compilation of 6 monthly reports on departmental grievance resolution throughout the Public Service • Trends analysis on grievance resolution in the Public Service • Labour Relations Conference
5 year target	<ul style="list-style-type: none"> • 80% of all properly referred grievances concluded

In line with its strategic objective, the sub-programme: Labour Relations Improvements will continue to investigate grievances of employees in the Public Service and make appropriate recommendations to the Executive Authority in terms of the constitutional mandate of the PSC and the grievance rules and procedures. The programme will continue to monitor grievance trends in the Public Service. It will also promote sound and fair labour relations and practices throughout the Public Service and in particular propose measures to improve conflict management in the Public Service.

Through this sub-programme, the PSC will also review the grievance rules and publish a Grievance Management Communiqué in order to assist departments in the management of grievances and promote sound labour relations within departments.

Strategic Objective 2.2	Conduct leadership and human resource reviews
Objective statement	To identify and promote sound Human Resource Management and Leadership Practices in public administration
Baseline 2013/14	73% of set annual targets achieved
5 year target	80% of annual targets achieved

The sub-programme: Leadership and Human Resource Reviews supports the PSC in monitoring, evaluating and advising the Public Service on personnel practices.

In line with the NDP, the PSC will direct its investigations, monitoring and evaluations towards building a meritocratic Public Service. In the period ahead, the PSC will focus on evaluating the impact of recruitment and selection practices on the performance of the Public Service. The sub-programme will also analyse the impact of management practices in relation to the career incidents of HoDs and senior managers within the context of a developmental state. Advocacy sessions will be convened to discuss the findings and recommendations of various PSC reports.

7.2.2 Resource Considerations

Per Sub-programme	Voted Main appropriation	Adjusted appropriation	Revised Estimate	2016/17	2017/18	2018/19
	R m	R m	R m	R m	R m	R m
Labour Relations Improvement	22.3	23.2	22.8	23.7	24.8	26.7
Leadership and Human Resource Reviews	14.6	14.6	15.6	15.0	15.7	16.9
Programme Management: LMP	1.7	1.7	1.7	1.7	1.9	2.0
Total	38.6	39.5	40.1	40.4	42.4	45.6

Per economic classification	Voted Main appropriation	Adjusted appropriation	Revised Estimate	2016/17	2017/18	2018/19
	R m	R m	R m	R m	R m	R m
Compensation of Employees	37.6	37.5	38.7	39.8	40.8	43.9
Goods and services	1.0	2.0	1.4	0.6	1.6	1.7
Transfers and subsidies	0.0	0	0	0.0	0.0	0.0
Payment for capital assets	0.0	0	0	0.0	0.0	0.0
Total	38.6	39.5	40.1	40.4	42.4	45.6

In the 2013/14 financial year the PSC created additional capacity at national and provincial level to improve the management of grievance within the PSC. This, together with the re-engineered grievance management process have resulted in the backlog of cases being reduced progressively, as well as the turn-around time for finalising cases.

The role envisaged in the NDP for the PSC regarding its role in monitoring recruitment processes and the recruitment of the most senior posts (as referred to in paragraph 4.5 (a) above), would require additional resources and legislative changes.

7.2.3 Risk Management

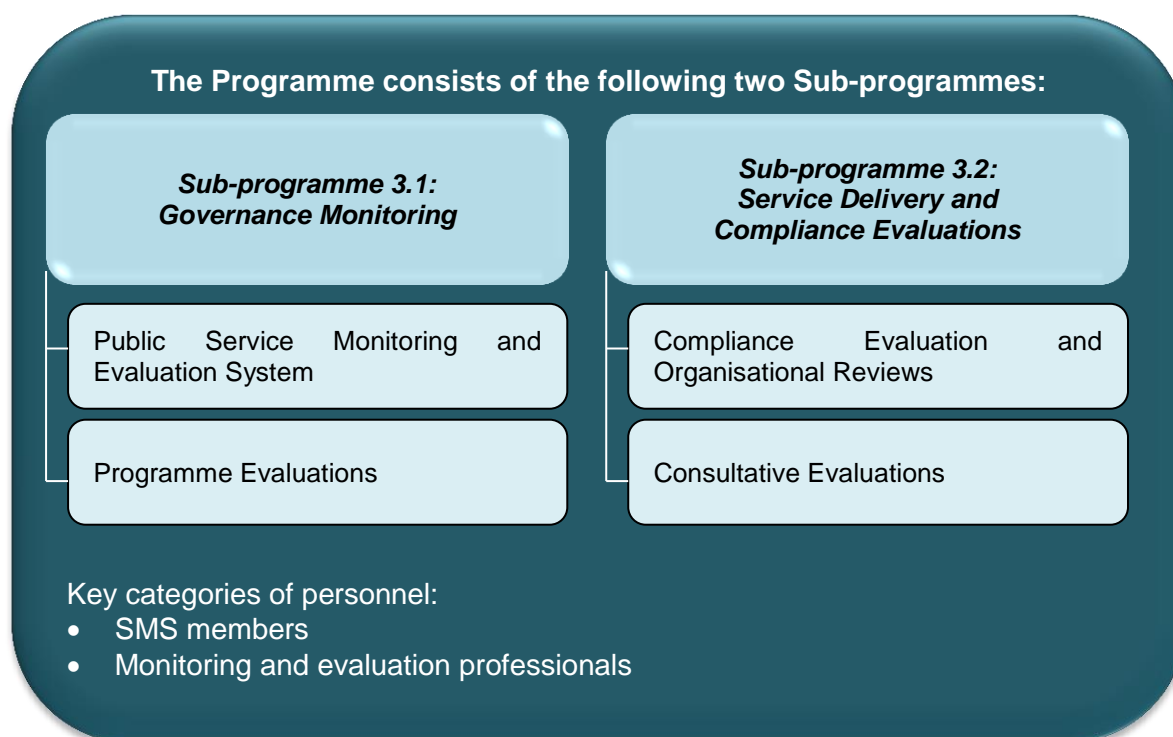
Risk	Risk mitigation
Lack of an effective system to monitor implementation of recommendations	<ul style="list-style-type: none"> Put system in place to monitor implementation of recommendations Advocacy sessions on findings and recommendations
Limited implementation of the PSC's recommendations and advice	
Inability to finalise grievance investigations and recommendations within three months	<ul style="list-style-type: none"> Continuous follow-ups with the departments Engage with EA in the resolution of grievances and the need to delegate the function if necessary Review the grievance rules
Limited capacity within the PSC to conduct different types	<ul style="list-style-type: none"> Establish partnerships with selected tertiary institutions to improve capacity

Risk	Risk mitigation
research	
Lack of a centralised document management system	<ul style="list-style-type: none"> • Work closely with Corporate Services to create a document management system
Inability to complete projects within set time frames	<ul style="list-style-type: none"> • Focus on few and high impact projects • Ensure proper human resource allocation during the proposal development stages • Facilitate the filling of key senior management positions
Inadequate access to transversal and other systems in government	<ul style="list-style-type: none"> • Engage with the relevant stakeholders

7.3 PROGRAMME 3: MONITORING AND EVALUATION

Purpose of the Programme: To establish a high standard of service delivery, monitoring and good governance in the Public Service.

Programme overview: The programme gives effect to the PSC's mandate to monitor and evaluate public administration and report on compliance with the constitutional values and principles governing public administration. It also seeks to address the PSC's mandate of promoting effective and efficient service delivery, responsiveness to the needs of the public and to propose measures to ensure effective and efficient performance in the Public Service. The figure below provides an overview of the two sub-programmes in the Programme:



7.3.1 Strategic Objectives

Strategic Objective 3.1	Undertake governance monitoring
Objective statement	To provide institutional assessments and programme evaluations that support policy and management decisions
Baseline 2013/14	19 research reports produced between 2012/13 and 2013/14 financial years
5 year target	80% of annual targets achieved

The main focus of the sub-programme: Governance Monitoring will be to promote the 9 constitutional values and principles as enshrined in the Constitution. The PSC will define the

scope of each value and its expectations of departments with regard to compliance with the values. These expectations will then be consulted with departments and indicators agreed with departments against which their compliance with the values will be evaluated. The PSC will then use this framework to do a number of governance assessments of departments. The PSC will further develop its data centre that houses data on all aspects of Public Service performance. This data enables the PSC to respond to a variety of questions from all its stakeholders on the performance of the Public Service and is the quantitative factual base for many of its evaluations. The PSC issues a number of recommendations each year to promote compliance with the values. The PSC tracks the implementation of these recommendations and assesses the contribution these recommendations made towards achieving excellence in public administration. All this work culminates in an annual state of the Public Service report that is required by Section 196 (4) (e) of the Constitution. This report will provide information on all the activities of the PSC to promote the values, will contain an evaluation of the performance of the Public Service against the nine values, and report on all the recommendations that the PSC has issued under each of the values and the implementation of those recommendations.

Strategic Objective 3.2	Conduct service delivery and compliance evaluations
Objective statement	To provide participative evaluations as well as evaluations of service delivery models and processes to support policy and management decisions
Baseline 2013/14	7 research reports produced
5 year target	80% of annual targets achieved

The sub-programme: Service Delivery and Compliance Evaluations aims to provide participative evaluations and to assess the effectiveness of service delivery mechanisms in the Public Service.

The National Development Plan urges departments to move towards a state that is capable, efficient and more responsive to the needs of the people. Furthermore, outcome 12 requires an efficient, effective and development-oriented Public Service and an empowered and inclusive citizenship. The emphasis is on government working with citizens to propose practical measures to improve service delivery and ensure that their needs are met. During the period ahead, the sub-programme will focus on engaging with stakeholders to promote public participation in government. Through its Citizens' Forum tool, the PSC aims to reinvigorate current democratic practices, bringing meaning to people's participation and fostering a two way dialogue between citizens and government. Past experience has shown that the Citizens' Forum has delivered very meaningful and powerful results and brought immeasurable benefits to the community as the recipients of services.

The PSC will also intensify its work on inspections of service delivery sites to ensure that information on the quality of services is gathered first hand and reported. In the next 5 years, the focus will be on service delivery sites of government and also monitoring incidents of

service delivery challenges. It is also the aim of inspections to determine if government departments are achieving the required service standards intended to meet the needs of the people of South Africa. Findings and recommendations of the inspections will be used to engage both the Executive and Accounting authorities for immediate improved service delivery.

7.3.2 Resource Considerations

Per Sub-programme	Voted appropriation	Main appropriation	Adjusted appropriation	Revised Estimate	2016/17	2017/18	2018/19
	R m	R m	R m	R m	R m	R m	R m
Governance Monitoring		17.8	18.1	18.4	18.7	19.6	21.0
Service Delivery and Compliance Evaluations		17.5	18.5	19.1	18.3	19.2	20.7
Programme Management: M&E		1.7	1.1	1.6	1.7	1.9	2.0
Total		37.0	37.7	39.1	38.7	40.7	43.7

Per economic classification	Voted appropriation	Main appropriation	Adjusted appropriation	Revised Estimate	2016/17	2017/18	2018/19
	R m	R m	R m	R m	R m	R m	R m
Compensation of Employees		35.9	35.1	37.1	37.9	38.8	41.7
Goods and services		1.1	2.1	1.5	0.8	1.9	2.0
Transfers and subsidies		0.0	0.5	0.5	0.0	0.0	0.0
Payment for capital assets		0.0	-	-	0.0	0.0	0.0
Total		37	37.7	39.1	38.7	40.7	43.7

As already indicated in paragraph 4.5 (h), Parliament's Resolution regarding the functions of the PSC will have to be implemented in an incremental manner due to its resource constraints. This Programme will in particular be affected by Parliament's Resolution, as it will require substantial additional resources to provide inputs to the annual reports of entities it reports on.

The current capacity to implement the PSC's public participation programmes limits its scope and impact.

7.3.3 Risk Management

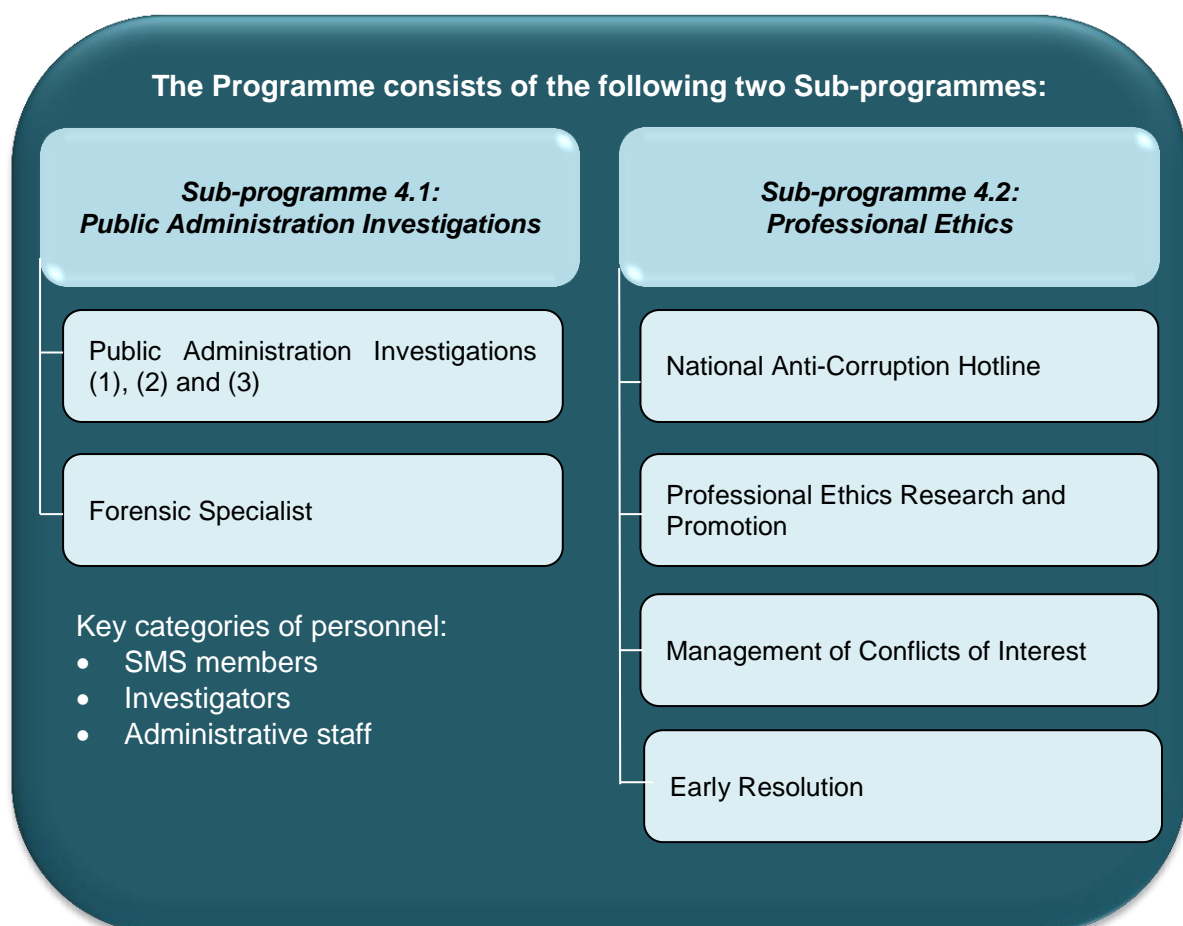
Risk	Risk mitigation
Unwillingness of EAs to implement the PSC's recommendations/ directions/ advice	<ul style="list-style-type: none"> Tracking of implementation of recommendations Advocacy of findings and recommendations Identify means to improve the implementation of recommendations/ directions/ advice
The quality of information and evaluations may not meet stakeholder needs, i.e. poor, inaccurate and incomplete	Quality assurance of data collection, analysis and reporting processes

Risk	Risk mitigation
information	
Envisaged projects not meeting stakeholders (both internal and external) needs and expectations	<ul style="list-style-type: none"> • Obtain sufficient guidance and direction towards project conceptualisation • More rigorous stakeholder engagement
Increase in demand may lead to PSC not fulfilling expectations	Consider impact of additional activities on the Workplan on a quarterly basis
Inadequate access to transversal and other systems in government	Engage with the relevant stakeholders

7.4 PROGRAMME 4: INTEGRITY AND ANTI-CORRUPTION

Purpose of the Programme: The programme is responsible for undertaking public administration investigations, promoting a high standard of professional ethical conduct amongst public servants and contributing to the prevention and combating of corruption.

Programme overview: The programme gives effect to the PSC's mandate to either, of own accord or on receipt of any complaint, investigate and evaluate the application of personnel and public administration practices. It also promotes a high standard of professional ethics and seeks to instill ethical conduct in public servants and prevent corruption through the management of the National Anti-Corruption Hotline (NACH) and the management of conflicts of interest through the Financial Disclosure Framework. The figure below provides an overview of the two sub-programmes in the Programme:



7.4.1 Strategic Objectives

Strategic Objective 4.1 Conduct public administration investigations	
Objective statement	To investigate and finalise an average of 60% of complaints lodged and improve public administration practices
Baseline 2013/14	<ul style="list-style-type: none"> • 41% of complaints lodged via the Complaints Rules finalised • 56% of complaints lodged through the NACH finalised
5 year target	60% of complaints concluded

The sub-programme: Public Administration Investigations is responsible for conducting public administration investigations either of own accord, or on receipt of complaints lodged in terms of the *Rules of PSC: Lodging of Complaints regarding Public Service* (Complaints Rules) relating to maladministration and corruption, the standard of service provided, dishonesty or improper dealings with regard to public money, unethical behaviour or any form of discrimination.

During the period ahead, the PSC will intensify its investigations into maladministration in the Public Service. In order for the investigations to be more responsive and have the desired impact, the PSC will place more focus on conducting its own investigations as opposed to referring the complaints to the departments for investigations and feedback.

Strategic Objective 4.2 Promote professional ethics	
Objective statement	To promote ethical conduct amongst public servants through the scrutiny of financial disclosure forms submitted to the PSC, the referral of 90% of NACH cases and provide advice on professional and ethical conduct in the Public Service
Baseline 2013/14	<ul style="list-style-type: none"> • 73% of financial disclosure forms scrutinised • Management of the NACH • 10 surprise visits conducted • Web-enabled system rolled out • Three factsheets produced
5 year target	<ul style="list-style-type: none"> • Scrutiny of 100% of financial disclosure forms • 90% referral of NACH cases

Through the sub-programme: Professional Ethics, the PSC seeks to promote a high standard of ethical conduct amongst public servants and to contribute to the prevention and combating of corruption in the Public Service.

The sub-programme will amongst others, conduct research and evaluate professional ethics in the Public Service; investigate corruption cases reported to the PSC; monitor and raise awareness of conflicts of interest issues amongst senior managers, and manage the Financial Disclosure Framework as well as the NACH. The newly established Directorate: Early Resolution will be mainstreamed to ensure effective assessment of cases, allocation of

such cases and speedy resolution thereof. The NACH is an important mechanism government has implemented to combat maladministration and corruption in the Public Service. As part of its mandate of promoting professional ethics in the Public Service, the PSC will amongst others, conduct workshops with the National School of Government as well as selected departments that have a low closure rate of NACH cases. The PSC is concerned about the low closure rate of NACH cases by public entities. The PSC will therefore target public entities with the least feedback. It will also review its role in the management of the NACH.

A fundamental consideration in the promotion of integrity in the Public Service is the extent to which conflicts of interest that may exist between the public servant's private interests and public duties are managed. The PSC has since 1999 realised the importance of managing such potential conflicts of interests and consequently developed the FDF for senior managers. The purpose of the FDF is to manage potential conflicts proactively and avoid these from becoming actual conflicts of interest which can easily lead to corruption. In terms of this Framework, all members of the SMS in the Public Service are required to disclose their registrable interests annually to their respective EAs. The EAs are, in turn, required to submit copies of the financial disclosure form to the PSC by 31 May of each year. During the reporting period, the PSC made a concerted effort to ensure that SMS members submit their financial disclosure forms timeously. A primary function of the PSC is to scrutinise the financial disclosure forms received and advise EAs on the prevalence of potential and actual conflicts of interest. In this regard, the PSC will scrutinise 100% of all submitted financial disclosure forms.

7.4.2 Resource Considerations

Per Sub-programme	Voted Main appropriation	Adjusted appropriation	Revised Estimate	2016/17	2017/18	2018/19
	R m	R m	R m	R m	R m	R m
Public Administration Investigations	21.3	21.9	22.4	21.2	22.0	23.7
Professional Ethics	23.2	26.8	27.3	26.4	27.6	29.6
Programme Management: IAC	1.7	1.8	1.8	1.7	1.9	2.0
Total	46.2	50.5	51.5	49.3	51.5	55.3

Per economic classification	Voted Main appropriation	Adjusted appropriation	Revised Estimate	2016/17	2017/18	2018/19
	R m	R m	R m	R m	R m	R m
Compensation of Employees	43.8	44.5	45.6	45.6	46.7	50.2
Goods and services	2.4	5.9	5.8	3.7	4.8	5.1
Transfers and subsidies	0	0.1	0.1	0	0	0
Payment for capital assets	0	0	0	0	0	0
Total	46.2	50.5	51.5	49.3	51.5	55.3

In the 2013/14 financial year the PSC created additional capacity at provincial level to improve the public administration investigations and professional ethics. The additional capacity and reviewed business process have addressed challenges around turn-around times for the investigation of complaints and the scrutiny of financial disclosure forms.

7.4.3 Risk Management

Risk	Risk mitigation
PSC not utilised as the governance investigative body in public administration	Implementation of the Stakeholder Management Framework
Inability to provide a safe working environment to investigative employees	<ul style="list-style-type: none"> Establish a secure interview room for complainants Consider safeguarding security measures to investigators
Lack of co-ordination of investigative effort within the public administration	<ul style="list-style-type: none"> Ensure enforcement of MoUs with Institutions Supporting Democracy Engagement with the FIRD to ensure common complaints management system
Sustainability of NACH	<ul style="list-style-type: none"> Workshops to be conducted in departments to ensure the training of the investigators Promotion of the NACH
Unwillingness of EAs to implement the PSC's recommendations/ directions/ advice	Identify means to improve the implementation of recommendations/ directions/ advice
Poor data quality and the availability of reliable data	Establishing a Data Centre
Inadequate access to transversal and other systems in government	Engage with the relevant stakeholders

PART C: LINKS TO OTHER PLANS

8. LINKS TO LONG TERM INFRASTRUCTURE AND OTHER CAPITAL PLANS

The PSC does not have long term infrastructure and other capital plans.

9. CONDITIONAL GRANTS

The PSC does not pay conditional grants.

10. PUBLIC ENTITIES

The PSC does not have public entities reporting to it.

11. PUBLIC-PRIVATE PARTNERSHIPS

The PSC has no plan to enter into Public-Private Partnerships.