

PULSE

OF THE PUBLIC SERVICE

PUBLIC SERVICE COMMISSION QUARTERLY BULLETIN VOLUME 17

01 APRIL TO 30 JUNE 2021



Custodian of Good Governance

ETHICAL LEADERSHIP

NON-PAYMENT OF GOVERNMENT SUPPLIERS

CURRENT DEVELOPMENTS IN THE PUBLIC SERVICE

NATIONAL ANTI-CORRUPTION HOTLINE 0800 701 701



CONSTITUTIONAL MANDATE

The PSC derives its mandate from sections 195 and 196 of the Constitution, 1996.

The PSC is tasked and empowered to, amongst others, investigate, monitor, and evaluate the organisation and administration of the Public Service.

This mandate also entails the evaluation of achievements, or lack thereof of Government programmes. The PSC also has an obligation to propose measures that would ensure effective and efficient performance within the Public Service and to promote values and principles of public administration as set out in the Constitution, throughout the Public Service.

www.psc.gov.za

CONTENTS

1. INTRODUCTION.....	02
2. ETHICAL LEADERSHIP.....	02
3. NON-PAYMENT OF GOVERNMENT SUPPLIERS.....	04
4. OVERALL NUMBER OF GRIEVANCES HANDLED BY THE PSC UP TO 30 JUNE 2021	08
5. OVERALL NUMBER OF COMPLAINTS HANDLED BY THE PSC UP TO 30 JUNE 2021.....	10
6. MANAGEMENT OF THE FINANCIAL DISCLOSURE FRAMEWORK.....	16
7. CURRENT DEVELOPMENTS IN THE PUBLIC SERVICE.....	18



1. INTRODUCTION

This edition of the Pulse of the Public Service covers the period 01 April to 30 June 2021 which is the first quarter of the 2021/22 Financial Year. The Public Service Commission (PSC) uses this Bulletin as a platform to brief its stakeholders, such as members of the public, public servants and Legislatures, on a quarterly basis about its mandate of overseeing the effectiveness and efficiency of the Public Service. The PSC is of the view that stakeholders should use the Bulletin as a source of information on the state of the Public Service.

Accordingly, this edition of the Pulse focuses on governance matters in the Public Service amongst others, the investigative analysis into the performance of the Commission on Restitution of Land Rights, ethical leadership, non-payment of government suppliers within 30 days, overall number of complaints and grievances handled by the PSC up to 30 June 2021, Management of the Financial Disclosure Framework as well as current developments in the Public Service.

The PSC welcomes the wage agreement reached between government and Organised Labour Unions. The PSC also wants to commend Organised Labour Unions and their members for being patient with the process and for not engaging on a previously planned strike as this would have crippled the already ailing economy of the country as well as the limited government resources in delivering services. Although the 1.5% may be seen as a slap on the face, this agreement shows that government cares about its employees and citizens since the beginning of the pandemic, public servants have been receiving their full salaries and other benefits as opposed to many non-government employees.

The PSC remains concerned about public servants who were irregularly paid the R350 COVID-19 grant meant for the unemployed citizens. This is not the first time such irregularities are reported and this is evidenced by various investigations conducted by the Special Investigative Unit and other law enforcement agencies, particularly corruption relating to the procurement of Personal Protective Equipment and Unemployment Insurance Funds' Temporary Employer/ Employee Relief Scheme and others, following the COVID-19 outbreak. The PSC hopes that the professionalization of the public service programme and other public sector reforms being undertaken, when adopted and implemented, will amongst others, go a long way in making it impossible for acts of unethical conduct to take place in the Public Service.

The PSC still encourages members of the public to report any wrongdoing or corrupt activities through the National Anti-Corruption Hotline (NACH) on 0800 701 701.

2. ETHICAL LEADERSHIP

Scandals involving public servants have captured world attention these days. Precipitated by shady widespread public sector patronage, crony capitalism, abuse of power and position of authority, corruption and unprofessional behaviour in government. South Africa faces the challenge of widespread corruption within its public service. We are all acutely aware that corruption undermines the rule of law, principles and values that ought to govern public administration.

One of the challenges that causes corruption in government is about public servants who conduct business with the state. The issue about officials who conduct business with the state undermines the principles of good governance and corrodes the moral fiber of our society. In many instances service delivery is affected negatively because companies that are appointed to render services are not given on the basis of merits, meaning issues about companies with close proximity to those in power (executive authorities and senior public servants) are prioritized.

As part of tightening the legislative framework to address the challenge of public servants who conducts business with the state, the President of the Republic of South Africa in 2019 extended the provision on doing business with the state to the whole of the public administration through Section 8 of the Public Administration Management Act No. 11, 2014 (PAMA). It is a criminal offence for public servants to conduct business with organs of the state or be a director of a company conducting business with any organ of the state.

Furthermore, a framework and Strategy for implementing lifestyle audits in the public service was approved in 2020. Consequently, lifestyle audits have become compulsory for national and provincial departments from April 2021. The implementation of lifestyle audits is guided by regulation 22 of the Public Service Act, 1993. This entails a risk based approach for the purpose of legitimizing a fraud prevention and detection system. As a decentralized function and in terms of regulation 22 of the Public Service Regulations, 2016, Head of Department are thus accorded full responsibility for the implementation of the lifestyle audits as part of the National Anti-Corruption Strategy.

Public servants plays an indispensable role in the sustainable development and good governance of a nation. With the advent of the modern state, they are seen as stewards of public resources and guardians of a special trust that citizens have placed in them. In return for this confidence, they are expected to put public trust above self interest. This is a bedrock of democracy as it serves as the neutral administrative structure which carries out decisions of elected representative of the people. Given these roles, a country expects its public service to demonstrate high standards of professionalism and ethics.

Professionalism in the public service is an over-arching value that determines how officials should carry out their official duties. It encompasses all other values that guide the public service such as transparency, loyalty accountability, effectiveness and so on. These values must be embedded in the public service to foster the spirit of effective public administration. No nation can rule successfully without good institutions. The public service with its strong layer of existing expertise, is arguably both willing and capable of reorienting to the new demands. The good news is that the public service has aggressive Code of Conduct that guides those public servants who want to serve the country with honesty and dignity.

The PSC has observed that in many instances where irregularities occurred in public administration, the employees involved allege that they acted on unlawful instructions from executive authorities or senior managers. Employees are often “too afraid” to defy the unlawful instructions and in many cases bear the brunt of the unlawful conduct, whilst the executive authorities and managers who issued the unlawful instructions claim ignorance and or “go scot-free”.

There are several Acts and Regulations applicable in the public service which place a positive duty on an employee to abide by the legislative framework and to report irregularities to a higher authority. These include:

- a. Section 1 (c) of the Constitution of South Africa which provides that the Republic of South Africa is one, sovereign, democratic state founded on, amongst others, the supremacy of the Constitution and the rule of law;
- b. Section 16A of the Public Service Act, 1994, which requires of EA’s to take disciplinary action against a head of a department who does not comply with any provision in the Public Service Act and to report the particulars of non-compliance to the Minister of Public Service and Administration. Section 16A also requires HoD’s to take disciplinary action against employees who do not comply with a provision of the Public Service Act and to report the particulars of non-compliance to the Director-General of the Department of Public Service and Administration;

- c. Regulations 11, 13 and 14 of the Public Service Regulations, 2016 which provide that employees must abide by and be familiar with all legislation and lawful instructions applicable to their conduct and official duties and further report fraud, corruption, nepotism, maladministration, criminal offences and non-compliance with the Public Service Act to the relevant authorities; and
- d. Section 64 of the Public Finance Management Act, 1999 which provides that any directive with financial implications by an EA of a department to an accounting officer must be in writing. If such directive is likely to result in non-compliance with prescripts, the accounting officer will be responsible for such non-compliance unless the EA has been informed of the likelihood of that unauthorised expenditure. In the event that the EA proceeds with the implementation of such directive, the written reasons must be filed immediately with the National Treasury and the Auditor-General as well as the relevant provincial treasury, if a provincial department is involved, by the HoD.

The Courts have on several occasions pronounced on the repercussions of non-compliance with prescripts¹. In the **Life Esidimeni Arbitration Award**² the learned judge held that: “The Constitution goes further to impose overarching duties on wielders of public power. As elected office bearers and so too those in the public service go about their duties, they must first and foremost be faithful to the law. They must act within the stricture of the law and eschew unlawfulness. They may not elevate their personal or arbitrary or political or other preferences above or in a breach of binding law. That is a bare minimum of the constitutional tenet of the rule of law.”

To this end, it is imperative to ensure that all instructions to public servants are within the parameters of the law. Public servants are urged to ensure that irregularities and unlawful, instructions are reported to the relevant authorities as required by the legislative framework.

Through ethical leadership we will be able to influence a positive culture change, improve the image of government, by demonstrating the best that our departments has to offer. Leadership is the most powerful factor in shaping behavior. Leaders need to demonstrate ethical leadership by making ethical decisions and taking disciplinary actions.

In the words of Nelson Mandela “there are so many women and men who hold no distinctive position but whose contribution towards the development of society has been enormous”. In Mahatma Ghandi’s words “be the change that you’d like to see in the world”.

3. NON-PAYMENT OF GOVERNMENT SUPPLIERS

The PSC welcomes the annual report released by National Treasury (NT) on the Non-Compliance with Payment of Suppliers’ Invoices within 30 days. However, the PSC is concerned with the lack of reporting on the consequent management approach adopted by the NT to deal with the repeat defaulting departments and provinces.

The reality of the operating environment of departments is that issuing an instruction note does not automatically facilitate compliance with regulations. There is a legislative framework on public service procurement to ensure that the outsourcing of goods or services to the business fraternity is done in the fairest, equitable, transparent, competitive and cost-effective manner and ultimately promoting economic growth¹. Furthermore, the National Development Plan (NDP) envisioned the Small, Micro and Medium Enterprises (SMMEs) contributing 60-80% to the Gross Domestic Product (GDP) and generating 90% of the 11 million new jobs by 2030². The previous Minister of Finance in his Budget Speech (dated 24 February 2021)³ indicated that over the 2021/22 to 2023/24 Medium Term Expenditure Framework (MTEF) a total of R4 billion has been allocated to township and rural enterprises, including blended finance initiatives.

1. Section 217 of the Constitution of the Republic of South Africa, 1996

2. National Development Plan: Vision 2030

3. Minister of Finance. Budget Speech 2021 on <http://www.treasury.gov.za/documents/National%20Budget/2021/speech/speech.pdf>, dated 24 February 2021

What is imperative is the finalisation of the Public Procurement Bill and tabling before Cabinet by end of 2021, which aims to professionalise the Supply Chain Management (SCM) system as emphasised by the previous Minister of Finance in his Budget Speech (dated 24 February 2021).

While these initiatives demonstrate Government's recognition of the critical role small businesses play towards the country's economic growth and job creation programmes, non-payment of suppliers remains a challenge. This is despite the articulation in section 38(1)(f) of the Public Finance Management Act (PFMA) that Accounting Officers (AOs) must ensure that invoices of suppliers are paid within 30 days from date of receipt thereof or in the case of civil claims, from the date of the court judgement.

While there have been some improvements, certain departments continue to pay suppliers late or not at all. Even more worrying is that despite the President's call⁴ in November 2019 at the SA Investment Conference in Soweto that non-payment of suppliers should be regarded as financial misconduct, very little or no consequence management is taken to hold those responsible accountable. Even NT with the mandate to ensure transparency, accountability and sound financial controls in the management of public finances is silent in the recent annual report on the actions taken against repeat defaulting departments and viewing non-compliance as financial misconduct.

The PSC has over the years highlighted its concern regarding the non-payment of suppliers as it negatively impacts the operations of suppliers with many becoming bankrupt and thus being counterproductive to Government's job creation programme. **Table 1** reflects the non-payment of suppliers by national departments as at end of quarter 1 of 2021/22 financial year, that is, end of June 2021.

Table 1: Non-payment of Suppliers by National Departments

National Department	April 2021		May 2021		June 2021	
	No of invoices	Value of invoices	No of invoices	Value of invoices	No of invoices	Value of invoices
Cooperative Governance	2	R 423 380	0	R 0	0	R 0
Home Affairs	16	R 375 808	10	R 48 881	11	R 677 010
Public Works and Infrastructure (DPWI)	5	R 50 799	2	R 57 167	14	R 251 094
DPWI's PMTE	261	R 75 806 657	183	R 27 633 560	270	R 57 286 738
Statistics South Africa	0	R 0	0	R 0	1	R 4 140
Office of the Chief Justice	0	R 0	1	R 7 161	0	R 0
South African Police Service	15	R 65 814	1	R 512	0	R 0
Agriculture, Land Reform and Rural Development	34	R 16 345 203	19	R 7 489 901		
Mineral Resources and Energy	39	R 37 395 770	38	R 29 498 250	39	R 25 083 000
Transport						
Water and Sanitation (DWS)	166	R 392 394 584	142	R 423 266 091	146	R 408 455 749

4. Public Service Commission supports President Cyril Ramaphosa's call for payment of suppliers within 30 days accessed on <https://www.gov.za/speeches/public-service-commission-supports-president%E2%80%99s-call-payment-suppliers-within-30-days-12-nov>, dated 12 November 2019

National Department	April 2021		May 2021		June 2021	
	No of invoices	Value of invoices	No of invoices	Value of invoices	No of invoices	Value of invoices
DWS's Trading Entity						

Source: National Treasury, Office of the Accountant-General. Exception Reports April-June 2021 (as of 10 August 2021)

 **Denotes non-submission of the relevant report by the relevant department for the month.**

Note: Departments that are not reflecting have no invoice outstanding

Table 1 shows that except for the Department of Water and Sanitation (including the Trading Entity) and the Department of Public Works and Infrastructure (DPWI) including its Property Management Trading Entity (PMTE) there is improvement in the payment of suppliers by national departments.

The PMTE recorded an increase of 270 invoices not paid with a related cost of R 57 286 738 as at end of June 2021 as compared to 125 outstanding invoices with a related cost of R 17 168 662 as at the end of March 2021. The DPWI shows a slight increase in the number of outstanding invoices, that is, 14 invoices and a related cost of R 251 094 as compared to zero invoices at the end of March 2021. However, the Department of Water and Sanitation (DWS), excluding the Trading Entity, shows a slight decline in invoices from 150 as at the end of March 2021 to 146 as at the end of June 2021, with increased related costs from R 396 631 121 to R 408 455 749, respectively.

Further to this, the Department of Mineral Resources and Energy shows an increase in the number of invoices not paid as well as related costs, i.e from 3 invoices at R 710 435 as at end of March 2021 to 39 invoices at R 25 083 000 by the end of June 2021. Similarly, the Department of Home Affairs, which had zero invoices at end of March 2021, shows an increase to 11 invoices with related costs of R 677 010 as at end of June 2021.

Of concern to the PSC is that some departments are still not submitting the required exception reports to the NT despite this being a compliance requirement. Non-submission of these reports violates paragraph 4.6 of National Treasury Instruction Note Number 34 dated 30 November 2011, which stipulates that such information should be submitted within seven (7) days after the end of the preceding month in the format prescribed. This shows a serious disregard for accountability in these departments. For the quarter under review, the Department of Transport and the DWS's Trading Entity did not submit the required exception reports to NT. While the Department of Agriculture, Land Reform and Rural Development failed to submit its report for June 2021. Noteworthy is that the Department of Environment, Forestry and Fisheries that for the first time since the 2020/21 financial year managed to submit its exception reports to the NT during the quarter ending in June 2021, reporting no outstanding invoices. However, no measures are in place to deal with this disregard of accountability by departments.

Table 2 reflects the performance of provinces, which shows that the Eastern Cape, Gauteng, North West, Northern Cape and Free State as the top 5 main contributors for non-payment of suppliers, as at the end of quarter 1 (June 2021) for the 2021/22 financial year.

Table 2: Non-payment of Suppliers by Provincial Government

Provinces	April 2021		May 2021		June 2021	
	No of invoices	Amount of invoices	No of invoices	Amount of invoices	No of invoices	Amount of invoices
Eastern Cape	13 821	R 2 221 143 520	9 896	R 2 256 032 033	8 057	R 2 228 122 449
Free State	1 363	R 148 925 827	969	R 196 211 257	1 033	R 152 641 587
Gauteng	3 817	R 853 059 625	2 353	R 829 381 195	1 677	R 790 771 938
KwaZulu-Natal	1 250	R 342 945 487	575	R 209 388 697	117	R 4 557 791
Limpopo	82	R 12 830 363	225	R 42 439 593	374	R 44 874 856
Mpumalanga	2 192	R 77 608 372	1 200	R 42 965 491	1 203	R 45 998 709
North West	10 493	R 655 587 924	6 398	R 641 253 786	5 527	R 456 024 865
Northern Cape	12	R 265 993	2	R 26 919	1 780	R 195 109 935
Western Cape	52	R 6 602 970	0	R 0	1	R 4 060

Source: National Treasury, Office of the Accountant-General. Exception Reports April-June 2021 (as of 10 August 2021)

Inclusive of the light shaded, denotes main contributors of non-payment of invoices for the period April to June 2021

Whilst the Eastern Cape, Free State, Gauteng and North West are known repeat defaulting provinces, the Northern Cape is for the first time showing such a high number of invoices not paid as well as the related cost; 1 780 invoices with the related cost of R 195 109 935 as at end of June 2021 compared to the end of March 2021 with 10 invoices at R 95 124.

Of noteworthy is the KwaZulu-Natal and Western Cape provinces. KZN shows a decline in the number of invoices outstanding and related costs from 915 at R 451 527 061 as at end of March 2021 to 117 invoices at R 4 557 791 by the end of June 2021. Similarly, the W/Cape displays a decline in the number of invoices outstanding and related costs from 95 invoices at R 84 763 955 to 1 invoice at R 4 060 for the same period.

To understand the reasons for the non-payment of suppliers in order to propose measures to ensure effective and efficient performance within the public service, the PSC continues to engage the defaulting national departments and provincial treasuries, which highlighted the following challenges:

- i. Lack of effective budget control by departments.
- ii. Non-adherence to supply chain processes where service providers are often contracted to do work without following Government's procurement and SCM processes.
- iii. Service providers not adhering to specific process requirements.
- iv. Poor financial management by departments.
- v. Department lacking capacity in critical areas of financial management.
- vi. Systematic challenges – lack of internal controls regarding the tracking of invoices from date of receipt to date of payment, lack of financial delegation especially when officials with signing powers are on leave as well as the inefficiencies of IT systems (LOGIS, BAS).

Overall these challenges highlight the lack of effective governance systems within departments, including the issue about regarding the suppliers as this relates to contract management. Based on the Annual Report on Non-compliance is it clear that the NT is well aware of the weakness and challenges? Therefore, the question is how is the Department going to ensure sound financial controls in the management of public finances?

Further to this, it would have been valuable to get information from the released annual report of NT on the impact of the Office of the Accountant General and the Office of the Chief Procurement Officer on dealing with the non-compliance with the payment of suppliers. Both these offices were established to manage and monitor payment of suppliers through the receipt of monthly exception reports from government institutions and dealing with outstanding payments of suppliers through the Call Centre.

The PSC supports the previous Minister of Finance in his plea for the finalisation of the Public Procurement Bill that aims to professionalise the Supply Chain Management (SCM) system and hope that the initiative led by the National School of Government (NSG) to professionalise the public service will address the lack of financial management capacity within Government. Furthermore, the PSC supports the inclusion of payment of suppliers in performance agreements of accounting officers, chief financial officers and others responsible for financial management in departments. The PSC strongly recommended to the Honourable President the inclusion of compliance oversight for payment of suppliers within 30 days as provided by the PFMA into the performance agreements of Ministers and MECs (dated 01 July 2020). The PSC was reassured that this matter is being dealt with by the Department of Performance, Monitoring and Evaluation (DPME).

The PSC is pleased with the improvements in the departments and provinces but will continue with its interventions and exercise its oversight function by keeping the narrative alive in the media to foster transparency, reiterate the importance of consequence management and ensure accountability.

4. OVERALL NUMBER OF GRIEVANCES HANDLED BY THE PSC UP TO 31 JUNE 2021

Up to the end of June 2021, the PSC had **234** registered grievances, including **156** carried over from the previous financial year as reflected in **Table 3** below.

Table 3: The number of grievances handled by the PSC during first quarter of 2021/22 financial year (Total numbers reflected are cumulative)

<i>Grievances Received</i>	<i>1st Quarter (1 Apr - 30 Jun)</i>
Total number of grievances received	234
Properly referred cases	197
No jurisdiction/Not properly referred	37

Of the 234 grievances, **37 (16%)** were not properly referred and **197 (84%)** were properly referred. The grievances which were not properly referred are those that were either being dealt with elsewhere, such as bargaining councils, and those that were still not finalized in the departments. The PSC is concerned about the continued referral of grievances outside the provisions of the Grievance Rules, 2003 as a result it calls upon Labour Relations Officers within departments to ensure that on an annual basis employees are workshopped on these Rules. Unions are also called upon to play an active role in assisting their members in lodging grievances, and where the time-frame for lodging grievances has lapsed, to advise them accordingly.

Of the **197** cases properly referred to the PSC about 95% are referred by employees and about 5% are referred by Executive Authorities (EAs). Referral of grievances by employees is an indication that departments have failed to resolve these grievances internally within the prescribed timeframes.

The **197** properly referred grievances are dealt with through investigation and mediation and their location is provided in in *Figure 1* below. -



Figure 1: Location of properly referred cases

The majority of the properly referred grievance cases are referred by national departments, hence they are located at the national PSC office, while 50 cases are located at the Limpopo, Northern Cape and Western Cape provincial offices. The remaining 33 grievances are in the other five (5) provincial offices, with the sixth one (Mpumalanga) reflecting Nil. *Figure 2* below provides an overview of the status of properly referred grievances.

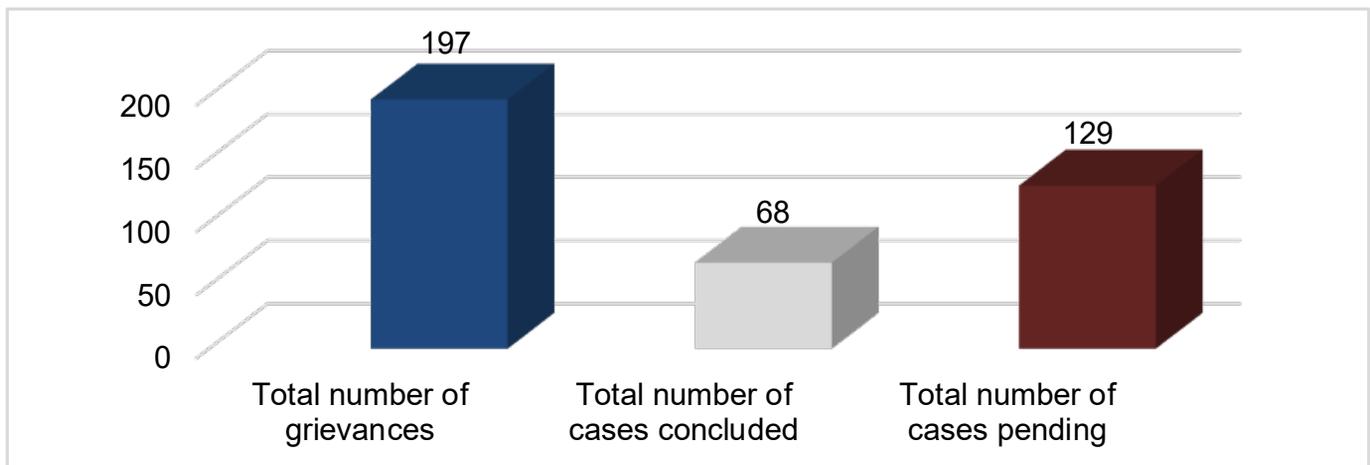


Figure 2: Status of properly referred grievances up to 30 June 2021

While **68 (35%)** of the **197** properly referred cases were concluded by the end of June 2021, **62 (91%)** of the concluded cases form part of the **156** grievances carried over from the 2020/2021 financial year. Delays in the finalization of cases can be attributed to the lack of information from the departments and aggrieved employees, due to lockdown, especially during May to July 2020 and January 2021. However, the PSC has noted some gradual improvement in the accessibility of information from departments and aggrieved employees since July 2020. It was anticipated that many cases would be concluded following the easing of the lockdown restrictions but now that we have reverted to level 3 same challenges may be experienced, where employees who are to provide information are not accessible from the landline numbers of their departments; and where investigators have cellphone numbers of officials involved they indicate that the information is at the office and they are not able to access it.

As indicated in *Figure 3* below, the majority of the properly referred cases relates to unfair treatment, filling of post, performance assessment and salary problems.

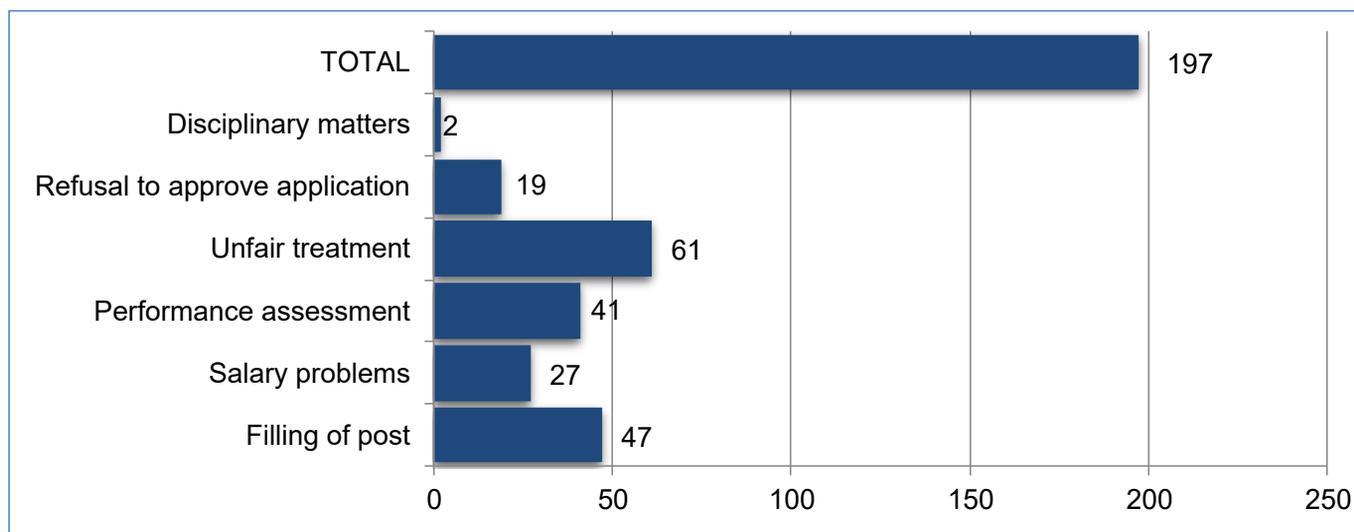


Figure 3: Types of properly referred grievances

Of the 61 unfair treatment grievances, 44 were from national departments, EC=3; FS=3, GP=2; KZN=3, LMP=2, MP=0, NC=0, NW=1; WC=3. Unfair treatment cases mostly emanate from strained relations between supervisor and supervisee, resulting in the supervisee perceiving any action by the supervisor as victimization or bullying. For instance, when the supervisor queries failure by the employee to meet the deadline for work issued, non-attendance of work by the employee. Other cases emanate from employees not understanding that they may be assigned to do certain ad hoc functions or that they were not appointed to positions in which they were acting.

Of the 61 unfair treatment cases only 13 (21%) were concluded, of which only 4 were finalised by the PSC, where 2 were unsubstantiated and 2 partially substantiated. Where it is clear that the grievance is caused by strained relations the PSC usually recommends that employees should be subjected to conflict management training. Regarding assignment of functions the PSC explains the provisions of section 32 of the Public Service Act, and that where necessary that people should be appointed in acting positions this should be done in writing in order to comply with the acting policy.

5. OVERALL NUMBER OF COMPLAINTS HANDLED BY THE PSC FROM 1 APRIL 2020 TO 31 MARCH 2021

The PSC has the mandate to investigate, either of its own accord or on receipt of any complaint, personnel and public administration practices to report to the relevant EAs and Legislature. Personnel practices relate to for example, irregular appointments, transfers, qualifications and compensation related allegations, and public administration practices relate to, for example, procurement irregularities and poor service delivery. The own accord investigations undertaken are identified through an analysis of the trends of the complaints handled previously and through media reports.

During the first quarter of 2021/2022 financial year, the PSC received a total of **337** cases through the NACH. Of the **337** cases, the PSC investigated **35** cases of appointment and procurement irregularities. The remaining cases were referred to departments or other law enforcement agencies for investigation. Since the inception of the NACH, the PSC received a cumulative figure of **24 035** cases which were referred to departments for investigation.

It is important to note that when reporting a complaint to the PSC, the following information must be included:

- Who committed the wrongdoing (Department, person, organization, description, etc.)?
- What exactly did the individual or entity do?

- Where did the alleged activity take place (address)?
- When did the alleged activity take place?
- The extent of the involvement of the individuals and how were the individuals able to perform the alleged activity?
- Do you know why the person committed the wrongdoing?
- Witnesses, if any, who can verify the allegations?

Generally, complaints of maladministration etc, maybe reported through the following mechanisms:

- Telephonically with the NACH Call Centre at 0800 701 701.
- Verbally in person at any of the National or Provincial Offices of the PSC – the physical addresses are available on the PSC’s website at www.psc.gov.za.
- Via the PSC’s website (www.psc.gov.za) – the contact details of the National Office / Provincial Offices are also available on the PSC’s website.
- Via social media platforms, namely Facebook - @OPSCSA <https://www.facebook.com/OPSCSA/> or Twitter - @OPSC_SA https://twitter.com/OPSC_SA

5.1 Cases of alleged corruption received by the PSC through the NACH in the 2020/2021 financial year

A cumulative number of **24 035** cases of alleged corruption were reported by callers and whistle-blowers as at 31 December 2020 since the inception of the NACH in September 2004. During the first quarter of 2021/2022 financial year, the PSC recorded a total of **337** cases as shown in **Table 4** below. These cases are slightly higher than **104** cases received in the first quarter of 2020/2021 financial year. There has been a slight increase in the reporting of cases through the NACH. This may be due to increased awareness of legislation relating to the protection of whistle-blowers such as the Protected Disclosures Act, thus instilling confidence in the process and outcomes of blowing the whistle. This may also be due to the fact that whistle blowing is no longer viewed as a negative act as it was under the previous dispensation thus removing some of the stigma that is often associated with whistle blowing. In addition, Government Communications also played a role in promoting the NACH at the time when the were introducing the National Anti-Corruption Strategy. Most of these cases were related to SASSA’s R350 social relief of distress grant fraud. According to SASSA, all the cases referred to the institution were closed after conducting the process of appeal. In this respect, some cases were approved and others were rejected with valid reasons. Cases of appointment and procurement irregularities were investigated by the PSC

Table 4: Cases of alleged corruption received by the PSC through the NACH in the 2020/2021 financial year

Provinces	21-Apr	21-May	21-Jun	TOTAL
Eastern Cape	2	2	2	6
Free State	6	3	3	12
Gauteng	14	9	6	29
KwaZulu-Natal	3	2	3	8
Limpopo	0	6	0	6
Mpumalanga	6	1	2	9
North West	2	7	0	9
Northern Cape	0	3	2	5
Western Cape	3	3	4	10
Public Entities	55	54	34	143
National Departments	42	28	30	100
Grand TOTAL	133	118	86	337

5.1.1 Feedback on action taken by departments on cases referred for investigation

During the first quarter of the 2020/2021 financial year, **12** feedback of alleged corruption relating to national departments were submitted to Complaints and Grievance Panel for the determination of the closure. A total of **12** cases were closed as reflected below.

- The South African Police Services submitted five cases relating to alleged procurement irregularities and unethical behaviour. All of the five cases were unproven.
- The Department of Correctional Services submitted four cases on alleged corruption and unethical behaviour. All of the four cases were unsubstantiated.
- The Department of Justice and Constitutional Development submitted one case for alleged abuse of government resources. The allegation was unsubstantiated.
- Department of Employment and Labour submitted one cases of alleged corruption and the case was found to be untrue.
- Financial Intelligence Centre submitted one case of corruption and unethical behaviour. The matter was found to be partially substantiated and the official was given a verbal warning.

The PSC noted from the feedback provided by departments on concluded investigation that the number of the complaints investigated by departments were unsubstantiated. To this end, the PSC encourages members of the public and whistleblowers to provide full detail information to enable investigators to make a informed conclusions. All complaints, as long as there is substance in them, should be investigated, irrespective of how minor is the corruption allegation.

Furthermore, it was observed that departments are taking an extended period of time in providing feedback to the Organisation despite the fact that whistle-blowers are requesting feedback on progress made with investigations. The effectiveness of an investigation is influenced by the time it takes to conclude the investigation without unwarranted delays. If the delay is unreasonably long and cannot be explained, it is likely to cause prejudice to the complainant who reported the allegations in good faith. However, the PSC issued reminder letters to non-compliant departments to submit feedback.

5.1.2 Trends analysis of cases received during the 2017/2018 to 2020/2021 financial years

Figure 4 (below) shows the trends analysis of cases of alleged corruption reported to the NACH on quarterly basis in the 2017/2018-2020/2021 financial years. The figure showed that in the first quarter of 2019/2020 financial year, there was a surge in the number of cases (**340**) compared to 2017/2018 financial year with 214 cases. This is because the PSC embarked on a series of awareness campaigns aimed at promoting the NACH. Notably, there was an increase in the number of cases (**377**) received in the first quarter of 2021/2022 financial year as compared to **104** cases received during the first quarter of 2020/2021 financial year.

There was a decline of cases in the second quarter of the 2020/2021 financial year by **277** cases. The decline was due to the National Lockdown due to Covid-19 that has affected the smooth operation of the call centre facility, particularly in the month of July and August 2020. However, there was an increase in the number of cases reported in the third quarter of 2020/2021 financial year by **297**.

According to the database, there was an increase in the number of cases (**460**) in the second quarter of the 2019/2020 financial year compared to 2018/2019 financial year with **286** cases. Notably, in the third and fourth quarters of the 2019/2020 financial year, there was increase in the number of cases while in the third and fourth quarters of 2017/2018 financial year, there was a decline in the cases reported. This is because the NACH was operating 8 hours per day without a full staff complement.

Trends analysis of cases received from 2017-18 to 2021-22

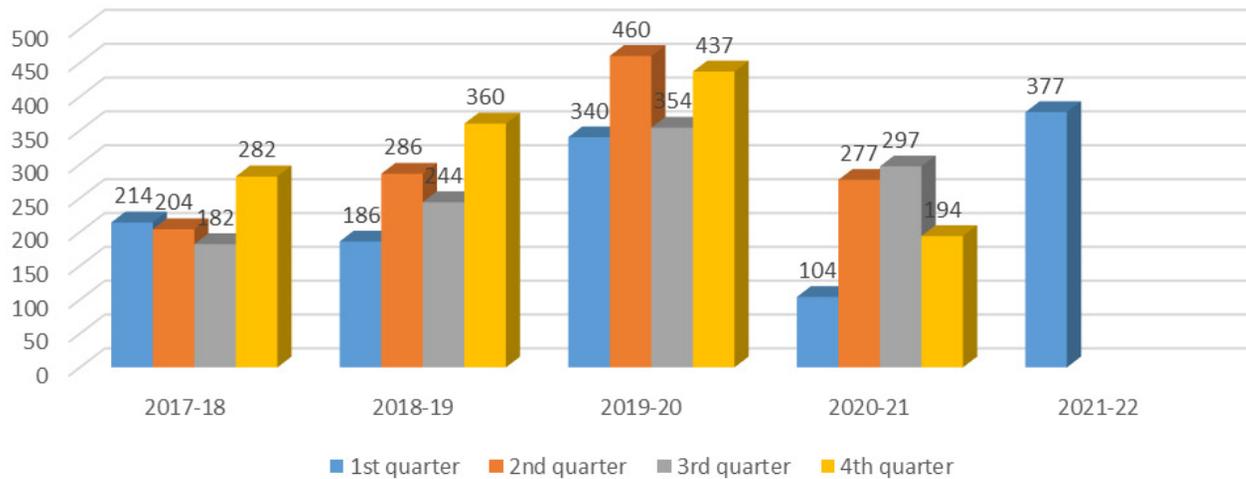


Figure 4: Trends analysis of cases received from 2017/2018 to 2021/2022 financial years

5.1.3 Types of complaints received in the 2021/2022 financial year

As reflected in Figure 5 (below), the majority of cases (66%) were referred to SASSA for investigation. The rest of the cases were referred to national and provincial departments for investigation. The PSC is concerned that departments are taking an extended period of time in providing feedback despite the fact that whistle-blowers are requesting feedback on progress made with investigations. Generally many investigations are prolonged due to variety of factors like complexity and retrieval of supporting information. As a result, the PSC developed a complaints handling mechanisms that would assist in the management of cases received by the PSC..

First Quarter 2021

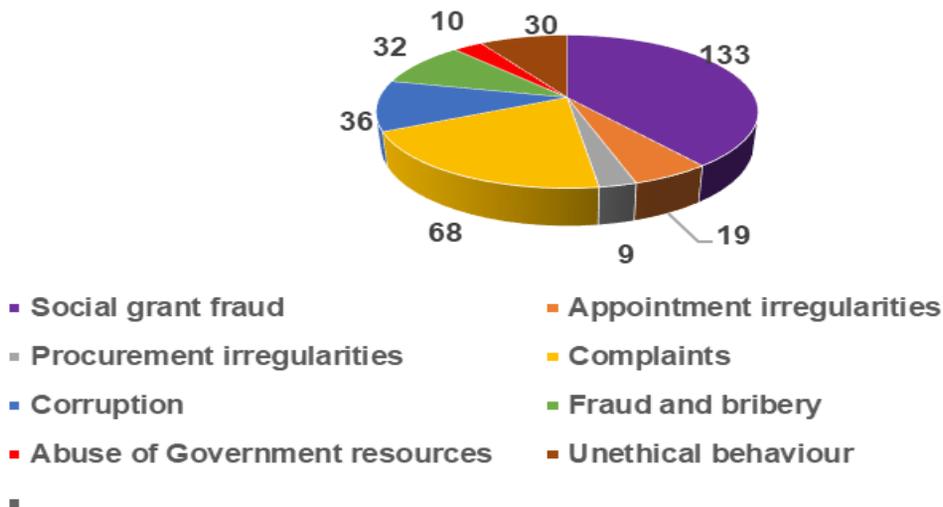


Figure 5: Types of complaints received in the 2021/2022 financial year

The efficiency with which the departments investigate allegations of corrupt activities reported to them contribute towards the effectiveness of the NACH.

5.1.4 Comparative analysis of calls received by the NACH in the 2017/2018, 2018/2019 and 2020/2021 financial years

Figure 6 (in the next page) shows the number of calls received since 2017/2018-2020/2021 financial years when the NACH is managed in-house. The analysis of the calls revealed that the NACH has registered a total of **66 986** incoming calls during the 2017/2018 financial year. Out of **66 986**, eight hundred and eighty two (882) case reports were generated and referred to the relevant law enforcement agencies for investigation.

In the subsequent financial year (i.e. 2018/2019), the NACH has registered a total of **51 581** incoming calls. Out of **51 581** incoming calls⁵, 1076 case reports were generated. In 2019/2020 financial year, the NACH has registered a total of **70 500** incoming calls, of which 1591 cases were generated. This number is slightly higher as compared to 2017/2018 and 2018/2019 financial years.

On 31 March 2020, the NACH has received a total of **61 490** incoming calls of which **872** cases were generated as at 31 March 2021. The number is slightly lower due to COVID 19 Lockdown and that the NACH was operating in-house five (5) days per week and eight (8) hours per day. Despite this, most of the complaints received were tip-offs related to disaster management funds which were directed to the relevant law enforcement agencies.

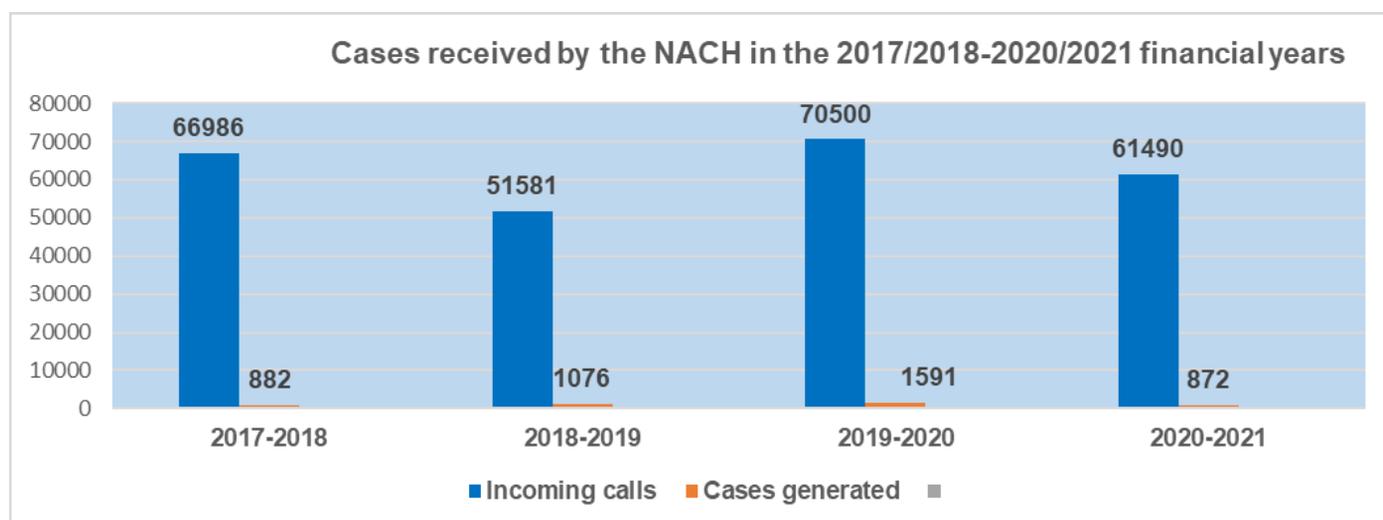


Figure 6: Comparative analysis of calls reported to the NACH in the 2017/2018 to 2020/2021 financial years

5.2 Other methods of addressing unethical conduct in the Public Service

Apart from the NACH system, there are various other methods of reporting complaints relating to personnel and public administration practices. These methods include completing Annexure A of the PSC Rules on Conducting Investigations, written complaints / statement which may be posted, e-mailed or faxed to the PSC, complaints lodged verbally in person (i.e. walk-ins), via a WhatsApp or social media platforms including the PSC's website, and matters referred to the PSC by other institutions (e.g. the Public Protector or Auditor-General).

Furthermore, sections 196(4)(f) of the Constitution also mandates the PSC to conduct own accord investigations. Own accord investigations may emanate from an environmental analysis, media/ social media reports, request by the PSC, matters of public interests and trends analyses falling within the mandate of the PSC.

5.2.1 Complaints handled in the 1st quarter of the 2021/22 financial year

All complaints received and handled were within the jurisdiction of the PSC and were concurrently investigated as indicated in **Table 5** (on the following page).

5. **Incoming calls** are considered inbound calls in the call centre (they include answered calls, unanswered calls and drop calls. A **dropped-call** is the telephone call which, due to technical reasons, was cut off before the caller had finished the conversation and before the caller had hung up.

Table 5: Complaints received and handled in the 1st quarter: 1 April to 30 June 2021

National/Provincial	Number Received	Closed	In Progress
National	84	25	59
Provinces	119	42	77
Grand Total	203	67	136

For the period 1 April to 30 June 2021, the PSC dealt with a total of 203 complaints at National and Provincial Level. Of these, 51 complaints were received from the NACH system and the remaining 152 complaints were reported through other means such as e-mails, post, walk-ins, mobile app and SMS. Despite challenges encountered due to the Covid-19 pandemic, as at 30 June 2021, 67 (33%) of the 203 complaints were finalised and 136 (67%) were in progress.

5.2.2 Trends Analysis of cases handled by the PSC

The number of complaints received in the first quarter of the 2021/2022 financial year has decreased to **99** when compared with the 106 of the first quarter of the previous financial year as shown in Figure 8 below. The decrease in reporting in the first quarter can be ascribed to the impact of the lockdown due to the Covid-19 pandemic.

Of the 203 complaints handled during the first quarter of the 2021/2022 financial year, 90 relate to alleged irregularities in personnel practices such as appointments, transfers and other career management practices in departments. The remaining 113 complaints relate to alleged irregularities relating to Public Administration Practices such as financial management, supply chain management processes and non-service delivery.

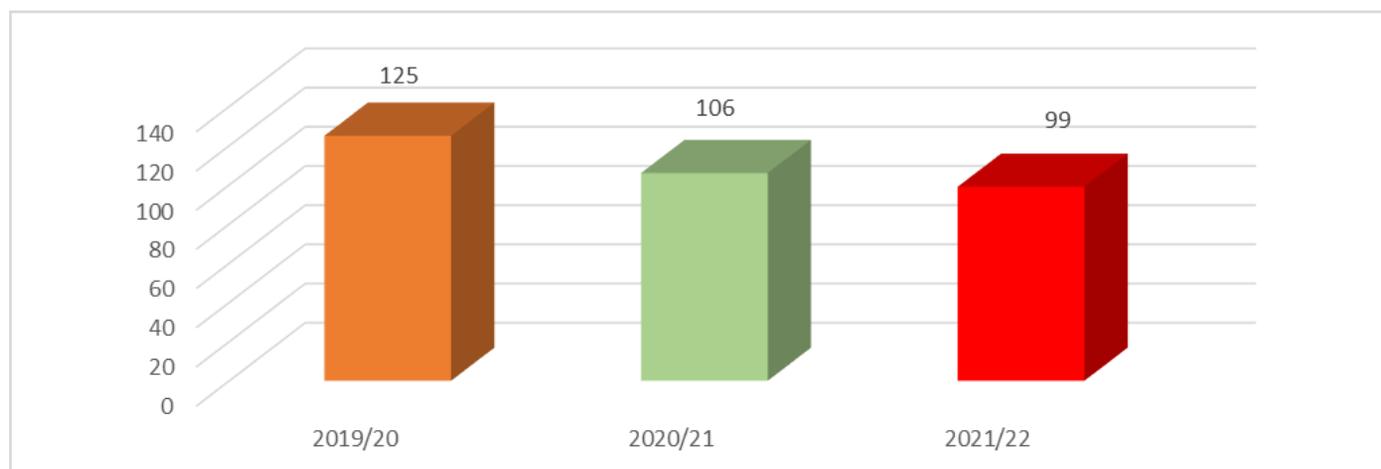


Figure 7: Cases received and handled: Quarter 1 of the 2019/20 to 2021/22 financial years

5.2.3 Outcome of complaints handled by the PSC

The outcome of complaints can either be substantiated (founded) or unsubstantiated (unfounded). In instances where the PSC does not have the mandate to investigate complaints lodged, such complaints are referred to relevant institutions with the mandate to investigate such. Furthermore, where allegations are vague e.g unclear or lack detail and the complainants are anonymous, such complaints are closed as the complainants are unreachable to provide clarity.

The PSC’s intervention and proposed corrective measures are essential in promoting good governance in public administration. Therefore, in instances where allegations were found to be substantiated during the period under review the PSC issued recommendations, advice or directives to EAs to take action on the areas identified.

These recommendations mainly relate to the institution of disciplinary action, or that EA's should approach the Court to correct irregular appointments. For example,

- The PSC found a complaint of appointment irregularities to be substantiated at the Department of Arts and Culture. The PSC recommended that the Minister should approach the Court to set aside the irregular appointment and further institute corrective action against the panel members who incorrectly shortlisted, interviewed and recommended the candidates appointed.
- The PSC also found a complaint of appointment irregularity to be substantiated at the Department of Cooperative Governance, KwaZulu-Natal. The PSC recommended that the MEC should approach the Labour Court to set aside the appointment made and institute corrective action against the panel members who shortlisted, interviewed and recommended the candidate irregularly appointed.

The PSC also resolve complaints in terms of Early Resolution where members of the public or officials need assistance in resolving their issues with Departments. For example,

- The PSC assisted a complainant with obtaining an outstanding Senior Certificate from the Department of Basic Education.
- The PSC also assisted a complainant with obtaining Unemployment Insurance Fund benefits from the Department of Labour and Employment.

The PSC noted that most of its investigations have yielded positive results on improving good governance and accountability in the public service. The impact of cases handled that emanating from the PSC's findings and recommendations included that departments / employees were -

- sensitized of the importance of adhering to the regulatory framework; and
- that non-adherence to prescripts, as well as unethical conduct, have negative consequences.

However, the PSC also noted that due to the nature of certain recommendations and the number of the people implicated, where disciplinary action is recommended, it may take some time for departments to conclude the implementations thereof.

6. MANAGEMENT OF THE FINANCIAL DISCLOSURE FRAMEWORK

The PSC has noted a consistent compliance with the requirement to submit financial disclosure forms by members of the Senior Management Service (SMS), despite the challenges posed by the COVID-19 pandemic. During the current reporting period (2020/2021), the PSC received 98% of the financial disclosures of SMS members by the due date of 31 May 2021. **Table 6** below illustrates the overview on the extent to which SMS members in the national and provincial departments and national government components complied with the requirements to submit financial disclosure forms by the respective due dates in respect of the 2020/2021 financial year.

Table 6: Financial Disclosure Framework of SMS members by the due date of 31 May 2021

Name of department	Number of sms members	Number of sms members who complied with the requirement to disclose	Percentage of sms members who complied with the requirement to disclose	Number of sms members who did not disclose the financial interests to their HoDs	Number of forms submitted by HoDs and EAs to the PSC as at 31 May 2021	Number of forms not submitted by EAs and HoDs to the PSC as at 31 May 2021	Percentage of forms received by the PSC as at 31 May 2021
Nationals Subtotal	5722	5649	98,7%	73	5558	91	97%
Components Subtotal	138	138	100%	0	138	0	100%
Eastern Cape	604	604	100%	0	602	2	99,7%
Free State	370	370	100%	0	370	0	100%
Gauteng	760	760	100%	0	759	1	99%
Kwazulu Natal	612	612	100%	0	611	1	99%
Limpopo	471	471	100%	0	471	0	100%
Mpumalanga	278	276	99,3%	2	274	2	98,6%
Northern Cape	235	235	100%	0	235	0	100%
North West	335	334	99,7%	1	298	36	89%
Western Cape	374	374	100%	0	374	0	100%
Overall total for provinces	4039	4036	99,9%	3	3994	42	99%
Grand total	9899	9823	99,2%	76	9690	133	98%

Table 6 above shows that during the current disclosure period the Public Service had in total **9899** SMS members in national, provincial departments and national government components. From this total, **9823 (99.2%)** SMS members managed to disclose their financial interests as required by Regulation 18 (1) and (2) of the PSR, 2016. The respective HoDs and EAs, however, only submitted **9690 (98%)** copies of the forms to the PSC by 31 May 2021. Provinces that have achieved 100% submission rate are Free State, Limpopo and Western Cape as indicated in **Table 6** above.

The outstanding **2%** is attributable to SMS members who failed to disclose their registrable interests as required by the Regulations, and to the EAs and HODs, who did not release the financial disclosures forms of their SMS members to the PSC by the due date. The PSC found that **76** SMS members did not disclose their financial interests to their respective HoDs and EAs. **73** of these SMS members are in national departments, and **3** are from provincial departments.

The National Departments of Public Enterprises and Women, Youth and People with Disabilities and the North West Department of Education were the only Departments that did not release a single form to the PSC by the due date of 31 May 2021. National departments that have achieved 100% submission rate are indicated in **Table 7** below:

Table 7: National departments that have achieved 100% submission rate

Arts, Culture & Sports (54)	Basic Education (79)	Civilian Secretariat (31)	Defence (277)	Government Communications & Information System (52)
Home Affairs (133)	Independent Police Investigative Directorate (31)	National Prosecuting Authority (199)	National Treasury (256)	Office of the Chief Justice (42)
Office of the Public Service Commission (43)	Police (789)	Public Works & Infrastructure (177)	Science & Technology (99)	Small Business Development (35)
Statistics South Africa (179)	The Presidency (59)	Trade & Industry (252)		
<i>Centre for Public Service Innovation (5)</i>	<i>Government Technical Advisory Centre (48)</i>	<i>Government Pensions Administration Agency (34)</i>	<i>Government Printing Works (17)</i>	<i>Municipal Infrastructure Support Agent (34)</i>

The government has in 2001 introduced the Financial Disclosure Framework so that all members of the Senior Management Service (SMS) declare all their financial interests. The Regulations extended the categories of employees who are now required to declare their financial interests who are middle managers, employees in the supply chain management unit and those working in finance units, ethics officers as well as employees of the Office of the Public Service Commission who verify financial interests disclosed by Senior Management Services members.

Failure to submit financial disclosure forms in terms of Regulation 18, or to make full disclosure in terms of Regulation 19 constitutes misconduct. In such cases, the EAs are expected to immediately take appropriate disciplinary steps in terms of section 16A(1) of the Act against HoDs who do not comply with the provisions of the Act, a regulation or determination or directive made under the Act. The HoDs on the other hand must take similar steps against defaulting SMS members in terms of section 16A(2).

7. CURRENT DEVELOPMENTS IN THE PUBLIC SERVICE

7.1 ETHICAL LEADERSHIP WEBINAR

The PSC in partnership with the United Nations in South Africa, the Moral Regeneration Movement and the University of South Africa commemorated the Nelson Mandela International Day by hosting a virtual **Ethical Leadership Webinar under the theme “Ethical Leadership at a time of crisis – Lead with Integrity”**.

The webinar aimed to foster intergenerational dialogue on developing Africa through effective leadership and address the current state of leadership relating to Africa’s development as defined in African Union’s Agenda 2063 and the Sustainable Development Goals.

The Deputy Minister for Public Service and Administration, Ms Sindisiwe Chikunga delivered a keynote address, while the Deputy Minister in the Presidency, Ms Rhulani Siweya did the opening and welcome.

The webinar addressed amongst others, the importance of ethical leadership, opportunities in improving ethical leadership in public institutions as well as key aspects to be contained within a strategy and plans that will be implemented with all key stakeholders to attain the desired state of ethical leadership post the recent state of national disaster.

7.2 PUBLIC SERVICE COMMISSION STATEMENT ON THE COVID-19 PANDEMIC AND THE RECENT UNREST, DESTRUCTION OF PROPERTY AND LOSS OF LIFE IN THE COUNTRY AND THE IMPLICATIONS FOR THE PUBLIC SERVICE

N.B. This statement was published by the PSC on 02 August 2021

INTRODUCTION

South Africa has been afflicted by two unprecedented challenges since the dawn of our democracy, namely the global COVID-19 pandemic and violence in KwaZulu-Natal and Gauteng. These challenges have tested our state, particularly the public service's ability to anticipate and respond to disasters. It is for this reason that the PSC issued this statement with observations about the state's capacity in the face of this calamity. It is a considered view of the PSC that this crisis, difficult as it is, provides a unique opportunity to seriously review our systems and processes with a sense of urgency, decisiveness and creative imagination that will set us on a new path of repositioning our fledgling democracy into a capable, responsive, innovative and developmental state.

After 15 months of enduring the effects of COVID-19, which has left South Africa in the top 10 global list of countries worst affected by the pandemic, the country has experienced unprecedented levels of unrest and destruction of property, coupled with violence and looting from 09-18 July 2021. While these acts of violence started in KwaZulu-Natal and spread to parts of Gauteng, they have a socio-economic ripple effect throughout the country. The Western Cape, on the other hand experienced taxi violence which grounded public transport to a halt in densely populated parts of the Province. The cyberattack that paralysed some of Transnet's critical logistics is also noted as another compounding factor in the midst of these challenges. The PSC witnessed with shock and regret as the violence took place amidst the third wave of the COVID-19 pandemic and in the middle of government's vaccination programme that desperately seeks to mitigate the pandemic and save lives.

While the destructive conduct may have a complex genesis, the PSC strongly condemns the looting and destruction of property. While we commend communities organizing to protect properties from destruction, we condemn, in the strongest terms, acts of vigilantism that targeted innocent people and even killing some. The reported incidents in Phoenix and Chatsworth, which led to killing of people, are a matter of grave concern that needs urgent intervention and justice. We send our sincere condolences to those families that have lost their loved ones and wish a speedy and full recovery to those who were injured. Furthermore, the PSC commends South Africans who in the midst of the crises stood up and ensured that the protest and violence did not spread to other parts of the most affected provinces and the rest of the country.

COVID-19 and the recent violent lootings underscore the need to urgently address the underlying deep structural challenges of inequality, poverty and food insecurity, youth unemployment as well as the cancer of corruption. This will ensure that the poor and vulnerable are not prone to being manipulated by opportunistic criminal elements. The convergence of the "Virus and Violence" has laid bare the urgent need to decisively address South African problems of corruption, poverty, unemployment and inequality. At the heart of this is the National Development Plan's (NDP) promise of a capable state.

This implies a state that is able to deliver a well-oiled public service machinery that is agile, responsive, caring and innovative, which does not rely on a mechanistic approach to addressing challenges and yet operates within the framework of policy, regulations and legislation. It is a strong capable developmental state that can fulfil its constitutional mandate, particularly to the most marginalized and vulnerable people.

A capable state would require, among others, a demonstration of strong leadership as well as strong and coherent institutions in a time of crises. The incapacity of the state to communicate and create one source of truth is indicative of a state which lacks the capacity to respond appropriately in a time of crisis. As a constitutionally mandated Chapter 10 institution, the PSC ought to ensure the effectiveness and efficiency of the Public Service in delivering services under the changed circumstances. Public servants are both infected and affected by the COVID-19 virus and are not spared from the effects of COVID-19 as a high number of officials at various levels have lost their lives, including senior officials with decades of experience. This will have a long-term effect on the required skills and general capacity of the state to deliver services to the citizenry. Very little consideration has so far been given to the psycho-social impact of the pandemic and the manner in which it has caused further alienation of persons and communities in society. Government has not adequately responded to the psychosocial impact and the long-term effects of COVID-19 on its employees and the delivery of services. The PSC encourages all public servants to vaccinate and government to dispel the negative myths about the vaccine.

The PSC has noted the rotational working arrangements that have been implemented to save lives. However, it is concerned at some of the worrying tendencies by some public servants whose non-availability compromises service delivery. A simple example is telephone calls in some government institutions that are not answered, despite the modern technology of attending to such remotely, thus compromising the delivery of services. COVID-19 requires a complete rethink in the way we work and relate across the board. A big part of this change is the new ways of communicating, working and delivering services to the citizens. Public service managers in particular ought to ensure that rotational work arrangements do not negatively impact the delivery of much needed services.

OBSERVATIONS BY THE PUBLIC SERVICE COMMISSION

Notwithstanding the deleterious effects of the pandemic and the civil unrest, the PSC draws attention to some of the continuing crises that beset the country. These include, drought, taxi violence, increasing incidents of armed intimidation in the form of the construction mafia, “business forums”, and the unmanaged influx of illegal foreign nationals and the competition they bring in the economic space, which could be better managed through stricter border controls.

If not managed carefully, these could be the next trigger points for violence, community vigilantism and unrest as people become more desperate. The inability to decisively address some of these challenges has fundamentally increased perceived disenfranchisement, disillusionment and the trust deficit between the citizenry and the state. The urgent building of a capable public service/state will go a long way in addressing the legitimacy crisis and trust deficit that is pervasive.

It is clear that fundamental capacity deficiencies exist at all levels of state, with the security cluster serving as a stark example in the recent unrest. This calls for a proper reconfiguration and reorganization of state machinery to realize the fundamental rights and values of the Constitution. In particular, the capacity of the state must be addressed urgently with emphasis placed on professionalization of the public administration which includes a return to proper consequence and performance management; the prioritization of state resources in accordance with the NDP; working with and empowering communities; and building of partnerships to enhance the state’s capacity as is envisaged in the NDP.

The stance taken by many communities to defend and protect their infrastructure has served as a reminder that state capacity also means the ability to enable and work with communities so that such communities play a significant role in their own development.

COVID-19 has taught us many lessons, one of which is the need to have mechanisms in place to continue service delivery in the event of emergencies. Government requires strong business continuity plans. Government ought to draw on these lessons so as to be able to respond adequately to any crisis or disaster. This includes a crisis that could potentially impact on communication systems. The question may be asked whether government will be able to ensure the continued supply of goods and services to citizens in the event that IT systems are compromised. This requires a serious relook at the operational models of various government entities. We need new sets of toolboxes for rapidly changing situations. Generally, coordination, collaboration and cooperation with key stakeholders at various levels emerged as critical across all sectors in ensuring effective and efficient service delivery. Departments across the clusters recognized the need for the District Development Model as an instrument to revolutionize planning, remove bottlenecks and fast track service delivery. This included a broad range of systems and measures put in place to mitigate the effects of the pandemic on businesses, communities and individuals. This joint responsibility and accountability by all three spheres of government contributed to an effective response to the needs of citizens in some areas. For example, the Department of Water and Sanitation introduced the water tank system, which enabled it to fast-track the provisioning of water to communities to address the persistent water infrastructure backlog. This resulted in about 10 mega litres of water per day being carted to vulnerable communities in 158 municipalities, which enabled the communities to comply with COVID-19 hygiene requirements.

Despite the pandemic reducing the gap between the physical workplace and digital space, it has also highlighted the disparities and inefficiencies in the ICT systems used in government. This brought to the fore the gaps and weaknesses of the State Information Technology Agency SOC Ltd. (SITA) agreement with government to render an efficient and value added ICT service to the public sector in a secure, cost-effective and integrated manner, contributing to citizen convenience.

It was found that technology systems in government required strengthening to ensure effective and efficient delivery of services and prevent unethical practices. In particular, the departments of Small Business Development and Employment and Labour were concerned that the technology systems they used lacked the functionality to validate and screen applications against the eligibility criteria to ensure that only deserving cases were validated.

PROPOSALS

Realising the goals of the NDP, 2030, remains the highest priority of the state in order to improve the capacity and capability of the Public Service. The state exists to serve the needs of citizens and therefore there is a need to have ethical and competent leaders both politically and administratively who are guided by the constitutional values and principles (CVPs) in their daily activities. The PSC will play a critical role in ensuring that the CVPs, including ubuntu, unity, non-racialism, non-sexism, democracy, prosperity, supremacy of the constitution and the rule of law, are embedded throughout the Public Service. We hope that this will ensure that there is transparency and accountability and that organized civil society is involved in processes of planning, monitoring and evaluation to build and restore trust and goodwill which has been eroded over the past few years.

Government's priority of building a capable, ethical and developmental state should include a project to redesign all aspects of the organization and administration of the Public Service to ensure that it is also values-driven rather than only rules-driven.

This will promote public servants and communities taking ownership of public service infrastructure.

The PSC is of the opinion that the capacity of the state needs to be addressed along the following lines and adopted by relevant stakeholder departments such as the Department of Public Service and Administration and the National School of Government:

- a) **Professionalization** – this is not about qualifications but becoming a specialist at a job and certification that set requirements have been met;
- b) **Prioritisation** with limited resources; the state cannot have capacity for everything. What is required is rigorous prioritization; however, prioritization is meaningless without the reallocation of resources in accordance with the priorities;
- c) **Working with communities** – the Public Service has become distant from communities, which is a big contributory factor in the unrest. Capacity needs to be built to work with and empower communities; and
- d) **Partnerships (capacity of the country)** – capacity needs to be thought of as the capacity of the country. Partnerships need to be built to capitalize on capacity wherever it exists.

For the public sector to repurpose itself to be responsive and bring the sector into the 4th Industrial Revolution (4IR) there is a need to review and assess the role of SITA, how it is organized to facilitate the transformation of the state into the 4IR. This should include an audit and in-depth assessment of systems available and offered by SITA to government to render an efficient and value-added ICT service to the public sector in a secure, cost-effective and integrated manner, contributing to citizen convenience.

Government must put in place a system to mediate differences of opinion, conflict and crisis between public servants and executive authorities. Emphasis should be placed on an interface characterized by the principles and values of integrity, professionalism, respect, openness, learning, dialogue, feedback and ethics.

In respect of teachers and non-teaching staff in the Education Sector, the deadline for vaccination was 14 July 2021. The PSC urges the Department of Basic Education to consider an extension to allow those that missed the deadline to vaccinate and to identify dedicated sites for this purpose.

In due course, the PSC will brief the South African public on its monitoring of the situation and concrete steps it will take in consultation with relevant institutions of government.