

CVP



**Guide on the  
Constitutional Values and Principles  
Governing Public Administration**

**Public Service Commission**

## Our Vision

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

## Our 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



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## The values and principles governing public administration

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## **1. Purpose**

The South African constitution outlines values and principles that guide the public administration contained in Section 195 of the Constitution these are as follows:

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

This guide aims to develop a shared understanding of these Constitutional Values and Principles (CVPs), identify what the public administration should do in compliance and encourage their application in the delivery of services. This guide is not an exhaustive exposition of CVPs. Rather, it is a modest, but meaningful step towards supporting government to embrace and institutionalise CVPs.

## **2. Imperatives of a Constitutional State**

South Africa is a constitutional state. This makes the Constitution supreme. It is the source of all legislation and authority on how the different arms of government should relate to each other. Equally important is that the Constitution is not just the supreme law, but also enjoys popular legitimacy as a social contract between citizens and the state. It was formulated and adopted by citizens through their duly elected public representatives. The Constitution underpins the country's foundational values - i.e. human dignity, equality and freedom - and lays out the vision of a good society that the country seeks to become. By virtue of being a citizen, individuals undertake to obey the state. The latter, in turn, is guided by the social contract – i.e. the Constitution – which spells out specific values and principles that should guide public administration.

### **2.1. Public Service Commission**

The Public Service Commission (PSC) derives its mandate from sections 195 and 196 of the Constitution. The PSC is tasked and empowered to, amongst others, investigate, monitor and evaluate the organization and administration of the Public Service.

This mandate also entails the evaluation of the government performance, or lack thereof, of service delivery and programmes. Accordingly, the PSC must propose measures to ensure optimal performance within the public service. That the PSC is a Constitutional institution, whose proposals are binding, further affirms the paramountcy of building a capable and professional public service to enable the country to become a caring society.

### **2.2. Service delivery expectations and challenges**

The public service exists to meet the obligations of the state towards its citizens. Notwithstanding these Constitutional obligations, coupled with government's good intentions, the public service faces numerous challenges concerning service delivery. The National Development Plan (NDP) Diagnostic Report concludes that the performance of the public service is uneven. There are excellent departments but there are also those that are characterised by poor performance, maladministration and even collapse. These have led to various expressions of public disapproval, including violent public protests. The PSC has rightly been concerned and is called upon to do whatever it can to rid the public service of the aforementioned ills.

## **3. Defining the terms “value” and “principle”**

**Values** are no different from beliefs or a belief system. Both constitute a moral code that individuals internalise. It guides one's behaviour, to distinguish what is right or wrong. We do these instinctively, without even thinking because values form part of our consciousness.

**Principles** derive from a value-system. Whereas values are internalised, principles are outward instructions, more like rules or laws. They are easier to follow if they arise from one's value system, as they ought to<sup>1</sup>.

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<sup>1</sup> Raga,K and Taylor D. Impact of accountability and ethics on public service delivery. A South African perspective (2006)

## **4. A Conversion of Values into Principles**

There is a direct linkage between the Constitutional values and principles and the Batho Pele Principles<sup>2</sup>. The Batho Pele framework provides a practical implementation strategy for the transformation of public service delivery. Constitutional values that inform Batho Pele are the following:

### **4.1. *Universal franchise***

Each citizen is guaranteed the right to elect his or her own public representatives at certain regular intervals. This ensures that government promulgates laws and conducts itself in a manner that is consistent with the wishes and needs of its citizens.

### **4.2. *Social justice and equity***

Equitable and easy access to socio-economic resources. This refers to such things as employment, housing and water. The aim is to ensure that people lead a decent and meaningful life.

### **4.3. *An open society***

Society must be underpinned by transparency and accountability. Human rights – access to public information and free press are guaranteed. There should be no restrictions on their individual freedoms, and the state enables the exercise of individual rights. Restrictions apply only when their individual actions or statements harm others. Even in the application of such restrictions, the state cannot do so arbitrarily but has a duty to account and follow a fair process.

### **4.4. *Human Dignity***

Humanity is the same. Differences in race, gender or age is no justification for a different treatment. The fact of being human – i.e. Ubuntu - entitles one to equal treatment. This applies both between the state and citizens and amongst citizens. We can realise our full humanity when leaving in harmony with others. This also underpins the significance of group solidarity - umntu ngumntu ngabantu – for the healthy survival of communities, which, in turn, protects individuals.<sup>3</sup>

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<sup>2</sup> White Paper on the Transformation of Public Service Delivery (1997) (Batho Pele White Paper)

<sup>3</sup> In *S v Makwanyane* 1995 3 SA 391 (CC)

#### **4.5. Freedom**

Individuals have rights to freedom to pursue their individual needs and express themselves. They cannot be deprived of such freedoms arbitrarily or without just cause. For instance, people cannot be detained without trial, tortured or beaten up<sup>4</sup>.

#### **4.6. Equality**

Everyone is equal before the law and has the right to equal protection and benefit of the law<sup>5</sup>. The state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth<sup>6</sup>.

#### **4.7. Rule of law**

The law guides public decisions and conduct. Public representatives or officials cannot take decisions based on their personal whims or behave in any manner they choose. They cannot take instructions from anywhere else or from whomever but should follow the law at all times. This guarantees that their conduct and decisions are fair and that they treat citizens equally.

#### **4.8. Reconciliation**

Divisive actions or behaviour is outlawed. Public actions should be geared towards cultivating harmonious relations, or peaceful cohabitation, amongst people. This helps the country heal the wounds inflicted by the barbarity of the apartheid past, and to regain its humanity.

#### **4.9. Respect**

Respect affirms the sanctity of human dignity. Relations with others should be respectful, in a manner that affirms their humanity.

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4 Republic of South Africa. The Constitution of the Republic of South Africa. Act 108 of 1996.

5 Republic of South Africa. The Constitution of the Republic of South Africa. 1996.

6 Ibid



## 5. Batho Pele Framework

The foregoing values have in turn been translated into principles. They are embodied in the Batho Pele Framework to guide public servants in decision-making and their interaction with citizens.

The principles are as follows:

- 5.1 Consultation: Citizens should be consulted about the level and quality of the public services they receive and, wherever possible, should be given a choice about the services that are offered.
- 5.2 Service Standards: Citizens should be informed of what level and quality of public service they will receive so that they are aware of what to expect.
- 5.3 Access: All citizens should have equal access to the services to which they are entitled.
- 5.4 Courtesy: Citizens should be treated with courtesy.
- 5.5 Information: Citizens should be given full, accurate information about the public services they are entitled to receive.
- 5.6 Openness and Transparency: Citizens should be told how national and provincial departments are governed, their budgets and representative officials.
- 5.7 Redress: If the promised standard of service is not delivered, citizens should be offered an apology, a full explanation, a speedy, effective remedy, and when complaints are made, citizens should receive a sympathetic response.
- 5.8 Value for Money: Public services should be provided economically and efficiently to give citizens the best possible value for money.

Batho Pele principles, therefore, are informed by constitutional values. They guide public servants to bring the values into life, to make them part of our daily existence.

## 6. Further Regulatory Guidance and CVPs in Practice

Alongside the Batho Pele framework, CVPs find expression in many other policies and practices. Below is a list of such policies and practices:

### **6.1. *A high standard of professional ethics must be promoted and maintained***

The **Public Service Code of Conduct**<sup>7</sup> gives a few ethical rules that the conduct of public servants must adhere to. It covers—

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<sup>7</sup> Public Service Regulations, 2016: Chapter 2/ Part 1/ sections 11 to 15

- adherence to the Constitution and other laws;
- relationship with the public;
- ethical conduct;
- performance of official duties; and
- employees as candidates for elections.

Professional ethics deals with more issues than the law or a system of rules. Many of the issues are embedded in messy and complex factual situations, so ethical issues tend to be harder to identify than legal issues. Public servants can be unethical without acting illegally. Generally, clearly stated rules leave less room for interpretation and therefore minimise arbitrary action or interpretation of what constitutes acceptable behaviour.

The problem with rules is that it applies to a specific set of circumstances at a specific time. For this reason, many prefer a values-based code of conduct, which allows for use of one's judgment in the application of values. The disadvantage is that because it is open to interpretation, employees may come to different conclusions in the application of certain values to ethical problems. The possible solution is a balance between the two approaches clearly stating legal requirements and at the same time leaving room for the application of values without compromising ethical behaviour.

To promote good conduct an ethics infrastructure or integrity system has been put in place. This represents the prescribed management measures that have been put in place to manage behaviour and includes—

- a framework of law, including the Public Finance Management Act, 1999, the Public Administration Management Act, 2014, the Prevention and Combating of Corrupt Activities Act, 2004, the Promotion of Administrative Justice Act, 2000 and the Promotion of Access to Information Act, 2000.
- risk management and auditing
- fraud prevention and minimum anti-corruption capacity
- vetting of staff and disclosure of financial interest,
- prohibition on doing business with the state and obtaining approval for remunerated work outside your contractual obligation
- reporting of corruption, protection of whistle-blowers, investigation and prosecution
- censure of financial misconduct
- citizen responsibility.

Senior public administrators should constantly check the effectiveness of this system and ask the question why, despite these measures, the public service in many instances failed to exhibit high ethical standards. In the end, what will count is not compliance with this system but the actual conduct of public servants.

Senior public administrators must implement management measures to address the real ethical issues confronted by their departments, for example:

- For social sector departments, it is how employees treat citizens (patients, learners, parents). The Public Service Code of Conduct (Regulation 12) states that an employee shall—
  - (b) serve the public in an unbiased and impartial manner in order to create confidence in the public service;
  - (c) be polite, helpful and reasonably accessible in his or her dealings with the public; and
  - (d) have regard for the circumstances and concerns of the public in performing his or her official duties and in the making of decisions affecting them.
- For policy departments it is the impartiality, independence and analytical rigour of their policy advice; not to be pressurised to frame advice in a particular manner; and not to be pressurised to dilute or circumvent constitutional and legal requirements, like public consultation processes. The Code of Conduct (Regulation 14(k) states an employee shall—
  - give honest and impartial advice, based on all available relevant information in the execution of his or her official duties.

The tone will be set by how leaders deal decisively and courageously with such real issues and this can never be replaced by mere compliance with the elements of the integrity system.

## **6.2. Efficient, economic and effective use of resources must be promoted**

**Efficiency** relates to the cost of rendering a service. The aim is doing more with less.

The Public Service has two types of efficiency: allocative and operational efficiency.

- *Allocative efficiency* ensures that resources are deployed in line with government priorities and are allocated to programmes that produce the best value for money.
- *Operational (or process) efficiency* refers to the relationship between input and output. It is about “Doing things the right way.”

Allocative efficiency is to some extent measured by the relationship between expenditure against budget and whether departments deliver on their pre-determined objectives. Expenditure against budget measures at least the predictability of the budget outcomes and shows that budgets, which are the practical manifestation of policy priorities, were at least executed as planned, even if no major budget shifts to reflect new priorities occurred.

Operational efficiency is about the process, the resourcing of that process and all the elements linked to processes such as the technology used, information systems, forms, and physical layout of offices. It is also about process times and the quantity and quality of the output delivered for a certain amount of input. It is about improved service delivery and meeting service standards.

Operational efficiency is improved by –

- production planning: scheduling, and capacity planning (matching capacity and delivery demands).
- timely procurement of assets and stock (e.g., medicines, school books);
- improving staff skills, optimum utilisation of staff and improving staff productivity;
- optimum utilisation of assets (e.g., expensive hospital equipment);
- applying technology;
- quality control; and
- project management.

Operational efficiency needs to consider the nature of the process. This varies between simple administrative processes, administrative decision-making processes (considering an application for a right, service or benefit), skilled processes (depending on the skill of a professional like a social worker), law enforcement, and complex processes like policy-making and sectoral and national planning. Therefore, efficiency in public administration cannot be reduced to engineering efficiency in a controlled environment with a defined output. Most public administration processes are about implementing government policy and must comply with public administration principles like fairness, equity and transparency.

For instance, a process that includes an administrative decision must comply with the Promotion of Administrative Justice Act. A policy process may be directed into new directions or delayed based on changes in political mandates, the extension of public participation, and revisiting policy positions based on research, public comment and international negotiations.

The effectiveness of relations at the political-administrative interface, with both minister and the department effectively fulfilling their respective roles, largely determine the outcome of a policy process. It is therefore not simply a case of efficient decision-making or the efficient production of a policy-instrument but the defensibility of the decision or soundness of the policy that counts.

**Economy** is about procuring inputs at the best price while further limiting wastage: “Doing things at a low price.” In this context, the public servant must guard against unauthorised, irregular, fruitless and wasteful expenditure. Where efficiency considers the quantity of input, economy considers the price of the input.

Economy is improved by –

- getting inputs at the right price through Supply Change Management (SCM). SCM officers must ensure that the market and prices of goods and services to do the best buy;
- managing payroll;
- looking for expenditure savings, and asset management.

**Effectiveness** refers to how well the output and outcome objectives of the department or programme are achieved. It is “Doing the right things” and asking the question “What works best?” It is about achieving policy objectives. These may include both government objectives and civic objectives, or objectives that are achieved by partnerships between all the institutions of society and using the resources and capabilities of all sectors of society.

Effectiveness is improved by –

- considering alternative strategies, programme designs, policy instruments or service delivery models. These terms are largely interchangeable and include policy analysis, cost-benefit analysis, financial modelling and expenditure review.

The terms include quantifying a need and determining the number of eligible beneficiaries for a programme, preparing the service specifications (defining service levels), calculating unit costs and then modelling the trade-off between eligibility, level of service and cost so that a programme can be properly planned and budgeted for to progressively meet needs, equitably.

The service delivery model or programme design entails the creative combination or mix of all the design options to deliver the best outcomes or value for money.

Design elements include the objectives of the programme, the target population of the programme, the course of action government intends to take to address a societal problem or the alternative strategies. Furthermore, the means or policy instruments to achieve desired ends, the critical success factors to achieve the objectives, the legal instruments to be used, the scale of the programme, the institutional arrangements for delivery and the procedures for implementing the chosen course of action.

**Efficiency, Economy and Effectiveness (3Es)** are aligned with the principle of value for money or cost-effectiveness. At the core of the 3Es is the need to ensure value for money and the extent that government achieves its outcomes or has an impact on the lives of its people, especially the need to detail the cost of services and develop/use cost-effective strategies or service delivery models.

### **6.3. *Public administration must be development-oriented***

**Development-orientation** means that departments focus on the achievement of development objectives and more broadly on overcoming the root causes of poverty and inequality and building state capacity to fulfil this role.

Developmental states draw from two key factors:

1. The strength of its institutions and its capabilities. This refers to the—
  - a) Capacity to lead in defining a common national agenda;
  - b) State's organisational capacity – ensuring that its structures and systems facilitate the realisation of a set agenda.
  - c) Technical capacity – the ability to translate broad objectives into programmes and projects and to ensure their implementation.
  
2. Its embeddedness.

The concept of embeddedness captures the state's ability to harness all sectors of society behind a broader social and economic development project. The state must also be embedded in communities and have the capability to respond to community needs and use their resources and capabilities to create local institutions (like cooperatives) that can facilitate development at local level. This means that local officials should be finely tuned to their communities.

Development-orientation can be improved by—

- building staff capabilities through professionalising key occupations and structured career development;

- building institutional capabilities, especially—
  - analytical capabilities. To do the policy development, programme design and implementation planning, departments need strong analytical capabilities (financial modelling, policy analysis, evaluation, strategic planning, organisational development, process design).
  - the orientation and institutional processes and authority that facilitate coordination and collaboration with other bodies.
- building—
  - partnerships with bodies that can contribute to the achievement of developmental objectives;
  - community development capabilities; and
  - public participation capacity.

#### **6.4. Services must be provided impartially, fairly and equitably and without bias**

##### **Equity**

Equity means equality in eligibility for resource allocation and the level of quality of service delivery; equality before the law and equal treatment by government policy; and the prohibition against unfair discrimination. In practice, all services are targeted at specific groups of beneficiaries and policies have specific objectives that affect people differently. However, the differentiation must be reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom as provided for in the Constitution [section 36(1)].

Equity can be improved by assessing -

- people's needs and service delivery to needs;
- targeting of services and eligibility criteria to determine whether these are equitable;
- resource allocation to various groups and geographic areas to determine whether the resource distribution is equitable and then making the necessary adjustment to policy, budgets and administrative procedure.

##### **Ensure that administrative decisions are substantially and procedurally fair**

Fair administrative decisions are about lawfulness and reasonableness of decisions (substantial fairness) and following of due procedure in the making of the decision (procedural fairness).

The Promotion of Administrative Justice Act (PAJA) regulates the provision of reasons behind administrative actions. PAJA protects the public from unlawful, unreasonable and procedurally unfair administrative decisions and allows decisions to be reviewed by the courts [section 33 of the Constitution]. PAJA also provides for public participation requirements (specifically public inquiries and notice and comment procedures) when administrative action (like issuing a plan or policy) affects the public [section 4]. In addition, in this case, several court judgements further elucidate this principle.

Fairness can be improved by—

- mapping out administrative decision-making processes and testing them against the requirements of PAJA and the relevant law.

**6.5.** *People's needs must be responded to, and the public must be encouraged to participate in policy-making.*

### **Public Participation**

Public participation is the involvement of citizens in government decisions and initiatives that affect their lives, and it is a legal requirement. Section 4 of the Promotion of Administrative Justice Act, 2000, provides the following:

In cases where an administrative action materially and adversely affects the rights of the public, an administrator, to give effect to the right to procedurally fair administrative action, must decide whether—

- a) to hold a public inquiry; and/or
- b) to follow a notice and comment procedure.

A public participation process should meet the following requirements:

- Including a broad spectrum of public interests, especially vulnerable communities
- That content of public participation covers policies, plans, service delivery models, implementation arrangements, quality and level of services.
- Processes are in place to deliberate on citizens' inputs (whether to change policies/models).
- Evidence of the outcome of public participation efforts (number of policies, processes, systems changed as a result of the implementation of public participation mechanisms).
- Proof that citizens were provided with feedback on the outcome of the public participation process.



Departments should apply the level(s) that is appropriate or ideal considering the type of service or situation. For example, TB services, where the methods of diagnosis and treatment have been well-established over a century, would require a different level of participation (or even no participation) compared to a housing programme or establishing income-generating projects in communities.

Public participation can be improved by—

- carefully considering the above requirements and the implementing appropriate participation mechanisms; and
- building an organisational culture that will ensure that officials are finely tuned to their communities.

### **Responsiveness**

Responsiveness is the ability to anticipate and adapt to changed circumstances.

A point of departure is assessing the needs of people through public participation. Departments must then design programmes that respond to needs. Programmes should specify—

- the target population for the programme and the eligibility criteria; and
- the level of service that will be provided. This includes determining the norms and standards for the service and a programme for progressively meeting such norms and standards.

Responsiveness requires that policies are flexible enough to respond to the unique needs of specific individuals or specific communities. Policies should allow the choice to respond to unique circumstances or emergencies. This requires that citizens be empowered to play a key role in service design, delivery and innovation.

This would require a change in the development paradigm applied in South Africa from a “push model” to a “pull model”. The features of the push model are that government supply services or development programmes, where the solutions are predetermined and controlled by government. The pull model is a rights and demand-driven approach where communities are the partners of government and programme policies are applied flexibly so that communities can apply what works for them. Individuals and communities are encouraged to take control of their own development. Government plays a facilitatory and empowering role. Participatory approaches to designing and implementing programmes are followed.

For this to work would require the empowerment of local level managers to respond to needs, coordinate, and collaborate with other authorities and civic bodies. They should be change agents in their communities. This requires certainty at the community/locality level of what resources and budgets are available from all government agencies in the locality and some discretion and flexibility to implement programmes in a manner that suit the conditions in the local community.

The formalised rules under which bureaucracies operate often make them rigid and slow to respond. A key body of rules is the financial administration and human resource management rules under which the public service operates, and the question is whether the regulatory environment allows the public service to be responsive.

Rules — and in this context we mean rules generally applicable in the public service — remove arbitrariness and create standardisation and certainty. They set the bounds of discretion but allow efficient administrative decision-making within those bounds. However, rules invariably have the unintended effect of increasing complexity and reducing flexibility/ responsiveness. The mode of administration is compliance rather than solutions driven. Therefore, the issue is to create the right balance between the minimum amount of standardisation and enough flexibility to enable departments to respond to developmental challenges. There has to be a balance between rules and creating a controlled environment, on the one hand, and allowing enough discretion for creativity and innovation, on the other hand.

Responsiveness can be improved by—

- designing flexible programmes with citizens playing a bigger role in service design, delivery, evaluation and governance of projects/ service delivery;
- redesigning the authority frameworks, processes, rules and culture of the bureaucracy to make it more responsive; and
- empowering local managers to be change agents in their communities.

Without proper public participation mechanisms and with an unresponsive public administration, citizens are likely to find other ways to mobilise and express their needs, such as service delivery protests and civil unrest. But, citizens must also take responsibility to participate and contribute meaningfully to the public policy process.

#### **6.6. *Public administration must be accountable***

Accountability is the obligation of a public official to account for his/her activities, provide information about decisions and actions, explain and justify decisions, accept responsibility for them, and to disclose the results in a transparent manner. It also includes the responsibility for financial, human and physical resources utilised by the institution in pursuit of its objectives. In basic terms, it means being answerable for your actions, and more importantly, that there is redress or consequences when duties and commitments are not complied with and resources are not spent in accordance with plans.

The South African accountability framework is still largely skewed towards hierarchical or formal bureaucratic accountability. It has two legs: Accountability for performance and financial accountability. Accountability for performance is based on quarterly reporting against the Annual Performance Plan (APP). The performance information in the quarterly and annual reports is also audited. 80% of the reporting effort goes into the APP reporting and producing the auditable evidence for that. The APP for a department is further broken down to plans for various units, the staff at all levels sign performance agreements or work plans, and their performance is formally assessed.

Financial accountability is based on the production of financial statements and compliance with budget authorisations and accounting, supply chain management and other treasury regulations and rules. Both the financial statements and compliance with rules and regulations are also audited.

The above formal bureaucratic accountability based on performance measurement, reporting, rules and constraints need to be complemented by reflection and judgement on whether policy goals have been met and whether the department was responsive to citizens' needs. Currently, no formal reporting takes place against the strategic plan. With the emphasis on annual reporting sufficient attention is not given to progress over the medium term towards strategic objectives. The emphasis on measurement and auditable evidence placed the focus on countable, observable deliverables and not on quality and effectiveness, which is less easy to measure and require experienced judgement/qualitative evaluation rather than measurement.

In the current South African accountability set-up, only 20% of the effort is devoted to reflection on quality and effectiveness, and this takes place outside the formal performance management process and is not reported on.

The increased role of monitoring and evaluation, as mediated by the Department of Planning, Monitoring and Evaluation, and the creation of monitoring and evaluation units in departments have assisted in this. However, many monitoring and evaluation units are almost exclusively used to support the traditional formal reporting process described above.

Hierarchical accountability further has to be complemented by direct accountability to citizens and public reporting on the achievement of societal goals that are based on evidence, peer review and comparisons with other countries of similar development. Processes should be developed that allow citizens a bigger role in the design, delivery and monitoring and evaluation of services.

A large part of accountability is the human value of taking personal responsibility for the quality of your work, your conduct and your decisions and advice. A public servant should never say “I was instructed” but should always apply his or her mind and take reasonable and lawful administrative action. Similarly, a minister should never say “I was advised”. Personal accountability thrives more in an environment of reflection than a mechanistic process of checking against narrowly defined targets.

Accountability can only be demanded within a well-designed accountability structure. The accountability structure refers to the alignment of responsibility, authority and accountability. For managers to be effective, they need to have the authority to take a range of actions, including assign and schedule work, adjust plans, redesign/adjust processes, allocate/reallocate resources, appoint staff, train staff and procure goods and services. They need to have the authority to make changes that can improve service delivery within their scope of responsibility. The key point is that these managers should believe that they have agency – the ability to influence significant change, to be change agents – and this is often not the case.

**6.7. *Transparency must be fostered by providing the public with timely, accessible and accurate information***

Access to information is a human right [section 32 of the Constitution]. This right can only be limited if the “limitation is reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom” [section 36 of the Constitution].

Information must first be provided about the services of a department (Batho Pele principle of information), that is, the nature, type and extent of services offered by the department; eligibility for services; the intended beneficiaries; when, where and how services can be accessed; and how to apply for the service.

Secondly, information must be provided to allow scrutiny of the affairs of the department (Promotion of Access to Information Act (PAIA), 2000 [section 9(e)]).

The principle is therefore closely related to the principles of accountability and participation in policy-making. Effective scrutiny and participation in decision-making imply access, without having to request it, to a wide variety of information and departments should not look for reasons not to provide information. Departments should also consider the quality and meaningfulness of the information that they provide. The performance information in annual reports should for example be—

- compared to a standard or meaningful measurable objective, or previous period, or the performance of a similar body, so that a better judgement about performance can be made;
- consistent, so that trends in performance over time can be established; and
- explained, as not all performance indicators are necessarily understandable to the lay reader.

**6.8. *Good human-resource management and career-development practices, to maximise human potential, must be cultivated***

An objective that can be set under this principle is that a department should recruit and maintain key capabilities – a department that has the staff, skills and workplace climate to perform its functions. The focus is on the right people. It is doubtful whether the rules-driven HR practices achieve this purpose.

The quality of HR practices should be measured against—

- the broad policy objective of placing a person with the right competencies, attitudes and values, and who will be able to perform the required tasks, in the right job at the right time;
- the objective of creating a workplace where staff members feel they are nurtured and supported; and
- the constitutional principle that personnel practices must be based on ability, objectivity and fairness, that public administration should be representative, and that it should maximise human potential.

The department's HR Plan should contain—

- a credible projection of current and future staffing needs (demand), based on a useful occupational classification that forms the basis of a career system;

- a credible projection of current and future availability (supply) of people in these occupational categories; and
- credible strategies to fill future supply-demand gaps. Such strategies should go beyond advertising a post on the establishment. Capabilities could be obtained and built through a variety of means, such as partnerships and exchange programmes with other bodies in the same policy sector, rotation to other public service departments and outsourcing of specialised functions. Recruitment and career management should build on the intrinsic motivations for choosing a specific career or employer.

The public service should re-establish a career system, which means that—

- a public servant is driven by a set of values and a duty to serve her fellow citizen;
- on entry into the public service it is expected that a candidate will prepare himself for a long-term career and undergo a structured training and development programme;
- the career system should be redesigned to systematically create pools of skills and to promote candidates preferentially from a pool of people who possess functional as well as generic management competencies; and
- the performance management system, including accountability frameworks, need to be reviewed to make it better tools for improving performance.

Skills development should take place over the course of a long-term career and start with specifying the scope of work for each public service occupation. Candidates' proficiency in all the tasks of the scope of work is then developed through a variety of methods, including further study through bursaries, training courses, and mentoring and coaching, but foremost through systematic exposure under competent supervision to the tasks in the scope of work and even secondment to other departments and employers. Training should not necessarily be outsourced. It may include proficiency testing.

The need to transform the public service also includes the transformation of human resource management practices from being rule-bound to being capabilities-based and more responsive to service delivery needs.

**6.9. *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***

Representativeness in the Public Service refers to the state of affairs in which the profile of government employees reflects the profile of the population in South Africa. It is characterised by multiple concepts such as equity, equality, affirmative action, inclusiveness, integration, fairness, and accommodation of differences/diversity.

This principle establishes the criterion of ability, or merit, for employment and advancement in the public service and the objective and fair assessment of such ability, while balancing this with the need for redress of past imbalances and broad representation. Departments must comply with the representative profile targets set for the Public Service. This principle requires affirmative action measures.

Affirmative action measures are defined by the Employment Equity Act, 1998 [section 15] as measures intended to ensure that suitably qualified employees from designated groups have equal employment opportunities and are equitably represented in all occupational categories and levels of the workforce, and includes—

- identification and elimination of barriers with an adverse impact on designated groups;
- measures which promote diversity;
- making reasonable accommodation for people from designated groups;
- retention, development and training of designated groups (including skills development); and
- preferential treatment and numerical goals to ensure equitable representation. This excludes quotas.

A designated employer must prepare and implement an employment equity plan, which must—

- have objectives for each year of the plan;
- include affirmative action measures;
- have numerical goals for achieving equitable representation;
- have a timetable for each year;
- have internal monitoring and evaluation procedures, including internal dispute resolution mechanisms; and
- identify persons, including senior managers, to monitor and implement the plan.

[Section 20 of the Employment Equity Act.]

Diversity improves decision-making by bringing the different perspectives of a diverse group of people to bear on an issue. However, this requires the careful selection of the members of the group that will consider the issue so that different perspectives and competencies are indeed included. Any random mixed group will not improve decision-making. Diversity will also enhance identification with diverse groups served by a department and the embeddedness of the public service in society but this should not be regarded as self-evident because factors like the value-orientation of public servants may be a better determinant of identification with client groups than the usual representativeness categories of race, gender, ethnicity, and so on. Departments should therefore not pay lip service to diversity but manage it creatively.





Custodian of Good Governance

# **CONSTITUTIONAL VALUES AND PRINCIPLES**