



# Report on the implementation of the Batho Pele principle of Openness and Transparency in the Public Service

Public Service Commission

February 2008

## Vision

The Public Service Commission is an independent and impartial body created by the Constitution, 1996, to enhance excellence in governance within the Public Service by promoting a professional and ethical environment and adding value to a public administration that is accountable, equitable, efficient, effective, corruption-free and responsive to the needs of the people of South Africa.

## Mission

The Public Service Commission aims to promote the constitutionally enshrined democratic principles and values of the Public Service by investigating, monitoring, evaluating, communicating and reporting on public administration. Through research processes, it will ensure the promotion of excellence in governance and the delivery of affordable and sustainable quality services.

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February 2008

Published in the Republic of South Africa by:

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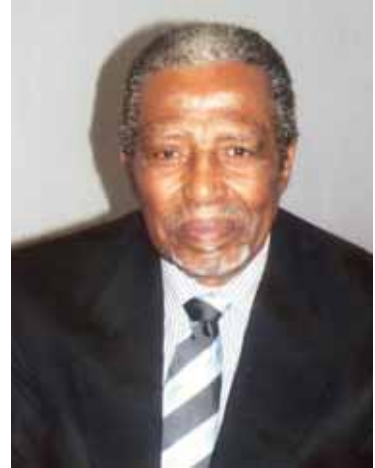
Compiled by: Branch: Investigations Human Resource Reviews  
Distribution by: Directorate: Communication and Information Services  
Printed by: The Kashan Group

ISBN: 978-0-621-37642-5  
RP: 23/2008



# Foreword

Prior to 1994, the apartheid-led government suppressed access to information in an effort to stifle opposition to its racial supremacy. Progressive groups came to see unrestricted access to information as a cornerstone of transparent, participatory and accountable governance. With the advent of democracy, government emphasized the importance of transparency and sharing of public information. This was reflected in the South African Constitution which stipulates that “transparency must be fostered by providing the public with timely, accessible and accurate information.”



Supporting this Constitutional value, the White Paper on the Transformation of Public Service Delivery (*Batho Pele*), that was published in 1997, requires that “citizens [must] be told how national and provincial departments are run, how much they cost and who is in charge.” Since the introduction of this White Paper, government departments have done much to address the demands of citizens, but have also been faced with a number of challenges in expanding service delivery and often within an environment of human resource and other constraints.

As part of its mandate the Public Service Commission (PSC) has been monitoring the progress made by the departments towards the implementation of the White Paper. In terms of this mandate, the PSC began evaluating the implementation of *Batho Pele* in 2000 by undertaking research into compliance with the *Batho Pele* framework. This was followed by a series of studies from 2005 to 2007 evaluating the performance and compliance of national and provincial government departments with the *Batho Pele* principles. This is the sixth study in that series, and it evaluates progress departments have made in implementing the Constitutional principle of Openness and Transparency.

I trust that this Report will draw attention to the Public Service's progress and challenges regarding the principle of Openness and Transparency and inform efforts to improve implementation. Citizens can only actively play meaningful roles in the departments' programmes if they are well-informed.

A handwritten signature in black ink that reads "Sangweni". The signature is stylized and cursive.

**PROFESSOR S.S. SANGWENI**  
**CHAIRPERSON**

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# Acronyms

AG	Auditor-General
DPSA	Department of Public Service and Administration
HoD	Head of Department
MEC	Member of Executive Council
NACH	National Anti-Corruption Hotline
NGO	Non-Government Organisation
PDA	Protected Disclosures Act
PSC	Public Service Commission
PAJA	Promotion of Administrative Justice Act
PAIA	Promotion of Access to Information Act
PFMA	Public Finance Management Act
SAHRC	South African Human Rights Commission
SAPS	South African Police Service
SDIP	Service Delivery Improvement Plan



# Executive Summary

## 1. Background to the study

During the apartheid era, South Africa's minority government suppressed access to information on social, economic and security matters, in an effort to stifle opposition of its policies of racial supremacy. Access to information became a critical source for progressive groups in their efforts to promote transparent, participatory and accountable governance. Ultimately, with the advent of democracy in 1994, the new democratic government emphasized the importance of the flow of accurate and reliable information to the citizens to ensure their meaningful participation in decision-making.

The requirement for transparency was ultimately captured in South Africa's Constitution<sup>1</sup> which provides among others, that public administration must be guided by the principles of Openness and Transparency. Specifically, the Constitution states that, "transparency must be fostered by providing the public with timely, accessible and accurate information." The White Paper on the Transformation of Public Service Delivery (*Batho Pele*) further requires that "Citizens be told how national and provincial departments are run, how much they cost and who is in charge". Given this background, the Public Service Commission (PSC) embarked on a study to assess the progress departments have made in implementing this Constitutional and *Batho Pele* principle of Openness and Transparency.

## 2. Scope

The scope of the study was both national and provincial governments. All 138 departments from these two spheres of government were included in the study with the exception of the following departments:


- National Intelligence Agency;
- The South African Secret Service; and
- The South African Defence Force.

## 3. Methodology

Data collection was done in three phases. During phase one, the PSC sent letters to all Heads of Department (HoDs) of national and provincial departments asking them if they compile and distribute Annual Reports to Citizens as required by the *Batho Pele* White Paper, and to submit copies of these reports. Seventy nine departments responded during the first phase of the study.

During phase two, a sample of departments that had and those that did not distribute Annual Reports to Citizens was drawn. The sample comprised 31 provincial and two national departments. Interviews were conducted with designated officials in these departments using a questionnaire.

<sup>1</sup> Republic of South Africa, *The Constitution of the Republic of South Africa, Act 108 of 1996*.



During the third phase a selection of critical documents was reviewed. Documents such as the Annual Reports to Citizens, the Annual Reports and departmental documents provided by departments in the interviews were included in the document review. *Batho Pele* related documents such as the White Paper and the Hand Book as well as previous reports of the PSC were also reviewed.

## 4. Findings

The following are the main findings of the study:

### 4.1 Findings on the First Phase

The *Batho Pele* White Paper requires that departments publish Annual Report to Citizens as part of implementing the principle of Openness and Transparency. Of the 138 Public Service departments who were initially requested to provide information on the publication of the Annual Report to Citizens, 18 provincial departments were found to comply with this requirement whereas 84 provincial departments did not. No national department was found to have complied with this requirement. All the departments in the Limpopo province complied. Only two of the departments in the Free State did not comply.

However, all the departments that did not comply with the above mentioned requirement did implement other mechanisms such as annual report, brochures, *izimbizo* and Service Delivery Improvement Plans (SDIPs) to provide information to citizens. Although departments do provide information through all these documents and processes, they still need to publish the Annual Reports to Citizens to ensure that they comply with the requirement of the *Batho Pele* White Paper on the implementation of the Openness and Transparency principle. Unlike ordinary Annual Reports and brochures, Annual Reports to Citizens tend to summarise critical information in a user friendly manner, thus making them a simple but useful communication mechanism for departments.

### 4.2 Findings on the Second Phase

#### 4.2.1 Understanding of the *Batho Pele* principle of Openness and Transparency

In order to effectively and successfully implement the principle of Openness and Transparency, it is imperative that officials involved have a clear and shared understanding of the principle. Such an understanding of the principle would create a sound basis for the development of sound strategies for implementation. Only seven of the 33 departments that were sampled to participate in the second phase of the study, gave definitions close to the one provided in the *Batho Pele* White Paper. Respondents thus generally had a working understanding of the principle of Openness and Transparency. However, many respondents outlined their own understanding of the principle of Openness and Transparency, rather than reflecting on the shared understanding within their respective departments. This finding suggests that departments may not have formally articulated what the principle of Openness and Transparency means to them.



#### 4.2.2 Development of Standards and Procedures for Implementing Openness and Transparency

Standards and procedures on the implementation of *Batho Pele* principle of Openness and Transparency principle create benchmarks and clarify actions to ensure effective practice. It is important for departments to develop such standards and procedures because they guide officials as well as service users. Fifty two percent (52%) of departments that were sampled to participate in the second phase of the study indicated that they had not developed standards for implementing Openness and Transparency. This is indicative of a weakness considering that the development of standards is crucial in the assessment of performance and forms the basis for service delivery improvement. Most of the departments that said that they had developed standards, indicated that they had done so for purposes of their SDIPs, although they are not using the standards to track progress in implementing Openness and Transparency. This is unfortunate as it suggests that standards are being developed for compliance purposes with no commitment to implementation.

In addition, none of the departments included in the study indicated that they had developed specific procedure manuals for implementing Openness and Transparency. Procedure manuals were, however, in place for both the Promotion of the Access to Information Act (PAIA) and in the Promotion of the Administrative Justice Act (PAJA), which also affect the provision of information to citizens. A procedure manual on the implementation of Openness and Transparency would clarify the steps to be taken in ensuring that the department complies with the White Paper and would also clearly allocate the responsibility for the process of implementation. The allocation of the responsibility would ensure that the principle is implemented.


#### 4.2.3 Allocating Responsibility and Budget for Implementing Openness and Transparency

In order to effectively promote the *Batho Pele* principle of Openness and Transparency, it is important that dedicated individuals and units be assigned the responsibility to drive implementation in the departments. Appropriate budgets should also be made available to ensure that planned activities are successfully carried out. Most of the departments (87%) that participated in the second phase of the study indicated that the responsibility for implementing Openness and Transparency has been allocated to a specific unit.

A *Batho Pele* specific budget was identified in 16 of the 33 (48%) departments that were sampled to participate in the second phase of the study. Departments indicated that lack of adequate resources such as budget and human resources were serious obstacles to effective and successful implementation of the principle of Openness and Transparency.

#### 4.2.4 Monitoring and Evaluation of Openness and Transparency

The implementation of the *Batho Pele* principles requires a systematic process of periodic assessment to ensure progress towards the achievement of targets and to ensure that performance is reported, and that constraints are identified and addressed in time. Thirty nine percent (39%) of departments reported to have a monitoring and



evaluation system in place for measuring progress in implementing Openness and Transparency. These systems included evaluation systems such as Citizen Satisfaction Surveys (10% of departments) as well as accountability mechanisms such as management meetings.

#### 4.2.5 Barriers in the Implementation of Openness and Transparency

The major barrier reported by departments in the implementation of Openness and Transparency was the lack of funds to implement it. In 52% of the departments that participated in the phase two of the study, findings show that money was not specifically allocated to the implementation of the *Batho Pele* principles in general, and the principle of Openness and Transparency in particular, hence it was very difficult to prioritize this function. Staff shortages were also identified as a challenge in implementing the Openness and Transparency principle. Units consisting of one to three officials were not only responsible for the *Batho Pele* but were also responsible for transformation and change management tasks in their respective departments. With such amount of responsibilities, it is possible that such officials would pay very little time to the implementation of all eight *Batho Pele* principles, especially Openness and Transparency.

#### 4.2.6 Departments that have Provided Training


In order to develop a common understanding and successful practice of the *Batho Pele* principle of Openness and Transparency, it is important that officials of the respective departments are trained on the principle and its requirements. The majority of departments (77%) reported that they conduct training of their staff on the *Batho Pele*. It was reported that this training is done through activities such as workshops on reviewing standards, change management training, orientation and induction courses. There is also training on customer care and customer relations. However, it was reported that some training on the Openness and Transparency principle seems to only raise awareness of the *Batho Pele* principles and constructs without equipping officials for their task of implementing them.

#### 4.2.7 Senior Management Support on the Implementation of the Principle

Senior managers play a critical role in the influence of the practice of the *Batho Pele* principle of Openness and Transparency in their respective departments. It is important that senior managers lead by example and allocate adequate resources that would ensure effective practice of the principle. Sixty five percent (65%) of departments that participated in the second phase of the study reported having the support of senior management in their efforts to implement Openness and Transparency.

#### 4.2.8 Self Rating on the Implementation of the Principle

Self-ratings in terms of the implementation of Openness and Transparency differ from department to department. Most departments (52%) that participated in the second phase of the study indicated that their performance in so far as Openness and Transparency is concerned is adequate, while 45% felt that their performance is good.



Three percent (3%) rated their performance in implementing the *Batho Pele* principle as poor. Fifty five percent (55%) of departments rated themselves between adequate to poor. The officials from the respective departments indicated that there is still room for improvement in their departments efforts to implement the *Batho Pele* principle. The 45% of departments that rated themselves as performing good in terms of the principle, may be attributed to various mechanisms implemented by departments in providing citizens with the information they need. Although this information is not exactly what the guidelines contained in the *Batho Pele* prescribe, such effort is opening up information to the public and ensuring that departments are open and transparent to the public they serve. This is also a subjective rating and does not reflect the status of implementation of the principles in departments.

## 5. Conclusion and recommendations

### 5.1 Conclusion

The findings of this study indicate that although most departments do not comply with the requirement of the White Paper on the Transformation of Public Service Delivery<sup>2</sup> in providing an Annual Report to Citizens, they still practice the values of Openness and Transparency. They make information required by the *Batho Pele* White Paper available to citizens through the publishing of various documents such as Annual Reports and brochures. Although the departments did not score high in terms of understanding the principle and measuring progress with the implementation of the principle, the fact that they do provide citizens with information, in many instances overlapping with the information required by the White Paper, suggests that departments were not complying with the *Batho Pele* White Paper requirement.

Departments lack clear standards, targets and procedure manuals in their implementation of Openness and Transparency. The implementation of the *Batho Pele* principle further requires a systematic process of periodic assessment to ensure progress towards the achievement of targets, to ensure that performance is reported and constraints are identified and addressed in time.

### 5.2 Recommendations

Key recommendations include:

#### 5.2.1 Openness and Transparency specific training should be provided

According to respondents, the current training on *Batho Pele* principle of Openness and Transparency is only meant to raise awareness of the officials on the principle and the rest of the *Batho Pele* principles. However, it was reported that the training they do receive does not equip officials on how to go about implementing the principle of Openness and Transparency. It is recommended that training on the *Batho Pele* principles in general and on Openness and Transparency, in particular, be revisited and efforts be made to develop it in such a way that it will ensure that officials are equipped with the necessary knowledge to implement and comply with the principle.

<sup>2</sup> Republic of South Africa. Department of Public Service and Administration. *The White Paper on the Transformation of Public Service Delivery*. 1997.



## 5.2.2 Annual Reports to Citizens should be provided

Although departments do provide citizens with information through other mechanisms such as the Annual Reports, *izimbizo*, brochures and pamphlets, they still need to provide the Annual Report to Citizens. Annual Reports to Citizens tend to summarise critical information in a user friendly manner, making them useful communication from departments as compared to ordinary Annual Reports and brochures.

## 5.2.3 Targets or standards for Openness and Transparency should be developed

Departments should develop clear objectives, targets and standards that are appropriate in terms of Openness and Transparency to ensure progressive improvement in implementing the principle.

## 5.3.4 A monitoring and evaluation system should be introduced

Departments should introduce the necessary systems or procedures to enable them to monitor and evaluate the implementation of Openness and Transparency so that challenges can be identified and timely steps be taken to address areas of ineffectiveness or limited success.



# CHAPTER ONE

## INTRODUCTION

## 1.1 Background to the study

During the apartheid era, the then South African government suppressed access to information on social, economic and security matters, in an effort to stifle opposition of its policies of racial supremacy. Unrestricted<sup>3</sup> access to information became a critical source for progressive groups in their efforts to promote transparent, participatory and accountable governance. Ultimately, with the advent of democracy in 1994, the new democratic government emphasized the importance of the flow of accurate and reliable information to the citizens to ensure their meaningful participation in decision-making. In 1996, the importance of Openness and Transparency was ultimately captured in South Africa's Constitution<sup>4</sup> which requires that public administration must be guided by the principles of Openness and Transparency. Section 195(1)(g) of the Constitution specifically states that "Transparency must be fostered by providing the public with timely, accessible and accurate information".

In 1997, the democratic government further introduced the White Paper on Transforming Public Service Delivery also known as *Batho Pele*. The overall purpose of *Batho Pele* was to transform the Public Service into a people-centred institution. The intention was that with the implementation of the principles of the *Batho Pele*, service delivery and accountability by government departments would improve.

Given the above background, the PSC found it important to conduct a focused assessment of the implementation of the *Batho Pele* principle of Openness and Transparency. This principle is critical to promote values of openness and transparency which are essential in service delivery and deepening democracy.

The study of the *Batho Pele* principle of Openness and Transparency is the sixth in a series of studies by the Public Service Commission (PSC) directed at assessing how each of the *Batho Pele* principles is being implemented in the Public Service. The other *Batho Pele* principles that have been considered under this series are the principle of Service Standard<sup>5</sup>, Access<sup>6</sup>, Redress<sup>7</sup>, Value for Money<sup>8</sup> and Consultation<sup>9</sup>. The approach to focus on each principle individually was adopted after the first *Batho Pele* study which evaluated the implementation of all eight principles in 2000<sup>10</sup>.

<sup>3</sup> Access to information might be unrestricted but cannot be unregulated, meaning that access has to be balanced against the need to protect other rights and freedoms, or to protect legitimate public interest in withholding information. Grounds for not releasing information might include: the information being detrimental to the pursuit of a criminal case or law enforcement, where it violates personal privacy, where it constitutes a threat to national security, when it affects commercial or other kinds of confidentiality, it endangers the safety of the public or an individual or where it would undermine the effectiveness and integrity of the Public Service decision-making processes.

<sup>4</sup> Republic of South Africa, The Constitution of the Republic of South Africa, Act 108 of 1996.

<sup>5</sup> Republic of South Africa, Public Service Commission. Evaluation of Service Standards in the Public Service, 2005.

<sup>6</sup> Republic of South Africa, Public Service Commission. Report on the Evaluation of Performance and Compliance with the Batho Pele Principle of Access, 2006.

<sup>7</sup> Republic of South Africa, Public Service Commission. Report on the Evaluation of Performance and Compliance with the Batho Pele Principle of Redress, 2006.

<sup>8</sup> Republic of South Africa, Public Service Commission. Report on the Evaluation of Performance and Compliance with the Batho Pele Principle of Value for Money, 2007.

<sup>9</sup> Republic of South Africa, Public Service Commission. Report on the Evaluation of Performance and Compliance with the Batho Pele Principle of Consultation, 2007.

<sup>10</sup> Republic of South Africa, The Public Service Commission. Survey of Compliance with the Batho Pele Policy, 2000.



## 1.2 Aims of the study

The broad aim of the study was to establish the status of understanding and implementation of the *Batho Pele* principle of Openness and Transparency by national and provincial departments. The specific objectives of the study were to:

- Evaluate whether government departments comply with the *Batho Pele* principle of Openness and Transparency;
- Determine how, if it is happening, departments exercise Openness and Transparency and the effectiveness of the methods utilized;
- Determine challenges and obstacles government departments experience when implementing the *Batho Pele* principle of Openness and Transparency; and
- Formulate specific recommendations to ensure that the principle of Openness and Transparency is promoted.

## 1.3 Structure of the report

This report is structured in the following manner:

**Chapter 2** presents the contextual background to the study;

**Chapter 3** presents the methodology that was applied in the study;

**Chapter 4** presents the findings of the study; and

**Chapter 5** presents conclusions and recommendations drawn from the study.



# CHAPTER TWO

## CONTEXTUAL BACKGROUND

## 2.1 Introduction

Accessible information is important to enable members of the public to hold government accountable and to empower them to play an active role in the process of governance. In order to institutionalize transparency in the provision of information government has put in place a range of measures and frameworks to guide implementation. This chapter provides an overview of the relevant frameworks for the achievement of transparency. The chapter also outlines the goals and objectives of openness and transparency as well as the legislative context in which this study was conducted. Other previous studies conducted by the PSC which are related to the Principle of Openness and Transparency are also discussed.

## 2.2 The Batho Pele principles

The following are the eight principles of *Batho Pele*, which continue to guide the Public Service in its efforts to deliver sustainable services:

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

It is important to note that the above-mentioned principles are interrelated. They cannot be achieved in isolation from each other. The PSC has since 2000 conducted several studies meant to evaluate the implementation and compliance of government departments with the *Batho Pele* principles. The following are the principles whose implementation has already been assessed by the PSC:

- Service Standards<sup>11</sup>;
- Access<sup>12</sup>;
- Redress<sup>13</sup>;

<sup>11</sup> Republic of South Africa, Public Service Commission: Evaluation of Service Standards in the Public Service, 2005.

<sup>12</sup> Republic of South Africa, Public Service Commission: Report on the Evaluation of Performance and Compliance with the Batho Pele Principle of Access, 2006.

<sup>13</sup> Republic of South Africa, Public Service Commission: Report on the Evaluation of Performance and Compliance with the Batho Pele Principle of Redress, 2006.

- Consultation<sup>14</sup>; and
- Value for Money<sup>15</sup>.

This report focuses on the principle of Openness and Transparency.

## 2.3 Openness and Transparency

According to the *Batho Pele* White Paper, the principle of Openness and Transparency requires government departments to introduce new processes, systems and cultures or change the existing ones to allow citizens access to timely and reliable information about decisions and the performance of government. The Openness and Transparency principle encourages public servants to provide information about the operations of the Public Service, but also to be answerable for failing to meet stated performance objectives. Opening up information to the public can also be seen as a critical tool in the fight against corruption. If public administration is required to provide regular accounts, and knows that the details of transactions will come to light, the margin for corrupt activity may be reduced. With more information in the hands of citizens, it is hoped that where corruption persists, it can be exposed and eliminated speedily. It is important to note that this principle is not only about providing the public with the information they want, but also about empowering them to play an active role in policy-making processes as well as to enable them to take informed decisions about government's performance in spending public resources.

For a department to comply with the principle of Openness and Transparency, it should according to **Annexure A** to the White Paper on Transforming Public Service Delivery<sup>16</sup>, provide an Annual Report to Citizens containing the following key information about the department:


- Who we are;
- What we do;
- Who is in charge;
- Our standards – and how we met them;
- How we intend to improve services;
- Our organisation and staffing;
- Our budget; and
- Contact details, should more information be needed.

The above factors which are key in the development and crafting of Annual Reports to Citizens demonstrate that unlike Annual Reports, this particular report seems to be concise, summarised and user friendly to members of the public. The report informs the citizens who are Executing Authorities (EAs) and Accounting Officers (AOs) of the department, and the key services that are rendered by the department. It is important for citizens to know the turn around time of service delivery of the departments as contained in the service standards, and this report provides such information. It is hoped that it is only when such information is available to citizens that they can hold

<sup>14</sup> Republic of South Africa, Public Service Commission, Report on the Evaluation of Performance and Compliance with the Batho Pele Principle of Consultation, 2007.

<sup>15</sup> Republic of South Africa, Public Service Commission, Report on the Evaluation of Performance and Compliance with the Batho Pele Principle of Consultation, 2007.

<sup>16</sup> Republic of South Africa, The Department of Public Service and Administration, White Paper on Transforming Public Service Delivery, 1997.



the respective department accountable to the rate of its service delivery. Annual Reports to Citizens also show the resources allocated to departments, both financially and human resource.

The Annual Report is a report on the performance of a department for a particular financial year. This report contains financial and performance information and is published yearly and distributed to the stakeholders of the institutions and/or departments. According to the Public Service Regulation<sup>17</sup> and Public Finance Management Act<sup>18</sup>, the Annual Report is a document which covers the achievements and challenges experienced by the departments during a particular financial year. The Annual Report shows personnel and service delivery expenditure of the departments. Furthermore, the Annual Report includes a report from the audit committee which outlines how a department has spent the budget allocated to it in a specific financial year. The Annual Report is submitted to the Auditor-General (AG) to facilitate regularity audits. It allows the AG to establish if the information it contains does not contradict the financial statements of the respective departments. Departments are expected to submit these Reports timeously to the AG.

As much as the above mentioned factors show how Annual Reports are different from Annual Reports to Citizens, it is important to note that both Reports are key public documents by which transparency is enhanced in the Public Service. Both Reports are equally important as they serve as valuable reference sources for government and citizens alike in that they show how departments perform or intend to perform against predetermined objectives.

## 2.4 Legislative context

In its efforts to promote good governance in the Public Service, the PSC is always informed by its Constitutional mandate which, amongst others, is to promote the values and principles of public administration, as set out in section 195 of the Constitution, and to propose measures to ensure effective and efficient performance within the Public Service. The same mandate informed the PSC to want to assess the implementation of and compliance with the principle of Openness and Transparency in the Public Service.

The following are some of the pieces of legislation that form the core part of the parameters for evaluating the implementation of the principle of Openness and Transparency are the following:

### 2.4.1 Chapter 2 of the Constitution on the Bill of Rights

One of the most important aspects of the Constitution was the introduction of a Bill of Rights designed to ensure equal protection of a broad range of human, socio-economic and civil rights. Among the rights that are to be upheld is the right of access to publicly-held information. Section 32(1) of the Constitution guarantees “everyone has the right of access to any information held by the state and any information that is held by another person and that is required for the exercise or protection of any rights<sup>19</sup>.”

<sup>17</sup> Republic of South Africa, *Public Service and Administration. Public Service Regulation, 2001.*

<sup>18</sup> Republic of South Africa, *Treasury Regulations. Public Finance Management Act, 2000.*

<sup>19</sup> Republic of South Africa, *The Constitution of the Republic of South Africa, Act 108 of 1996.*

## 2.4.2 The Promotion of Access to Information Act

To provide government with enabling legislation on openness and access to information, the Promotion of Access to Information Act<sup>20</sup> (PAIA) was adopted. Information was no longer seen as only a necessity for the people but also as an essential part of effective corporate and state governance. Secrecy that allows inefficiency, wastefulness and corruption to thrive, would no longer be permitted. This important piece of legislation is relevant to all three sectors, namely public, private and civil society. In terms of the public sector, access to information allows citizens to scrutinize the actions of government and it forms the basis of proper, informed debate about those actions. For the private sector, access to information is vital for tendering, for open competition and for an efficient market place of ideas and products. This Act provides the framework and rules allowing people access to the records government keeps on their behalf and also records that private companies, organisations or individuals hold which are needed to exercise or protect any right. It further sets out exactly how people are to access these records and how private bodies, individuals and government should deal with requests for such records.

## 2.4.3 The Promotion of Administrative Justice Act

Although the Promotion of Administrative Justice Act, (Act 3 of 2000) (PAJA), mainly aims to ensure procedurally fair administrative actions, giving people the right to request reasons for administrative actions and decisions and to have such actions reviewed in court, it is also instrumental in promoting Openness and Transparency. This is achieved through making information available on reasons for taking specific decisions. This information will inform people on actions to take, should they feel that they have been unfairly treated.


## 2.5 Overview of PSC studies related to Openness and Transparency

The PSC's Public Service Monitoring and Evaluation System (PSM&ES)<sup>21</sup> uses annual reports to assess the extent to which departments adhere to transparency requirements on their operations. Based on information from the 2005/06 cycle, the survey found that "most of the departments evaluated had produced an annual report through which they account to taxpayers in a transparent manner as required by Treasury and the Public Service Regulations<sup>22</sup>." It was further reported that 79% of the departments evaluated satisfied 90% of the requirements set out in the Regulations. The Annual Reports are accessible to the public in 71% of the departments evaluated. More than 79% of departments report on their programmes, which allow the tax payers to hold them accountable if they do not meet targets. The above figures show that the public can access useful information in published format on the performance of departments.

<sup>20</sup> Republic of South Africa, Promotion of Access to Information Act, Act 2 of 2000.

<sup>21</sup> Republic of South Africa, Public Service Commission, Public Service Monitoring and Evaluation System is a Transversal Monitoring and Evaluation System of the Public Service Commission that Assesses Adherence to the Nine Constitutional Principles for Public Administration.

<sup>22</sup> Republic of South Africa, Public Service Commission, State of the Public Service Report, 2007.



Findings of the study on the implementation of the Promotion of Access to Information Act, (Act 2 of 2000), in the Public Service, August 2007, indicate that although departments are required by the Act to appoint Deputy Information Officers (DIOs) to assist Accounting Officers in the provision of adequate information to the public, many departments have not complied with this requirement. Out of the 101 departments that responded to the questionnaire sent to them, only 23% had appointed DIOs. Of these DIOs, 40% were either unsure or had a limited understanding of their roles and responsibilities. These roles should be clarified to ensure that the needs of citizens, not satisfied through published material, are catered for.

The State of the Public Service Report 2007, in its assessment of the Transparency principle in the Constitution, indicated that decision-making in the handling of procurement bids is still not as transparent as it should be. The number of alleged procurement irregularities that was reported to the National Anti-Corruption Hotline (NACH) of the PSC, was used as reference<sup>23</sup>. The Report recommended that departments' Supply Chain Management practices should be assessed in terms of its transparency and accountability. The Report further recommended that departments needed to invest in departmental capacity to respond timeously and meaningfully to individual requests for information. Making information that citizens need available, would empower the public to take advantage of existing opportunities to improve their own well-being as well as participate actively and meaningfully in governance processes.

<sup>23</sup> According to the Public Service Commission's Case Management System for the Anti-Corruption Hotline, allegations of fraud and procurement irregularities are the second most frequently reported cases.

# CHAPTER THREE

## METHODOLOGY





### 3.1 Introduction

This chapter covers the research process followed, and the sampling procedure and data collection methods used during the study. The chapter also outlines how data analysis was done and the limitations encountered in the study.

### 3.2 Scope

The scope of the study was both national and provincial governments. All 138 departments from these two spheres of government were included in the study with the exception of the following departments:

- National Intelligence Agency,
- The South African Secret Service, and
- The South African Defence Force.

### 3.3 Methodology


Data collection was done in three phases. During phase one, the PSC sent letters to all Heads of Department (HoDs) of national and provincial departments asking them if they compile and distribute Annual Reports to Citizens as required by the *Batho Pele* White Paper, and to submit copies of these reports. Seventy nine departments responded during the first phase of the study.

During phase two, a purposive sample of departments that had and those that did not have Annual Reports to Citizens was drawn. The sample comprised 31 provincial and two national departments. Interviews were conducted with designated officials in these departments using a questionnaire.

The inclusion of national departments facilitated the comparison of reasons for non-compliance and the challenges experienced in implementing the principle between the national and provincial levels. A list of all the departments included in the second phase of the study appears in **Table 1** on the next page. **Table 1** further shows which departments complied with the requirements of the principle of Openness and Transparency and those departments that did not.

Table 1: Departments included in the study indicating compliance with the requirement of the Batho Pele White Paper

	PROVINCE	DEPARTMENT	DEPARTMENT COMPLIED
1	Limpopo	Education	Yes
2		Health and Soc Dev	Yes
3		Sports, Arts and Culture	Yes
4		Public Works	Yes
5		Economic Development, Environment and Tourism	Yes
6		Premier	Yes
7	KZN	Arts, Culture and Tourism	No
8		Social Development	Yes
9		Education	Yes
10		Local Government and Traditional Affairs	No
11		Premier	Yes
12	Free State	Social Development	Yes
13		Agriculture	Yes
14		Local Government and Housing	Yes
15		Health	Yes
16		Provincial Treasury	No
17		Premier	No
18	Western Cape	Education	No
19		Premier	No
20		Social Development	No
21		Health	No
22		Local Government and Housing	No
23		Community Safety	No
24	Northern Cape	Health	No
25		Education	No
26		Soc. Development	No
27		Premier	No
28	Mpumalanga	Education	No
29		Local Government and Housing	No
30		Health	No
31		Premier	No
32	National Departments	Water Affairs and Forestry	No
33		Housing	No



During the third phase a selection of critical documents was reviewed. Documents such as the annual reports to citizens, the annual reports and departmental documents provided by departments in the interviews were included in the document review. *Batho Pele* related documents such as the White Paper and the Hand Book as well as previous reports of the PSC were also reviewed. It was also important to review other PSC reports which have a bearing on Openness and Transparency, for example reports on the State of Public Service, PAJA and PAIA.

### 3.4 Data collection instrument

An interview schedule that served as a data collection instrument was developed and it focused on the following key areas:

- Understanding of the Principle of Openness and Transparency;
- Mechanisms used in Ensuring Openness and Transparency;
- Responsibility and Capacity for Implementing Openness and Transparency;
- Link between Openness and Transparency and the Department's Communication Plan/Strategy;
- Openness and Transparency Standards and Procedures;
- Funding of the Implementation of this Principle;
- Accessibility of Information;
- Barriers to Implementing Openness and Transparency; and
- Monitoring and Evaluation of Openness and Transparency.

The questionnaire was designed to facilitate qualitative assessment and analysis.

### 3.5 Data analysis

Data obtained was analysed both qualitatively and quantitatively. The qualitative analysis of the data was done through themes which were developed in line with the aims and objectives of the study. The quantitative analysis of data included frequencies of occurrence and percentages.

### 3.6 Limitations of the study

The following limitation was identified during the study:

Some of the officials who served as key sources of information during this study had not been with the departments long enough to have a thorough knowledge of the departments' activities on *Batho Pele* principles especially the principle of Openness and Transparency. It is possible that the views they raised during the data collection were limited to their experience since the time they joined the respective departments.

# CHAPTER FOUR

## FINDINGS OF THE STUDY

## 4.1 Introduction

This Chapter presents the findings on how the *Batho Pele* principle of Openness and Transparency is understood, complied with and implemented in the Public Service. Mechanisms used by departments to ensure that Openness and Transparency is promoted are also presented. The findings of the study are presented in two parts. The findings from phase one of the study where all departments were requested if they compile and release Annual Reports to Citizens as provided in the *Batho Pele* White Paper are presented first and this is followed by the findings obtained during the interviews conducted with designated officials from departments that were included in the second phase of the study. The following areas form the basis of the analysis of the findings:

- Understanding of the *Batho Pele* principle of Openness and Transparency.
- Mechanisms for Promoting Openness and Transparency.
- Setting Openness and Transparency standards and Developing Procedures.
- Allocating Responsibility and Budget for Implementing Openness and Transparency.
- Monitoring and Evaluation of Openness and Transparency.
- Barriers to Promoting Openness and Transparency.

## 4.2 Key findings

### 4.2.1 Findings on the First Phase

Of the 138 Public Service departments who were initially requested to provide information on the publication of the Annual Report to Citizens, 67 provincial and 12 national departments responded. Reasons for the low response rate (49%) could not be established.

Eighteen (18) provincial departments were found to comply with the guideline on the implementation of the *Batho Pele* principle of Openness and Transparency provided in Annexure A to the *Batho Pele* White Paper in publishing the Annual Report to Citizens and 84 provincial departments did not comply with the requirement. No national department complied with this requirement. All the Departments in the Limpopo Province complied. Apart from two departments, all the Departments in the Free State complied.

It needs to be mentioned, however, that all the departments who did not comply with the above guideline, did implement other mechanisms such as the Annual Report, brochures, SDIPs, *izimbizo* to provide information to citizens. This information is in many instances the same as the one contained in the Annual Report to Citizens. However, Annual Reports to Citizens are concise, well-summarised, and packaged in a user friendly way which make them a useful communication mechanism by departments. On the other hand ordinary Annual Reports seem to be complex and difficult to follow especially with a less affluent community which is the majority of the South African population. The issues contained in Annual Reports to Citizens are clearly defined and easy to follow compared to the manner in which the same issues might be contained in the ordinary Annual Reports.

## 4.2.2 Findings on the Second Phase

### 4.2.2.1 Understanding of the *Batho Pele* principle of Openness and Transparency

In order to successfully implement Openness and Transparency, it is imperative that a well-defined understanding of Openness and Transparency is achieved amongst all the officials of a department. Such an understanding would need to be sound (in the sense of being a suitable response to the intentions of the *Batho Pele* principle) and common between a department's role players. The assessment of the understanding officials had of the concept Openness and Transparency was carried out by:

- Determining the extent to which definitions were consistent with the definition provided in the *Batho Pele* White Paper, namely "citizens [must] be told how national and provincial departments are run, how much they cost and who is in charge";
- Determining the extent to which definitions provided were subjective (in other words, the views of individual officials) or common across departments; and
- Synthesizing key elements that emerged in the definitions provided by officials.

Although only seven of the 33 departments that responded to and participated in the second phase of the study (or 21%) gave definitions close to the one provided in the *Batho Pele* White Paper, respondents generally had a working understanding of the principle of Openness and Transparency. Respondents outlined their own understanding of the principle of Openness and Transparency, rather than reflecting on the understanding of the department as a whole. It is, therefore, difficult to determine how entrenched or common the definition of Openness and Transparency is within their respective departments. Examples of definitions provided by departments are: "providing citizenry with information on how the spheres of government and the various departments function. Also inform citizens of the costs involved in providing them their services<sup>24</sup>, "who are we, how much we spend on what"<sup>25</sup> and "Citizens should know what services are provided. The Department must provide reports about performance. They should be informed and aware of means to complain, where possible. Information should be provided on what the Department is all about and the costs involved<sup>26</sup>".

Two of the departments that were sampled to participate in the second phase of the study referred to the PAJA in their definitions of Openness and Transparency. Perhaps this is indicative of the need for training on the Promotion of the Administrative Justice Act as well as the lack of awareness of the *Batho Pele* White Paper. There were no significant differences between the different provinces in the definitions they provided.

### 4.2.2.2 Mechanisms for promoting Openness and Transparency

The study wanted to establish when and how departments provide information to citizens if they do not do so through the required Annual Report to Citizens. The findings show that of those departments that participated in the second phase of the study, 45,6% of departments indicated that they make use of the Annual Report to Citizens

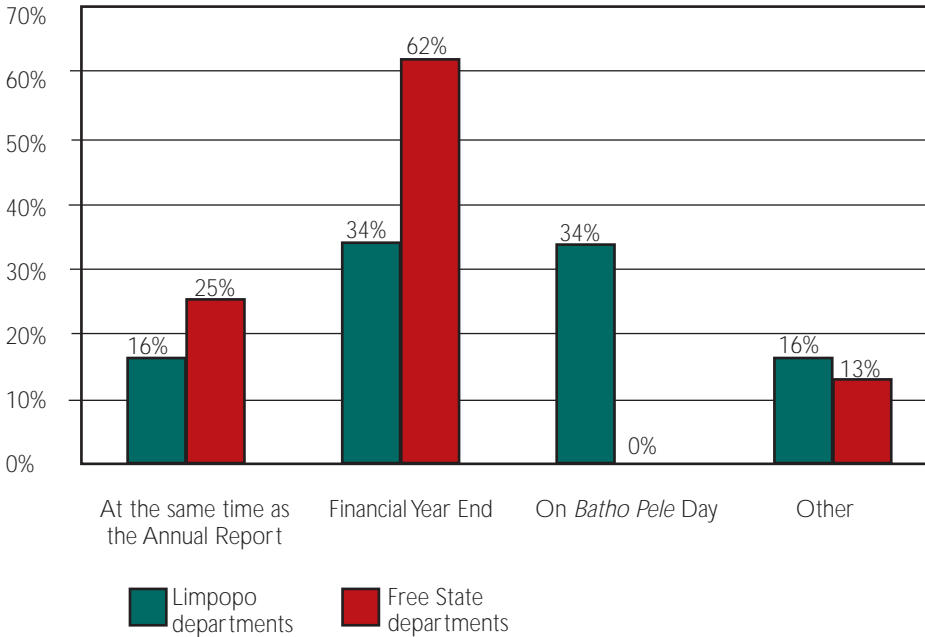
<sup>24</sup> Definition provided by the respondent from the Office of the Premier, Kwazulu-Natal.

<sup>25</sup> Definition provided by the respondent from the Department of Agriculture, Free State.

<sup>26</sup> Definition provided by the respondent from the Department of Health and Social Development, Limpopo.

to ensure that it provides the required information to citizens. **Figure 1** below indicates when, during the year, these Annual Reports to Citizens are presented to the public.


**Figure 1: Availability of Annual Reports to Citizens**



\* Instances such as where members of the public come to the offices and take such reports with them.

Complying departments from the Limpopo and Free State Provinces were asked when, during the year, they make their Annual Reports to Citizens available. The White Paper does not provide any directive on the specific time during the year that the Report must be provided. Departments, therefore, use various occasions throughout the year to present this Report to citizens. Officials from all five departments that participated in this study from Free State indicated that the release and distribution of their Annual Reports to Citizens coincides with the financial year-end.

In Limpopo province, it was indicated in all six departments that participated in the study that the release and distribution of their Annual Reports to Citizens takes place at the end of the financial year (34%) and a further 34% from the same Province indicated that they released the document on *Batho Pele* day. This day is dedicated to raising awareness of the importance of the practice of *Batho Pele* in the Provincial departments. The day is also used to share with the public what respective departments were all about, the services they render, programmes and budgets available. Since the attendance of these *Batho Pele* days is usually very good, presenting the Annual Report to Citizens on this day ensures that departments reach more citizens than what would have been the case if the



reports had just been available through the normal distribution channels such as having these reports at the offices of the departments across the province. Such channels are likely not to include the majority of the ordinary citizens.

This section further investigated other mechanisms (apart from the required Annual Report to Citizens) implemented by departments to promote Openness and Transparency. Only 45,6% of departments that participated in the second phase of the study indicated that they use the prescribed Annual Report to Citizens. Overall, the majority of the departments (88%) that participated in the study provide information through the use of the Annual Report, *izimbizo*, information brochures, public participation mechanisms, Citizens' Charters, newsletters, Outreach Programmes, roadshows, the electronic media as well as television. The findings show that the departments that used the Annual Report to Citizens also use the Annual Reports, *izimbizo*, information brochures, public participation mechanisms, Citizens' Charters, newsletters, Outreach Programmes, roadshows, the electronic media as well as television.

Few departments indicated that they use the SDIPs of the department as a communication tool to the citizens. It is clear that departments are aware of the obligation to provide citizens with information about the running and operations of their departments. Asking departments why they are not using the required Annual Report to Citizens as a communication mechanism to provide the necessary information to the public, the findings showed that most departments seemed not to be aware of the specific requirement of the *Batho Pele* principles. This is supported by the low compliance rate by most of the departments from both national and provincial government departments as reflected in the findings of the phase one of this study.


#### 4.2.2.3 Development of standards and procedures for implementing Openness and Transparency

The study also sought to establish whether departments have developed standards designed to measure the extent to which departments are meeting their set objectives with regard to improving Openness and Transparency. These standards should be developed in consultation with citizens and should be made public to allow clients to assess departments' performance against them. Standards and procedures are important as they guide service users in their interaction with the departments.

Fifty two percent (52%) of departments that participated in the second phase of the study indicated that they had not developed standards for implementing the principle of Openness and Transparency. This is clearly indicative of a weakness considering that the development of standards is crucial in the assessment of performance and forms the basis for service delivery improvement. The departments (48%) that reported that they had developed standards on Openness and Transparency indicated that they had done so for purposes of the departments' SDIPs.

The findings showed that 48% of the departments that that were sampled to participate in the phase two of the study indicated that they had developed standards and procedures on the principle of Openness and Transparency and did consult with their stakeholders during that process. The Limpopo Department of Public Works reported that it had incorporated consultation into their Service Delivery Charter which provides information on when, with whom and on what consultation needs to take place.





None of the departments included in the study indicated that they had developed specific procedure manuals for implementing Openness and Transparency. Such a procedure manual on the implementation of the principle would not only clarify the steps to be taken in ensuring that the department complies with the White Paper, but would also clearly allocate the responsibility for the process, which will ensure that it gets done. Procedure manuals were, however, in place for both the Promotion of the Access to Information Act and in the Promotion of the Administrative Justice Act, which also affect the provision of information to citizens.

#### 4.2.2.4 Allocating responsibility and budget for implementing Openness and Transparency

It is important for departments to have a well-established unit with trained and dedicated individuals to ensure effective and successful implementation of all eight *Batho Pele* principles. Adequate financial resources should also be made available to such unit to ensure that individuals in the unit carry out their *Batho Pele* principles related activities effectively and efficiently. In this regard, the study sought to establish the allocation of responsibilities and budget for the implementation of Openness and Transparency in the respective departments.

Most of the departments (87%) that were sampled to participate in the second phase of the study indicated that the responsibility for implementing *Batho Pele* principles including Openness and Transparency has been allocated to a specific unit. This high figure is indicative of an enabling environment created by departments for the implementation and promotion of the *Batho Pele* principles. However, this high figure does not correlate with the low level of compliance by 45,6% that responded during phase one of the study. One would expect departments, where structures and processes are provided for the implementation of principles, to comply fully with these principles.

This finding is in line with the findings from the previous studies on the *Batho Pele* principles of Service Standards, Access, Redress, Value for Money, and Consultation. In these previous studies, the findings showed that each department that participated had a *Batho Pele* co-ordination unit which is the one responsible for the implementation and practice of the principles in the respective departments.

Furthermore, the findings showed that a *Batho Pele* specific budget was identified and raised in 16 of the 33 (48%) departments that were included in the phase two of the study. It was mentioned that there was a need for departments to ensure that they budget for the training of the officials on all *Batho Pele* principles. It was reported that generally, where departments do not have specific budgets meant to promote *Batho Pele* principles, it was difficult to separate the budget of various programmes such as transformation or change management, or even line function programmes from the overall budget of the department. Perhaps these findings suggest that many departments are in some instances moving towards integrating the *Batho Pele* principles into their line functions.

#### 4.2.2.5 Monitoring and evaluation of Openness and Transparency

The study sought to establish monitoring and evaluation systems departments have in place to monitor and evaluate the implementation of the *Batho Pele* principle of Openness and Transparency. The implementation of the *Batho Pele* principles requires a systematic process of periodic assessment to ensure progress towards the achievement of targets and to ensure that performance is reported, and that constraints are identified and addressed in time. Thirty nine percent (39%) of departments that were sampled to participate in the phase two of the study reported to have a monitoring and evaluation system in place. These systems included evaluation systems such as Citizen Satisfaction Surveys (10% of departments) as well as monitoring mechanisms such as management meetings. Having evaluation tools in place such as a satisfaction survey might not be enough to ensure that processes are introduced and maintained and that progress in implementing Openness and Transparency, is measured and reported.

#### 4.2.2.6 Barriers in the implementation of Openness and Transparency

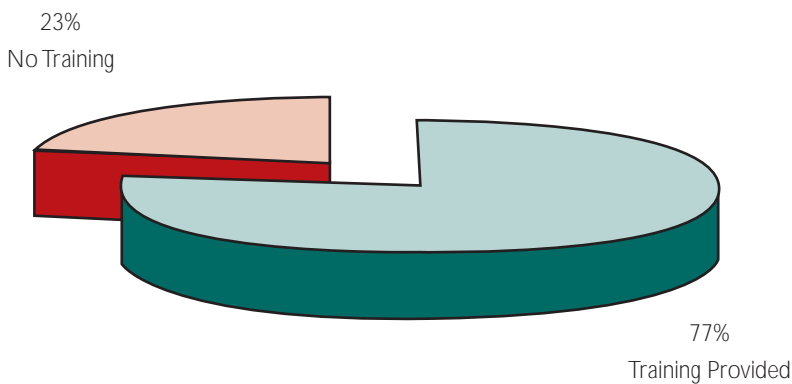
The major barrier reported by departments in the implementation of all *Batho Pele* principles was the lack of funds to implement them. It was indicated that funding was not made available to ensure that this particular principle of Openness and Transparency was implemented as required by *Batho Pele* White Paper. The implementation of the principle of Openness and Transparency specifically requires that respective departments put together and distribute their Annual Report to Citizens to the citizenry. Like in other principles, there is a need to ensure active participation by the citizens in the practice and implementation of the principle of Openness and Transparency. However, it was reported by 48% of the departments that were sampled to participate in the second phase of the study that lack of funds is likely to remain a serious challenge to the implementation of this principle in the future. Lack of funds was further reported as a threat to the prioritization of the implementation of all *Batho Pele* principles.

Furthermore, staff shortages were also identified as a challenge in implementing the Openness and Transparency principle. Units responsible for transformation in departments as well as for the *Batho Pele* principles, were in several departments consisting of one to three officials which means that the efforts to ensure the practice and implementation of *Batho Pele* principles do not receive the attention they should. The finding on the shortage of staff to implement the principle of Openness and Transparency seems to cut across all the principles that have been assessed by the Public Service Commission to date. The findings from these studies showed that *Batho Pele* Coordinating Units in the respective departments were not adequately resourced, both financially and human resource. *Batho Pele* principles cannot realistically be implemented in isolation. All eight *Batho Pele* principles are interrelated and equally important in service delivery. For example, an official cannot practice Openness and Transparency of the department without necessary information about the department and its service delivery programmes and other related projects and activities which are likely needed by the members of the public to Access the services of the respective departments.

#### 4.2.2.7 Departments that have provided training

In order to develop a common understanding and successful practice of the *Batho Pele* principle of Openness and Transparency, it is important that officials of the respective departments are trained on the principle and its requirements. The study wanted to establish whether departments provide training to their officials on the *Batho Pele* principle of Openness and Transparency. The majority of departments indicated that they do provide training on the *Batho Pele* principles.

**Figure 2: Training on Openness and Transparency provided**



**Figure 2** above indicates that 77% of departments that were sampled to participate in the phase two of the study conducted training of their staff on *Batho Pele* principles and the principle of Openness and Transparency in particular, while 23% of departments reported that they do not offer any training on any of the principles. Findings from the previous studies on *Batho Pele* principles indicated that departments do not particularly offer any training on *Batho Pele* principles. The training on the principle of Openness and Transparency indicated by 77% of departments that took part in the study ranges from workshops on reviewing standards, change management training, orientation and induction courses and training on customer care and customer relations. In the Department of Water Affairs and Forestry, training on Openness and Transparency includes training on PAIA as well as PAJA. The Learning Academy of the Western Cape has included training on the *Batho Pele* principles in their curriculum and the Premier's Office in KwaZulu-Natal provides operational training in their modules called "Apply the *Batho Pele* principles to your own work, role and context."

Although 77% of departments that were sampled to participate in the phase two of the study reported that they do provide training on the *Batho Pele* principle of Openness and Transparency, most departments were still not aware of the requirement of the *Batho Pele* White Paper on the provision of the Annual Report to Citizens.

This could be ascribed to the fact that training on the *Batho Pele* often forms part of induction courses or change management courses where it does not necessarily receive the attention it should. The *Batho Pele* training seems to only raise awareness of the Batho Pele and its constructs but does not equip officials for their task of implementing the principle.

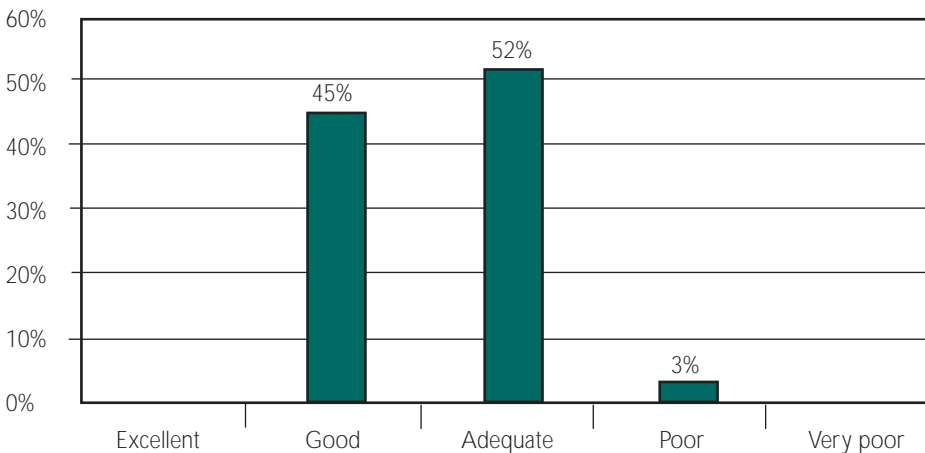
#### 4.2.2.8 Senior management support to the implementation of the principle of Openness and Transparency


The study sought to establish the level of senior management support for the implementation of the principle of Openness and Transparency in the respective departments. Senior managers are likely to play a critical role in the influence of the practice of the *Batho Pele* principle of Openness and Transparency in their respective departments. It is important that senior managers lead by example and allocate adequate resources that would ensure effective practice of the principle. Sixty five percent (65%) of the departments that were sampled to participate in the phase two of the study reported that they have the support of senior management in their efforts to implement Openness and Transparency. This support was reflected in different forms ranging from developing Human Resource capacity to implementing the principles of Openness and Transparency to putting *Batho Pele* in the strategic planning agendas of the departments, allocating a specific budget to the implementation of the principle to providing *Batho Pele* training and consulting staff on *Batho Pele* issues. If management is supporting the implementation fully, they would ensure that a monitoring system is introduced and that progress with the implementation is reported regularly. However, the reported support by senior managers seems not to be yielding the much needed results of effective and successful implementation of the principle of Openness and Transparency. Issues of shortages of staff and lack of appropriate funding to implement the principle of Openness and Transparency were raised by the officials in 48% of those departments that participated in phase two of the study as serious challenges to its implementation.

#### 4.2.2.9 Departments' self rating on the implementation of the principle of Openness and Transparency

Departments were requested to rate themselves using a five point scale ranging from excellent (one) to poor (five). The following are the results of that self-rating.

Figure 3: Self-rating by departments





Ratings in terms of the implementation of Openness and Transparency differ from department to department. Most departments (52%) that were sampled to participate in the phase two of the study indicated that their performance in so far as Openness and Transparency is concerned is adequate while 45% of these departments reported that their performance is good. Three percent (3%) of the departments that were sampled to participate in the phase two of the study rated their performance in implementing the *Batho Pele* principle as poor. The relative high percentage (45%) of departments that rated themselves as performing good in terms of the principle, may be attributed to the various mechanisms implemented by departments in providing citizens with the information they need. Although these mechanisms is not exactly what the guidelines in the *Batho Pele* prescribe, it is opening up information to the public and ensuring that departments remain open and transparent to the public they serve. It needs to be mentioned that the measure is based on the subjective perceptions of respondents and might not necessarily reflect the state of departments.

# CHAPTER FIVE

## CONCLUSION AND RECOMMENDATIONS



## 5.1 Introduction

The Chapter presents conclusions and recommendations of the study. The implementation and compliance with the *Batho Pele* principle of Openness and Transparency seem to vary from department to department between national and provincial governments. The conclusions and recommendations were made in line with the key themes that were developed from the findings of the study.

## 5.2 Conclusion

This study has shown that although most departments do not comply with the requirement of the White Paper on the Transformation of Public Service Delivery in providing an Annual Report to Citizens, they still practice the values of Openness and Transparency. They make information required by the *Batho Pele* White Paper available to citizens. This is done through the publishing of various documents. Central to them is the Annual Report. Using the definition from the *Batho Pele* White Paper (provided on page 2 of this report as a standard) to assess departments' understanding and awareness of the *Batho Pele* principle, the study indicated that there is generally a fair understanding and awareness of *Batho Pele* as a whole and of the principle of Openness and Transparency in particular. Departments are in some instances not clear on why they are required to provide yet another report (Annual Report to Citizens) while they are in fact already providing the same information, only in a different format, to citizens through their Annual Reports, brochures, *izimbizo*, SDIPs and the media in general.

It is difficult to compare the overall performance and compliance of national departments with that of provincial departments given that provincial departments had a much higher representation in the sample. Departments' self-assessment ratings on compliance with and performance on the Openness and Transparency principle reflected an average to good rating. This correlates with the overall average rating of the study of departments' performance in terms of the principle.

The study has also shown that departments lack clear standards, targets and procedure manuals in their implementation of Openness and Transparency. The implementation of the *Batho Pele* principle further requires a systematic process of periodic assessment to ensure progress towards the achievement of targets, to ensure that performance is reported and constraints are identified and addressed in time.

Challenges reported include unavailability of funds for promoting and ensuring the implementation of the principle, lack of training, staff shortages and challenges of illiteracy and language requirements of citizens.

## 5.3 Recommendations

The following are the key recommendations of the study:

### 5.3.1 Openness and Transparency specific training should be provided


Although 77% of the departments that were sampled to participate in the second phase of the study reported that they do provide training on the *Batho Pele* principle of Openness and Transparency, most departments were still not aware of the requirement of the *Batho Pele* White Paper on the provision of the Annual Report to Citizens. This could be ascribed to the fact that training on the *Batho Pele* principles often forms part of induction courses or change management courses where it does not necessarily receive the attention it should. The *Batho Pele* training seems to raise awareness of *Batho Pele* and its constructs but does not equip officials for their task of implementing the principle. It is recommended that training on *Batho Pele* and on Openness and Transparency, in particular, be developed to ensure that officials are equipped with the necessary knowledge to implement and comply with the principle. Such training should also incorporate training on other prescripts around the provision or access to information such as contained in PAIA and PAJA. This will ensure that officials are clear on what is expected by each policy or piece of legislation.

The Western Cape departments' Public Servants' staff development is done through a centralized Learning Academy in the Premier's Office which has included training on the *Batho Pele* principles in the curriculum. The centralization of the training function ensures that all officials in the Province undergo the same training on *Batho Pele* and as such they are likely to be at the same level of awareness and understanding of the principles. This option of centralizing the training on *Batho Pele* could be considered by other provinces. The Department of Economic Development, Environment and Tourism in Limpopo proposed in the interview, that training on *Batho Pele* be part of the curriculum of tertiary education. This proposal too could be considered and discussed with the relevant tertiary institution(s). Departments' needs with regard to *Batho Pele* training should inform the development of these training courses, should the inclusion at tertiary level be considered.

### 5.3.2 The Annual Report to Citizens

Although departments do provide citizens with information about the respective departments through other mechanisms such as the Annual Reports, *izimbizo*, brochures and pamphlets, they still need to provide the Annual Report to Citizens. It is therefore strongly recommended that departments put together and distribute the Annual Report to Citizens to citizenry. This is not only to ensure that they comply with the requirement in the *Batho Pele* White Paper on the implementation of the Openness and Transparency principle, but to inform the citizens about the key issues and the activities of the respective departments. Departments should ensure that all the required information as per the template provided in Annexure A to the White Paper is provided to citizens especially the following:



- 
- Who we are;
  - What we do;
  - Who is in charge;
  - Our standards – and how we met them;
  - How we intend to improve services;
  - Our organisation and staffing;
  - Our budget; and
  - Contact details, should more information be needed.

Provincial departments should further ensure that the Annual Report to Citizens is available in the languages spoken in the specific Province or where there are differences between districts in terms of language preferences, it should be provided for. Providing information in a local language ensures that citizens and communities are empowered and can use the information to their own advantage.

### 5.3.3 Development of targets or standards for Openness and Transparency

Departments should develop clear objectives, targets and standards that are appropriate in terms of Openness and Transparency to ensure progressive improvement in implementing the principle. It is also important to consult citizens in this process to ensure that their needs would be adhered to in the progress towards the achievement of the department's objectives.

### 5.3.4 Monitoring and evaluation

Departments should introduce the necessary systems or procedures to enable them to monitor and evaluate the implementation of Openness and Transparency so that challenges can be identified and appropriate steps be taken to address areas of ineffectiveness or limited success timeously.

# ANNEXURE A

## MODEL ANNUAL REPORT TO CITIZENS

DEPARTMENT OF .....  
REPORT TO CITIZENS: [YEAR]

**Who we are**

We are the Department of .....

Our job is to [brief description of overall task]

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**What we do**

Our main services are:

-

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**Who is in charge**

The [Minister][MEC] [other executing authority] is [name]

(S)he is an elected politician. (S)he is responsible for directing the Department's activities in line with the [National][Provincial] Government's policies.

The Director-General is [Name] a public servant, appointed to ensure that the Department implements the [Minister's][MEC's] [other executing authority's] policies efficiently and effectively.

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**Our standards- and how we met them**

Our service standards are set in consultation with our customers. These are our service standards, and the results we achieved [last year]:

---

**Standard**

-

-

---

**Results achieved**

-

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**How we intend to improve services** Next year we plan to improve our services still further:

**Current standard**

-

-

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**Target for [date]**

-

-

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**Our organization and staffing**

We employ [XX] staff located in/at [list location(s) and numbers employed at each]. Additional information, e.g.:

-[XX] of our staff are black, white, Indian and coloured;

-[XX] of our staff are women; we employ

-[XX] persons with disabilities

-[XX] of our staff are [language] speakers (list all languages spoken)

---

**Our budget**

Our budget was [RXXX][last year]. This is how we spent it:

Staff salaries R

Other running costs [equipment, training, etc] R

Programmes R

Other items R

**TOTAL R**

---

**For more information please call [name, telephone number]**

**Or write to [name] at [address/ e-mail address]**

# ANNEXURE B

## QUESTIONNAIRE



Interview questionnaire on the evaluation of the Batho Pele principle of Openness and Transparency	
Name of interviewee	
Department	
Department's physical address	
National/provincial	
Province (if relevant)	
Designation	
Telephone number	
Cell phone number	
Email address	
For follow-up meeting:	
Interviewer name	
Date of interview	

1. How long have you been employed by this department?

Less than a year	
No. of years	

2. In which section of the department are you employed?

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3. What is your position within this department?

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4. Please provide an outline of the main services that your department provides.

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## Understanding of the Batho Pele principle of Openness & Transparency

5. What is your department's understanding/ definition of the Batho Pele Principle of: Openness and Transparency?

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6. Does your department inform citizens about the services provided?

No	
Yes	

If yes, how?

Annual report to citizens	
Other - specify	

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## Mechanisms for Openness and Transparency

7. What is included in the Annual Report to Citizens?

What the departments does	
Who is in charge	
The department's standards	
Results achieved	
How it intends to improve the services	
All of the above	
Other-state	

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8. If not provided through the Annual Report to Citizens, how and what information is provided?

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9. When is this Annual Report to Citizens made available?

End financial year	
With Annual Report of Department	
The department's standards	
Other - state	

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10.If the Annual Report to Citizen is not provided, how does your department communicate information about its services?

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11.Is there a communication plan or methods that are followed to ensure that your department is open and transparent to the public?

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12.What does your department consider as being Open and Transparent?

Discussion	
Information sharing sessions	
Conferences	
Surveys	
Referendums	
Other - state	

13. Is there a link between your department's communication strategy and the government's and departmental programmes? If there is, specify programmes.

Programme	Dates

14. Has the responsibility of ensuring Openness and Transparency been delegated to a specific unit or person?  
*[Please elaborate below and provide documentary evidence]*

Yes	1
No	2

14. If yes, which unit/post is responsible for this Batho Pele principle?

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15. Is staff sufficiently trained to ensure that the *Batho Pele* principle of Openness and Transparency is complied with?  
*[Please provide a copy of any training schedules or materials that may be used]*

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16. Has your department identified specific groups or communities that require additional attention?

Yes	
No	



17. Please indicate which groups or communities have been identified AND what measures have been put in place to improve Openness and Transparency. *[Please provide examples and documentary evidence of these measures]*

Groups or Communities	Specific Measures in Place
Rural	
Urban	
Literate	
Not literate	
Women	
Other- state	

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**Setting Openness and Transparency standards and developing procedures**

18. Has your department developed standards for Openness and Transparency in providing services? *[If yes, please provide a copy of these standards]*

Yes	
No	

19. What do these standards entail?

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20. Has the department met these standards? Please explain your answer.

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21. If Openness and Transparency standards have not been developed by the department, what are the reasons for not having developed them?

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22. Are there procedures/manuals or guidelines to deal with transparency?

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**Communication and feedback**

23. Please specify the internal stakeholders who were consulted during the development of standards for Openness and Transparency.

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24. Were contributions from internal stakeholders incorporated into improving the quality of information and service provided?

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25. Please specify the external stakeholders who were consulted during the development of the standards on Openness and Transparency?

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26. How did this consultation with external stakeholders take place?

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27. How was information from external stakeholders incorporated?

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28. Were participants informed of how their inputs have contributed in the department's decision-making process?

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29. *[Only if no stakeholders were consulted]* If stakeholders were not consulted, why not?

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### Conditions required for Openness and Transparency

30. Which of the following tools of Openness and Transparency does your department utilise to ensure Openness and Transparency?

TV	
Print media	
Radio	
Newspaper	
Leaflets	
Electronic media	
None	
Other - state	

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31. Does your department have a communication strategy and policy to raise awareness about your services? *[Please provide a copy of this]*

Yes	
No	

32. What factors informed the selection of the above-mentioned strategy?

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33. How does this policy impact on Openness and Transparency about services provided?

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34. How does your department's communication, information sharing, Openness and Transparency strategy differentiate between groups based on different languages or urban and rural areas? Please elaborate.

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### Budget

35. How does your department budget for the implementation of the *Batho Pele* principle? Please explain.

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36. What amount has the department budgeted for initiatives (e.g. staff training, meetings, transportation, etc.) to improve Openness and Transparency on an annual basis? *[Please provide documentation to support this]*

Initiatives	Rand - Value	Estimated Percentage of budget of the department

37. List difficulties experienced by your department in implementing strategies to increase Openness and Transparency? Please explain.

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### Accessibility of Openness and Transparency

38. Are your openness and transparency approaches viewed as accessible to all?

Yes	
No	

39. If the answer to 38 above is yes, how is accessibility made possible in terms of the areas stated below?

Inconvenience	Enabler
Time of the meeting	
Location/venue	
Transportation	
Access to information	
Other-state	

### Barriers to improving Openness and Transparency

40. List problems and challenges your department has experienced in communicating with citizens? Rank in orders of severity

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41. Has the Department addressed these challenges?

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### Monitoring and evaluation of Openness and Transparency

42. Does the department have a system for monitoring information flow to citizens and its effectiveness? Please elaborate on your answer below. *[Please provide a copy of the monitoring system]*

Yes	
No	

43.If a monitoring system is not in place, how does the department determine the effectiveness of external communication?

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44.Has there been an improvement in service delivery as a result of providing the Annual Report to Citizens? *[Please provide copies of monitoring reports and/ or annual reports recording the department's performance in terms of information, openness and transparency]*

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45.How does senior management in the department ensure continued support and resources for improving Openness and Transparency?

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### Links to other legislation & government policies

46.Has your department appointed Deputy Information Officer(s) (DIO) as required by the Promotion of Access to Information Act (2000) (PAIA)?

Yes	
No	

47.If the answer to question 46 above is no, provide reasons for not appointing a DIO

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48.Does your department have a manual setting out the information requirements as stipulated in the Promotion of Access to Information Act (2000)?

Yes	
No	

49. Has your department submitted to the Minister of Justice, a list of records that are automatically available to the public?

Yes	
No	

50. If yes provide evidence.

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51. What measures has your department put in place to ensure the application of the Promotion of Administrative Justice Act (2000) (PAJA) in the department?

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52. Is there a manual in your department detailing procedures for dealing with PAJA?

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### General

53. Thinking about your experiences in this department, how would you rate the overall provision of full and accurate information about services?

Excellent	1
Good	2
Adequate	3
Poor	4
Very poor	5

54. How would you rate your department's compliance with the *Batho Pele* principles of Openness and Transparency?

Excellent	1
Good	2
Adequate	3
Poor	4
Very poor	5

55. What are the areas that need to be given priority in order for awareness about the department's services to be improved?

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56. Do you have any other comments on the implementation of the principles of Openness and Transparency?

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