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NATIONAL SCHOOL OF GOVERNMENT

NOTICE 1952 OF 2023

PUBLICATION OF A NATIONAL FRAMEWORK TOWARDS THE PROFESSIONALISATION OF THE PUBLIC SECTOR

I, Noxolo Kiviet, Minister for the Public Service and Administration, hereby publish a National Framework towards the Professionalisation of the Public Sector, for public information and for the relevant institutions to implement the recommendations contained therein.

In this regard, the relevant institutions must develop implementation plans for the various recommendations by no later than 01 April 2024 and must report to their respective Executive Authorities on progress made in executing the recommendations from time to time.

Copies of the National Framework towards the Professionalisation of the Public Sector may be downloaded from the website of the National School of Government at www.thensg.gov.za or requested via email from Ms. Faith Nyaka at faith.nyaka@thensg.gov.za

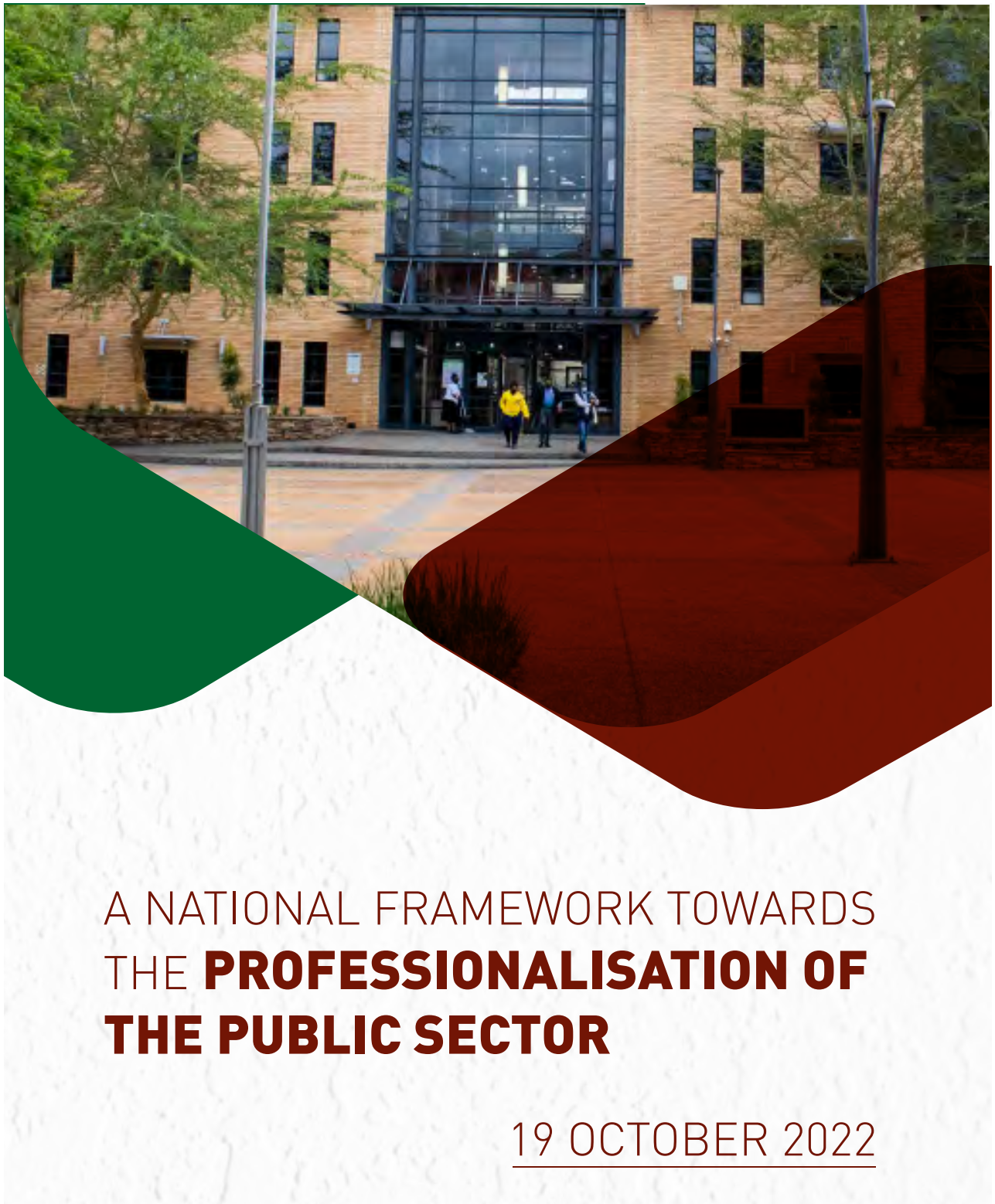
Signed by:



MS. NOXOLO KIVIET, MP

MINISTER FOR THE PUBLIC SERVICE AND ADMINISTRATION

DATE: 30/07/23



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National School of Government
REPUBLIC OF SOUTH AFRICA







A NATIONAL FRAMEWORK
TOWARDS THE
**PROFESSIONALISATION
OF THE PUBLIC SECTOR**



This is important to ensure that the State is staffed by qualified and competent officials who know what they are doing. In other words, individuals who are fully equipped to perform their public function conscientiously with a strong sense of public service and ethical disposition towards the social and economic security of the country.

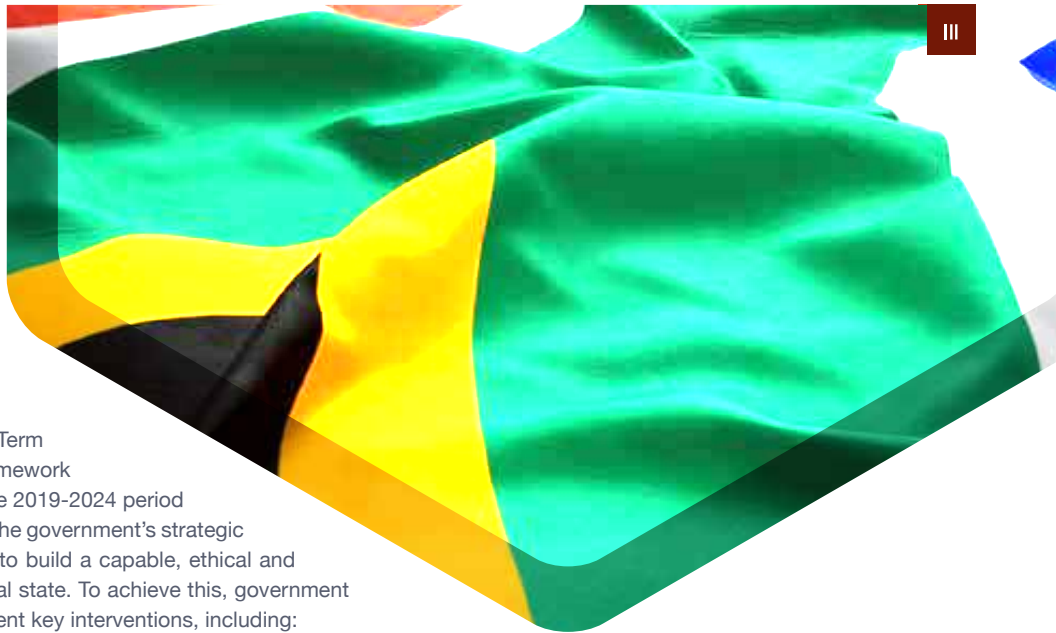
EXECUTIVE SUMMARY

Professionalising public administration is one of the key imperatives for building state capacity. Globally, the public grapples with issues of professionalism and professionalisation of state employees and its operations. South Africa is no exception. Various initiatives are undertaken to assert the public sector as the agency of democracy and the developmental state.

The National Framework towards the Professionalisation of the Public Sector combines various sources and views shaping the discourse on building the capacity of the State. Countries making progress in their development commitments have managed to institutionalise a merit-based public sector system.

Almost two decades after the inception of the democratic system of government in 1994, the National Development Plan (NDP): Vision 2030 has brought professionalisation into sharp focus. It has been part of the broader project of strengthening the capacity of the post-apartheid state and transforming the public sector. The NDP states that “a developmental state needs to be capable”, but that capability can only come about if the public sector is professionalised.

The consultative processes for the framework directed that such professional capability includes having qualified employees and robust systems and processes of public administration steeped in the Batho Pele principles as based on the African philosophy of humanism (Ubuntu).



The Medium Term Strategic Framework (MTSF) for the 2019-2024 period foregrounds the government's strategic commitment to build a capable, ethical and developmental state. To achieve this, government must implement key interventions, including:

- professional, meritocratic and ethical public administration;
- improved leadership, governance and accountability;
- functional, efficient and integrated government;
- mainstreaming of gender, empowerment of youth and people with disabilities; and
- social compact and engagement with key stakeholders.

The public sector orientation should embody public administration's basic values and principles as enshrined in Chapter 10 of the Constitution of the Republic of South Africa of 1996. These values and principles are applicable to the administration in every sphere of government, organs of state and public enterprises.

Public Administration Context

The recommendations contained in the framework encompass all elements of public administration. For the purpose of this framework, administration is about "all the structures, activities and processes that come into play to make the State function, including its structural configuration and people who are in its employ".

Section 239 of the Constitution defines an "organ of state" as any department of state or administration in the national, provincial or local sphere of government; or any other functionary or institution exercising a power or performing a function in terms of the Constitution or a provincial constitution; or exercising a public power or performing a public function in terms of any

legislation but does not include a court or judicial officer. Public enterprises are generally known as state-owned entities (SOEs). Such institutions are either wholly or partially owned by the State and exist to optimise national economies by – on behalf of the State – engaging in commercial activities for the country's developmental objectives.

Section 197 of the Constitution stipulates that public service is within public administration, which is a broad body with multiple institutional arrangements, consisting of the Public Service and other related institutions. By implication, a public servant is defined broadly as someone who works in public administration and is employed under the Public Service Act, 1994 (Act 103 of 1994). This framework uses the term 'public servant' to refer to employees in any institution within public administration whilst acknowledging that such employees will inevitably have varied conditions of service, responsibilities, levels of accountability and different tenure arrangements.

This variance in conditions of service, levels of accountability and different service tenures are not, in a sense, an insurmountable problem. Instead, they indicate a need for government to address them, bringing about a sense of parity within the civil service, grounded in and reflecting the prescripts of the Constitution, the Batho Pele principles and the Public Service Charter. The values in these pieces of legislation and policy can guide the creation of a necessary equilibrium by professionalising the public sector and administration.

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This framework is also applicable to persons who are not employed under the Public Service Act of 1994, people who work for government such as military, state security, police and correctional services. Under these categories these persons are employed through competitive processes. The adoption of this framework makes it universally applicable to all, especially arising from pre-entry assessments and other requirements, unless it is expressly specified in their sector-specific legislation and/or employment regulations.

Professional, Professionalism and Professionalisation

The framework draws an essential distinction between being professional and professionalisation. Being professional and professionalism encompass the practices, conduct, values and behaviour that a person exhibits regardless of training, qualifications and levels of responsibility. The concept of professionalisation, on the other hand, is about changing individual attitudes, behaviour and performance towards serving the public.

It is a value principle which is about observing and serving people with empathy in accordance with the Constitution, Batho Pele principles and the Public Service Charter. The process of professionalising also means having qualified people who know what they are doing and are fully equipped to perform their jobs with diligence. This entails continuous professional development and making public servants more competitive by sharpening their “know-how” and skill sets.

Importantly, the professionalisation of certain categories of occupations in the public sector, over and above what is already recognised through statutory professional bodies, is key in building institutional capability.

This means that in the same way as healthcare workers are recognised as a sector and belong to professional bodies which regulate their occupation, the State needs to expand this type of approach to cover other public sector occupations. In furtherance of this initiative, amongst others, pre-entry exams and compulsory integrity tests must be introduced across levels and sectors.

The professionalisation of the public sector requires a non-partisan approach which embraces the merit principles in all staffing practices in the public sector. For this to be realised, the public sector must be non-partisan by insulating it from the politics of political parties.

This is important for the bureaucracy to continue to implement its political mandate loyally and diligently, as set by voters and the governing party or parties yet refrain from being a political actor itself.



The draft framework was gazetted in December 2020, after Cabinet approval for publication thereof and a request for public comments. This was followed by a series of consultations, including a two-week public consultation process in February 2021 and the appointment of a high-level ministerial panel to peer-review the processes.

This work culminated in the revised framework which proposes fundamental public sector reforms in the following key areas:

Stabilising the Political-Administrative Interface

To stabilise the political-administrative interface, the role of the PSC must be strengthened, and the Head of Public Administration (HOPA) finalised to play an active part in appointing and managing the career incidents of HoDs.

Establish a HOPA

The DG in The Presidency should be designated as the HOPA. In the provinces, such a designation should be the provincial DGs in the Office of the Premier.

Merit-Based Recruitment and Selection

The selection and recruitment practices in the public sector must be based on meritocracy.

Legislative Amendments

All public sector legislation governing professionalisation must be reviewed, amended and harmonised in accordance with this framework. There should be a review in the Department of Public Service and Administration (DPSA) directives and policies for the recruitment of DDGs and DGs. The DPSA will make a rule that the Public Service will also consider external candidates for the positions of DDGs and DGs with the relevant technical expertise.

Consequence Management

Policy frameworks must be strengthened (if existing) or developed (if new) to decisively address consequence management in the public sector.

Utilisation of Distinguished Former Public Servants and Senior Public Representatives

Policy guidelines must be developed on the utilisation of distinguished former public servants such as, HoDs, chief executive officers (CEOs) and municipal managers and senior public representatives as mentors and coaches who can engage as part of a network to turn around and stabilise public sector institutions and support other public servants such as the youth and those entering management).

Furthermore, the framework recommends five pillars in the value chain for the professionalisation of the public sector depicted in Diagram 1.



Diagram 1: Pillars in the value chain for the professionalisation of the public sector.

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Pre-Entry, Recruitment and Selection

The fundamental element of the professionalisation of the public sector requires the tightening of pre-entry requirements that inform meritocratic appointments at middle and senior management levels. This primary pillar is influenced by pre-service education and training. Higher Education Institutions (HEIs) and other recognised institutions primarily provide pre-entry Education, Training and Development (ETD). The proposals focus on the:

- Review the NSG's SMS Pre-Entry Programme (Nyukela) course to determine its impact and draw lessons for other pre-entry programmes for different levels.
- Extend Nyukela to employees in the military, state security, police and correctional services, local government and boards of SoEs.
- Staff appointed into political office (including advisors) must do Nyukela, pre-entry competency and integrity assessments within 60 days of appointment into office.



- Where appointments are subject to the discretion of powers that are vested within the Executive Authority and/or President of the Republic of South Africa those so appointed should, within the minimum probation, period comply with the minimum requirements for pre-entry into SMS, i.e. Nyukela and the other assessments listed above.
- Formalise Integrity assessment as mandatory in the public sector.
- Tighten occupation-based competency assessments and pre-service entry exams for entry into the public sector.

- Review the Middle Management Service (MMS) and Senior Management Service (SMS) competency frameworks to adequately reflect political and economic competencies, including competency attributes for a developmental state.
- Revise academic requirements for entry into SMS salary level 13 to 16, a minimum qualification should be at least National Qualifications Framework (NQF) Level 8, while an NQF level 9 qualification will be highly recommended for salaries level 15 to 16.
- The Executive Authority will remain responsible for the recruitment of the HoDs, DGs and DDGs and municipal councils for the recruitment of municipal managers. The DPSA should develop a database of a pool of experts that the Executive Authority and municipal councils should consult during the recruitment and selection process. This will enable the Executive Authority and municipal councils to run a rigorous selection and recruitment process supported by experts who can technically assess the suitability of the shortlisted candidates.
- Representatives from Provincial Treasury should form part of the selection process of municipal managers to add value in identifying suitable candidates.
- Review legislation to enable institutional arrangements to ensure insulating recruitment from political interference.
- Enhance the guidelines for the appointment of persons to boards in order to address ethical behaviour at the top, while stressing meritocracy and a culture of courageous leaders.
- Align internships with the pre-entry public service orientation/training programmes. Internship programmes to be strengthened and structured to provide more support and ensure that beneficiaries engage in meaningful work and workplace learning.
- Develop a clear policy on succession planning without creating opportunities for nepotism and favouritism.
- Establish strategic partnerships and collaboration with HEIs and professional bodies/associations to enhance ETD interventions.

Induction and Onboarding

It is important that employees undergo a workplace orientation to better understand the culture and dynamics of the workplace. Induction into the Public Sector and Workplace Orientation must take place simultaneously. The current practice of inducing new employees months or years after an appointment does not add value. In addressing these challenges, the framework's proposals include the following recommendations:

Participate in induction programmes before assuming duty

All public servants – including local government, boards of SOEs, the military, state security, police and correctional services – must participate in induction programmes before assuming duty. Also, staff appointed into political office, advisors and institutions of traditional leadership must participate in induction programmes within 90 days of appointment into office.

Compulsory Participation on Reorientation Programme

Compulsory participation in public sector reorientation programmes for all serving public servants, including local government, boards of SOEs, the military, state security, police and correctional services, institutions of traditional leadership, staff appointed into political office and advisors. Provide coaching and mentorship programmes (especially at senior management, specialist and technical positions) as part of onboarding within the first six months of appointment.

Planning and Performance Management

Key aspects of professionalisation must be emphasised in the planning, performance management and appraisal systems, including performance standards and assessment instruments for different categories of employees. Performance management can also be aligned with professional body/association registration. The proposals are as follows:

- Review the institutional planning and performance management systems to ensure greater alignment across public administration and to optimise the nexus between planning and performance management.
- Review the performance management systems to make them fit for purpose. Non-compliance with performance management and contracting deadlines must be treated as an element of insubordination, and therefore should be dealt with through existing consequence management processes.
- Enhance performance management by collaborating with professional bodies which can assist with issues such as the development of standards in technical areas of assessment.



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- Conduct a 360-performance review process where clients or other officials in the department also review your performance and not just reliant on supervisors' review.
- Create working conditions to attract skilled personnel who view the public sector as an employer of choice.
- Create ETD interventions through case studies and scenario planning approaches to enhance the impact of such interventions.

Continuing Learning and Professional Development (CPLD)

In reference to the DPSA directive for periodical assessment of the SMS against the SMS competency framework. Assessment against this competency framework is required for a certain category of SMS employees (which include specialist, technical and some key functions of Supply Chain Management (SCM), HR, Finance, and Planning) who would need to be professionalised and gain certification with professional bodies.

Considering the PSC's recommendations, the NSG must determine the appropriate training and learning pathways to assist in the professionalisation of these categories of employees. For the professionalisation of the public sector to succeed CLPD interventions should be improved. The proposals are as follows:

- Determine appropriate training and learning pathways to assist in the professionalisation of certain categories of employees.
- The NSG will launch the executive education programme for the professionalisation of the executives within institutions to replenish and augment existing knowledge and skills through lifelong learning interventions. Refer to Annexure C for details of the programme.
- Fully implement the Cabinet decision of 2014 regarding the reform of SCM and the establishment of a SCM council.
- Establish the Human Resource Management and Development (HRM&D) Council to assist with the coordination of the interests of various HRM&D functions and determine the approach towards professionalising the HRM&D occupation within the public sector.

- Develop and implement a CLPD framework and policies. Such a framework must take into consideration key imperatives shaping trends in education and training, including the use of technologies for CLPD activities in a way that enhances the learning experience and secures the quality of instructional interventions.
- Establish partnerships with HEIs and professional bodies (statutory and non-statutory professional bodies that are recognised by the South African Qualifications Authority (SAQA)) to develop the CLPD programme aimed at optimising its value as a capacity development intervention for all levels of employees.

Career Progression and Career Incidents

The 2014 PSC report (Building a Capable, Career-Oriented and Professional Public Service to Underpin a Developmental State in SA) argued that the career system in the Public Service is currently fragmented with decision-making processes dispersed throughout the sector; careers are unstructured with no standardised probation, task proficiency, promotion and continued professional development requirements; and the career system is open to all, with senior posts advertised outside the Public Service, with neither internal nor external candidates tested against objective criteria.

The proposals in this regard include:

- Career Management, which must be in line with National Policy for an Integrated Career Development System for South Africa and include considerations for career guidance, career education and career adaptation to support public servants in their careers.
- Set a minimum number of years of service for promotion from one level to the next.
- Introduce and set an exam as a requirement for promotion in the public sector from junior into middle management or a prescribed course in relevant fields of study, designed by the NSG.
- Specify the occupations in the public sector in terms of the job content; entry requirements regarding task, knowledge and skills proficiency; promotion requirements; career progression and succession planning; mobility into and out of the occupation; and continued professional development requirements.
- Revise the Revolving Door Policy (2008) to provide for the movement of identified public servants between private sector, academia and the public sector to inculcate “fresh, current and inspirational learning and innovative ideas”. The DPSA will work with the Department of Higher Education and Training (DHET) to establish a post public sector fellowship for distinguished retired Ministers, DGs, CEOs of SOEs and municipal managers. The fellowship should be six to 12 months.
- Revise and strengthen the Recognition of Prior Learning (RPL) policy to minimise the multiple meanings and interpretations given to it and explore the possibility of targeted recruitment to optimise its use in the public sector. Also for those whose prior experience needs to be recognised, not only for academic purposes but also for the awarding of professional designations by professional associations, bodies, councils or boards.

Whilst the framework places significant emphasis on the senior management and executive leadership in the public sector, it will progressively cascade throughout the entire public sector. It may be prudent for some category of public servants to rather start at the lower levels and cascade upwards.

Public-sector occupations should be mapped/catalogued in order to identify the well-established and emerging professions that exist in the public sector, as well as the levels and benefits of external professionalisation linkages. The existing ‘salary’ classification system (SMS, MMS, Occupation Specific Dispensation (OSD), etc.) is not effective enough for the purpose of professionalising the public sector professions and thus needs to be reformed.

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ABBREVIATIONS AND ACRONYMS

ACRONYM	EXPLANATION
AGSA	Auditor-General of South Africa
BPSC	Botswana Public Service College
CAG	Chinese Academy of Governance
CBE	Councils for the Built Environment
CBEP	Councils for the Built Environment Professionals
CELAP	China Executive Leadership Academy Pudong
CEO	Chief Executive Officer
CIP	Compulsory Induction Programme
CLPD	Continuous Learning and Professional Development
CPD	Continuing Professional Development
DCoGTA	Department of Cooperative Governance and Traditional Affairs
DG	Director-General
DHET	Department of Education & Training
DPE	Department of Public Enterprises
DPME	Department of Planning, Monitoring and Evaluation
DPSA	Department of Public Service and Administration
EEA	Employment Equity Act
EIP	Executive Induction Programme
ETD	Education, Training and Development
FET	Further Education and Training
GSCID	Governance, State Capacity and Institutional Development
HEIs	Higher Education Institutions
HoD	Head of Department
HOPA	Head of Public Administration
HPCSA	Health Professions Council of South Africa
HRD	Human Resource Development
HRDC	Human Resource Development Council
HRM&D	Human Resource Management and Development
ICT	Information and Communications Technology
ILO	International Labour Organisation

LGSETA	Local Government Sector Education and Training Authority
MEC	Member of the Executive Council
MFMA	Municipal Finance Management Act
MMS	Middle Management Service
MPSA	Minister of the Public Service and Administration
MTSF	Medium Term Strategic Framework
NDP	National Development Plan
NQF	National Qualifications Framework
NSG	National School of Government
OECD	Organisation for Economic Co-operation and Development
OPSC	Office of the Public Service Commission
OSD	Occupation Specific Dispensation
PAIA	Promotion of Access to Information Act
PAMA	Public Administration Management Act
PDP	Personal Development Plan
PMDS	Performance Management and Development System
PRC	Presidential Review Commission
PSC	Public Service Commission
PSCBC	Public Service Coordinating Bargaining Council
PSEC	Presidential State-Owned Enterprises Council
PSR	Public Service Regulations
RPL	Recognition of Prior Learning
SAQA	South African Qualifications Authority
SCM	Supply Chain Management
SDA	Skills Development Act
SETA	Sector Education and Training Authority
SMS	Senior Management Service
SOC	State-Owned Companies
SOE	State-Owned Entities
WPTPS	<i>White Paper on the Transformation of the Public Service</i>
WPTSD	<i>White Paper on Transforming Service Delivery</i>

XIV

DEFINITIONS

TERM/CONCEPT	EXPLANATION
Accountability	The obligation of public servants or an institution to account for its activities, provide information about decisions and actions, explain and justify decisions, as well as exercise discretion, accept responsibility for these activities, transparently disclose the results, be answerable for their actions, and understand that there are consequences when duties and commitments are not met.
Career Development Services	All services and activities intended to assist all individuals, of any age and at any point throughout their lives, to make educational, training and occupational choices, and to manage their careers.
Organ of State	Section 239 of the Constitution defines an “organ of state” as any department of state or administration in the national, provincial or local sphere of government; or any other functionary or institution exercising a power or performing a function in terms of the Constitution or a provincial constitution; or exercising a public power or performing a public function in terms of any legislation but does not include a court or judicial officer.
Profession	“A disciplined group of individuals who adhere to ethical standards and who hold themselves out as and are accepted by the public as possessing special knowledge and skills in a widely recognised body of learning derived from research, education and training at a high level, and who are prepared to apply this knowledge and exercise these skills in the interest of others” (Source: Australian Council of Professions).
Professional Body	Any statutory or non-statutory body that sets professional standards and registers individual expert practitioners in an occupational field.
Professional Designation	A title or status conferred by a professional body in recognition of a person's expertise and/or right to practice in an occupational field.
Professionalism	This entails a high work ethic and adherence to standards and principles of specific work, discipline and context – which includes qualifications, skills, competencies and values.
Professionalisation	Means changing individual attitudes, behaviour and performance towards serving the public. It is a value principle which is about observing and serving people with empathy in accordance with the Constitution, Batho Pele principles and the Public Service Charter.
Progression Pathway	A hierarchy of two or more related qualifications and/or professional designations that allow for vertical progression within a profession.
Public Administration	Means every sphere of government, including organs of state and public enterprises.
Public Sector	Means the portion of the economy composed of all levels of government and government controlled enterprises.
Public Servant	Means someone who works in public administration.
Public Service	Section 197 of the Constitution stipulates that public service is within public administration, which is a broad body with multiple institutional arrangements, consisting of the Public Service and other related institutions.
Permanent Secretary	The most senior civil servant of the department or ministry charged within the department or ministry's day-to-day activities. Permanent secretaries are non-political civil service chief executives of government departments or ministries who hold their positions for a number of years (thus permanent at a ministry and distinct from the changing political secretaries of state to whom they report to and provide advice.

1. INTRODUCTION

Section 195 of the Constitution of the Republic of South Africa of 1996 prescribes the basic values and principles governing public administration which apply to administration in every sphere of government, organs of state and public enterprises.

Section 197 of the Constitution provides that within the public administration there is a public service for the Republic which must function and be structured, in terms of national legislation, and which must loyally execute the lawful policies of the government of the day.

As the Public Service is within public administration which, in turn, occurs at all three spheres of government, it is deductively logical that the Public Service exists at all three spheres of government.

The conception of the public sector in the framework follows this logic, as it does not only refer to the administrations of the national and provincial spheres of government but includes municipalities and SOEs. So, as envisaged in the framework, the professionalisation of public administration ideally covers every sphere of government, including organs of state and public enterprises.

Public administration, as referred to in this Policy Document Framework, should be understood as contemplated in Section 215 of the Constitution. By implication a public servant is defined broadly as someone who works in public administration. Such employees will inevitably have varied conditions of service, responsibilities, levels of accountability and different tenure arrangements.

This framework is also applicable to persons who are not employed under the Public Service Act of 1994 to people who work for government such as the military, state security, police and correctional services. Under these categories such persons are employed through competitive processes. The adoption of this framework makes it universally applicable to all, especially at pre-entry assessments and other requirements unless it is expressly specified in their sector-specific legislation and/or employment regulations.

Therefore, public-sector reforms are essential to enable public office-bearers and functionaries to perform duties competently, efficiently and masterly (professionally) by strengthening skills, enhancing morale, clarifying lines of accountability and building an ethos for the public sector.

The MTSF for the period 2019-2024 prioritises a capable, ethical and developmental state, articulated as follows:

- A capable state has the required human capabilities, institutional capacity, systems, service processes and technological platforms to deliver on the NDP through a social contract with the people;
- An ethical state is driven by the constitutional values and principles of public administration and the rule of law, focused on the progressive realisation of socio-economic rights and social justice as outlined in the Bill of Rights; and
- A developmental state aims to meet people's needs through interventionist, developmental, participatory public administration. Building an autonomous developmental state driven by the public interest and not individual or sectional interests; embedded in South African society leading an active citizenry through partnerships with all sectors of society.



This priority puts forward a vision of strong leadership, a focus on people, and an improved capability to implement government plans. Achieving this will involve a transition to a more functional and integrated government - one that is capacitated with professional, responsive, and meritocratic public servants. These interventions must enhance confidence and trust on the State and improve the turnaround on service delivery to the citizens.

The State therefore needs to take a long-term perspective on public service training and capacity-building, and needs a clear direction as to where the next generation of public servants will emerge from and how specialist, professional skills will be reproduced for the future.

At its 54th conference in December 2017, the ruling party identified four areas where targeted action is critical: the political administrative interface and the clear separation of roles and responsibilities between political executives and the administration. Secondly, the intergovernmental systems and the articulation of roles between national, provincial and local government.

Thirdly, building a meritocratic and professional public sector that serves the government of the day in a loyal manner but has sufficient institutional autonomy to build and retain skills and be protected against political patronage. Lastly, developing technical and specialist professional skills as an appropriate career path for technical specialists.

Earlier efforts at the administrative reforms and the public sector transformation emphasised the need for professionalisation and professionalism as part of the broader state reform and transformation agenda project. However, the focus has mainly been on changing the macro-organisation of the state, and policy development, including comprehensive demographic representation in state staffing practices to “address the imbalances of the past” .

Institutional capability building, coupled with making the Public Service a profession, did not get a dedicated focus. However, legislative and policy frameworks to leverage professionalisation endeavours exist, and in many ways are aligned to the framework except in instances where some may need to be amended to bring about synergy and commonality.

1.1 BACKGROUND

Building state capacity towards a capable, ethical and developmental state remains the foremost priority of the current administration. More than two decades after the inception of the democratic system of government in 1994, the NDP has brought professionalisation into sharp focus, yet its implementation remains elusive. The NDP states that a developmental state needs to be capable, but that capability can only come about if the public sector is professionalised.

Capability thus includes having qualified and competent employees, as well as robust systems and processes of public administration.

The approach to professionalising the public sector is an immense task but a necessary one. It is about giving full effect to professionalism and professionalisation in line with the basic values and principles articulated in Section 195(1) of the Constitution.

The framework came about to affect these, including bringing commitments made in the earlier administrative reform and transformation agenda to the professionalisation of, and professionalism, in the Public Service. Its objective is to deliver a capable, ethical, and developmental state as envisaged in the NDP. It identifies substantial policy issues for determination to implement professionalisation in the public sector.

To professionalise the public sector, it is necessary to diversify government's approach moving forward. There is a need for a broader



policy framework for the professionalisation of public administration, including setting norms and standards for identified categories of disciplines. Importantly, this requires the professionalisation of certain categories of occupations in the public sector, over and above what is already recognised through statutory professional bodies. In the same way that health workers, for

example, are recognised as a sector and belong to professional bodies which regulate their profession, the State needs to expand this type of approach to cover other public sector occupations, in a more financially manageable manner.

1.2 PROBLEM STATEMENT

1.2.1 UNDERLYING POLICY STATEMENT

The NDP provided the context for repositioning South Africa as a developmental state envisaged to “intervene to support and guide development so that the benefits accrue across society, especially the poor”.

Initiatives such as the SMS, Public Service Internship, Handbook for the Appointment of Persons to Boards of State and State Institutions as well as various training interventions highlight the need for the professionalisation of the Public Service. Earlier efforts at administrative reform and the Public Service transformation emphasised the need for professionalisation and professionalism as part of the broader state reform and transformation agenda project.

However, the focus has largely been on changing the macro-organisation of the State and policy development, including comprehensive representation to “address the imbalances of the past”. Institutional capability building, coupled with making the Public Service a profession, did not get a dedicated focus. As a long-range plan that has mapped the country’s future, the NDP asserts that “to achieve the aspiration of a capable and developmental state, the country needs to professionalise the Public Service”. Put another way, “a developmental state needs to be capable”, and that capability is the function of the professionalisation and professionalism of the Public Service.

To enable sustainable and inclusive development, the NDP places emphasis on the key developmental interventions of creating jobs and enhancing livelihoods; expanding infrastructure; transforming urban and rural spaces; improving education and training; building a capable state; fighting corruption and enhancing accountability.

A capable state is an essential precondition for South Africa’s development. According to the NDP, “there needs to be a uniformity of effort and competence across the entire public service “ or else there is a “real risk that South Africa’s national plan could fail because the state is incapable of implementation.”

The intention of the framework is to address these, including bringing commitments made in the earlier administrative reform and transformation agenda to the professionalisation of, and professionalism in, the Public Service.

1.2.2 NATURE, HISTORY AND SCOPE OF THE PROBLEM

A Diagnostic Overview undertaken in 2011 by the National Planning Commission outlined the need to improve the skills of public servants but also noted the erosion of the State’s role in producing skilled professionals (e.g., the closure of teacher and nursing colleges). This erosion also applies to the training of engineers, planners and artisans. Past practices of engaging professional institutes in the training, selection and development of senior managers have largely been unsuccessful, while some bodies have little influence over appointments to critical positions in the Public Service.

The result, according to the Diagnostic Overview, has been a reduction in the number of professionals available to the State, and a looming crisis in the generational reproduction of professional expertise as the ageing cohorts with expertise and knowledge continue to leave the system. Even when these functions are contracted out, government needs to have the technical expertise and experience to commission and oversee contractors.

South Africa faces the inherited and residual challenges of a lack of service delivery; an absence of effective management information; low productivity; a lack of clearly defined roles and responsibilities; a lack of coordination; and a lack of skills and capacity.

A state is needed that can play a transformative and developmental role, requiring well-run and effectively coordinated state institutions, staffed by skilled public servants who are committed to the public good and capable of delivering consistently high-quality services for all South Africans, whilst prioritising the nation’s developmental objectives.

The Department of Planning, Monitoring and Evaluation’s (DPME) Towards A 25-Year Review (1994-2019) notes that frequently reported concerns around a shortage of technical and managerial skills within the Public Service and the outsourcing of professional and technical services is a challenge that requires attention. The State needs to proactively plan for strengthening technical and professional skills in the Public Service, as well as ensuring clear career paths for managerial and technical echelons.

However, a search for rapid solutions has resulted in attention being shifted from the primary priorities, specifically skills shortages and a lack of professionalism which affect all aspects of the public sector. At the executive management levels, reporting and recruitment structures have allowed too much political interference in selecting and managing senior staff.

The result of this has been unnecessary turbulence in senior positions, which has undermined the morale of public servants and, more importantly, the citizens' confidence in the State, resulting in negative public trust in governance and administration. At junior levels, there has been insufficient focus on providing stimulating career paths that ensure the reproduction of skills and fostering a sense of professional shared purpose.

In the 27 years of democratic public service, there have not been many decisive interventions in the professionalisation of the public sector. There is a greater fixation on compliance while neglecting how compliance should impact on enhancing professionalisation and performance. In the sixth (6th) Administration, there is recognition for a call for strategic and decisive interventions to professionalise the public sector by setting the bar far higher than simply achieving clean audit outcomes.

In the post-New Public Management discourse of public-service delivery, it is not merely the ratio of outputs to inputs that is important, but rather the impact of public-sector outputs on the well-being of society. In other words, the clean audit is a means to an end, not an end in itself. The lack of professionalism can have detrimental consequences such as fruitless expenditure and service-delivery protests characterised by violence and fatalities.

Examples of how this manifests itself include nepotism in the absence of formal and relevant qualifications, political interference, rivalries, a lack of accountability, low staff morale, serious and growing corruption, to name but a few of the consequences.

The meritocratic appointments and promotions determined by the constitutional values and principles governing public administration are the cornerstone for building a public sector that is ethical, responsible and accountable. Because of this, the framework suggests that professionalisation includes both the individual and the system. The outcome of this should be professionalism as an inherent character and attribute

of employees, including systems and processes which constitute public administration and service delivery. The impact of these should be about changing the lives of the citizens for the better. An organisation of a profession into a fraternity is important to shape the ethical disposition and character formation of those who belong to it, including their education and training.

1.3 OVERVIEW OF THE PROCESS FOLLOWED

Under the leadership of the Minister of Public Service and Administration (MPSA) and mandated through the Governance, State Capacity and Institutional Development (GSCID) Cluster, the NSG, the DPSA, and the Office of the PSC (OPSC) have been instrumental in conceptualising "A National Framework Towards the Professionalisation of the Public Service".

The framework was tabled at the Cabinet meeting held on 18 November 2020. The decision of Cabinet was as follows: "Cabinet approves publication of the draft national implementation framework towards the professionalisation of the Public Service as a commitment of the sixth administration to create a capable, ethical and developmental public service.

The framework proposes five critical professionalisation pillars, led by the NSG in partnership with various learning institutions. The five pillars include (i) pre-entry recruitment and selection within the Public Service (ii) induction and onboarding, (iii) planning and performance management, iv) CLPD, and v) career progression and career incidents".

The framework was published in the Government Gazette (No. 44031 dated 24 December 2020). In January 2021, the MPSA issued a public call for consultations on the framework. These consultations, which took place between 15 and 26 February 2021, were in addition to written inputs submitted on the framework.

The consultations were undertaken with interested individuals, professional bodies and associations, research institutions and other related bodies. The process was designed to consult across various sectors of society and also across different functional groups, such as the HEIs, built environment, financial management and HRM. Beyond this period, further consultations were undertaken with provincial governments, South African Local Government Association (SALGA), and HRD practitioners in the public sector.

In May 2021, the MPSA appointed a high-level Ministerial panel to bring independent experts to assess the evidence, undertake peer review and make concrete recommendations on the proposals outlined in the framework. The panel comprised of members from various sectors of society, including representation from HEIs, the legal fraternity, local government, SOEs, professional bodies, quality councils and business. The panel finalised its report and made proposals to the framework, which were presented to the MPSA in January 2022.

1.3.1 CONSULTATION

Following the gazetting of the framework, virtual public consultations (including livestreaming on social media) were undertaken from 15-26 February 2021. These consultations were intended to solicit further inputs and views towards finalising the framework. For ease of consultation, the process was grouped thematically as shown in Table 1.3.1.A below:

Table 1.3.1. A:

Functional Group 1	Civil-society organisations, institutions of higher learning, think tanks.
Functional Group 2	Regulators, policy government departments, oversight institutions and quality councils.
Functional Group 3	Professional bodies and organisations in the built environment – planning, implementation and project management.
Functional Group 4	Professional bodies and organisations in the Finance and Audit fields, including SCM.
Functional Group 5	Professional bodies and organisations in the HRM&D field and organisational development.
Functional Group 6	Professional bodies and organisations responsible for legal, governance and compliance functions.
Functional Group 7	Professional bodies and organisations in local government.
Functional Group 8	Professional bodies, organisations and government institutions responsible for SOEs.

Over the two-week period, a total of 159 institutions/bodies – representing 771 actual attendees – participated in the public consultations. Further consultations were undertaken in March-May 2021 with six of the nine provincial governments (refer to **Annexure A: List of Consultation Process**).

The NSG continued to consult on the framework within various platforms and forums. Identified bodies and stakeholders consulted included the Council for the Built Environment; Justice College; Auditor-General of South Africa (AGSA); Black Management Forum; Consulting Engineers South Africa; South African Institute for Chartered Accountants, Legal Practice Council, the South African Association of Public Administration and Management and the SAQA

Public Sector Education and Training Authority (SETA), Institutes of Higher Learning, Western Cape SALGA, HR practitioners Forum and the Department of Public Works and Infrastructure: Capacity-Building Forum.

Presentations were also made to the Public Service Coordinating Bargaining Council (PSCBC) and the Public Service Summit. An update on the work of revising the framework was also presented to the GSCID Cluster. The road map depicting the process and progress towards the finalisation of the National Framework towards the Implementation of the Professionalisation in the Public Sector is presented in the following section.

Diagram 1.3.1 A: The Road Map towards the finalisation of the National Framework towards the Implementation of Professionalisation in the Public Sector:

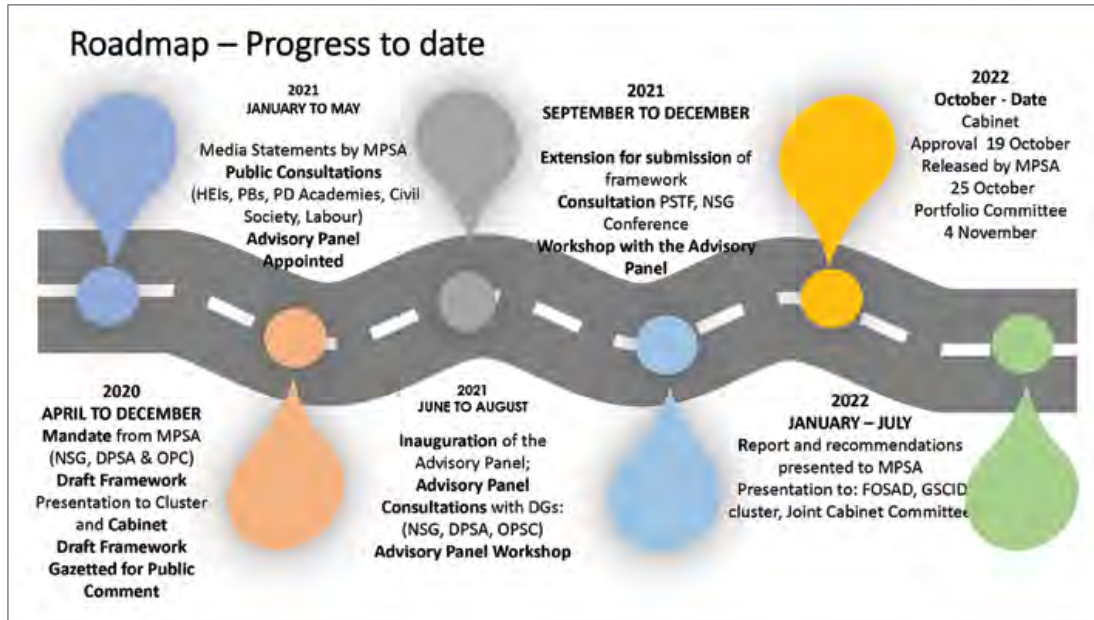


Diagram 1. 3. A depicts the work undertaken and completed in the two years from April 2020 to date, towards finalising the National Framework to guide the professionalisation of the public sector. The following section outlines policy vision and objectives.

2. POLICY VISION AND OBJECTIVES

2.1 THEORY OF CHANGE

To achieve the outcomes outlined above, the concepts and envisaged culture of a professionalised public sector must be understood to direct all future endeavours. In addition, the necessary amendments to the Public Service Act of 1994, Public Administration Management Act (PAMA), 2014 (Act 11 of 2014) and Public Service Commission Act, amongst others, should be prioritised to establish the legislative foundation for professionalisation.

Also, the creation of an independent institutional framework to oversee a meritocratic recruitment system - to incorporate the constitutional values and principles and to hold the public administration accountable - is fundamental to meeting the first two propositions.

In recent years, particularly since the adoption of the NDP, there has been a substantive amount of

discussion about the professionalisation of the public sector. However, it can be argued that despite the studies carried out around professionalisation, there is little or no clarity as to exactly what this means and how it can be implemented. There seems to be a varying set of thoughts, expressed in insular terms, each one of which seeks to explain definitively what the concept of the professionalisation of the public sector means.

Therefore, the concepts of profession, professionalisation and professionalism will be clarified within this context. Policy vision and objectives are presented in the following sections.

2.1.1 POLICY VISION

The framework seeks to provide the State with an opportunity to implement key actions and systems to institutionalise the public sector as a profession of choice with a career system based on meritocracy and an ethical disposition steeped in the Batho Pele Principles as found in the African philosophy of humanism (Ubuntu/Botho). The careers in the Public Service should be deemed as careers of choice by professionals.

Once again, this recommendation is made without identifying the professional skill set that would be needed to build a capable and competent labour force as well as the mechanism that would need to be utilised to achieve this. To address the above mentioned deficit and in the quest to build a capable and developmental state, the NDP has identified eight areas that need attention, namely to:

- stabilise the political-administrative interface;
- make the Public Service and local government administration careers of choice for potential employees;
- develop technical and specialist professional skills;
- strengthen delegation, accountability, and oversight;
- improve interdepartmental coordination;
- take a proactive approach to improving relations between national, provincial and local government;
- strengthen local government; and
- clarify the governance of SOEs.

According to the NDP, progress in these eight areas would contribute to the professionalisation of the public sector.

To this end the framework provides the State with an opportunity to implement key actions and systems to institutionalise the public sector as a profession of choice with a career system based on meritocracy and an ethical disposition steeped in the Batho Pele principles as found in the African philosophy of humanism (Ubuntu/Botho).

Moreover, the NDP states that reforms are essential to enable public office-bearers and functionaries to perform duties competently, efficiently, and masterly (professionally) by strengthening skills, enhancing morale, clarifying lines of accountability and building an ethos of service delivery for the Public Service.

Thus, from a public service perspective, the identification of service-delivery constraints is paramount and are addressed in Chapter 13 of the NDP. As such, the NDP states that irregular public service performance could be attributed to skills deficits and inappropriate staffing, amongst others.

More importantly, the document noted that there is a lack of a clear vision as to where the next generation of public servants will emanate from and how specialist/

professional skills will be reproduced. However, an aspect that is not touched on is the nature of the hypothetical professional skills that would be required by the Public Service cadre as well as how they would be acquired.

2.1.2 POLICY OBJECTIVES

The objectives of the Policy Framework amongst others, are to:

- entrench a dynamic system of professionalisation in the public sector;
- strengthen and enable the legal and policy instruments to professionalise categories of occupations in the Public Service;
- enhance and build partnerships and relationships with HEIs and professional bodies;
- ensure meritocracy in public servants' recruitment, selection and career management in line with the NDP and the MTSF; and
- implement employment and personnel management practices based on ability, objectivity, fairness and the need to redress the imbalances of the past through transparent and fair career pathing practices.



2.2 EXPECTED OUTCOMES

The implementation of the Policy Framework proposals and recommendations will enable the implementation of key actions and systems to institutionalise the public sector as a profession of choice which will be able to:

- Develop a career system based on meritocracy and ethical disposition steeped in the Batho Pele Principles as found in the African philosophy of humanism (Ubuntu);
- Establish a professional public sector, characterised by a strong commitment to the public good and agility in responding to the needs and expectations of the people;
- Create a public sector system that upholds the constitutional values and principles as outlined in Chapter 10. These values and principles include maintaining and promoting a high standard of professional ethics; using state resources efficiently, economically and effectively; providing public services impartially, fairly, equitably, and without bias;
- Instil a development-oriented public administration; responding to the people's needs swiftly, and an accountable and transparent public administration in all its dealings;
- Nurture good HR and career development practices to maximise human potential; and being broadly representative of the South African demographics; and
- Implement employment and personnel management practices based on ability, objectivity, fairness and the need to redress the imbalances of the past through transparent and fair career pathing practices.

2.2.1 NOTIONS OF PROFESSION, PROFESSIONALISATION AND PROFESSIONALISM

The multidimensional nature of the concept of professionalisation and the notion that professionalising the Public Service is a complex issue, linked to various schools of thought, is obvious in the existing body of literature. Below is Diagram, 2.2.1, presenting the idea of a professionalisation framework.

Diagram 2.2.1: Illustrates the framework's approach towards professionalising the public sector:



The diagram illustrates the multidimensional nature of the concept of professionalisation. The three concepts viz profession, professionalism and professionalisation discussed in the following sections.

2.2.1.1 PROFESSION

Professions began in the Middle Ages and are a subject of much sociological debate. A profession emerges when work becomes systematised, and people must acquire relevant education and training to perform the work to a satisfactory standard and must also adhere to specific codes of conduct as they perform that work.

Law, medicine, the clergy and university professorates were historically regarded as “learned professions”. Professions that emerged from industrialisation such as engineering, nursing, school teaching, accountancy, and social work were classified as “occupational professions”.

However, these distinctions have become insignificant in the twenty-first century because of (a) new forms of specialisation and their professionalisation within well-established professions, (b) the emergence of new occupations and professions such as those related to Information Technology, and (c) the interdependence of multiple professions and stakeholders in dealing with complex challenges.

Equally, within the public sector context, a lot has been written about traditional, hybrid and new professions in the Public Service, hence the cliché that the Public Service is a ‘profession with professions.’ So, what does being a professional mean in the public sector?

Within the context of a profession, in its ordinary meaning, to be professional means to work and project oneself in a way that demonstrates superior levels of acquired knowledge, skills and competence as well as exemplary conduct and a commitment to the profession and its associated code of ethics and service to the community.

2.2.1.2 PROFESSIONALISM

Professionalism focuses on the qualities and behaviours that are exhibited and how one conducts oneself in the work environment, whether in the public or private sector. Professionalism entails a high work ethic and adherence to standards and principles of specific work, discipline, and context and includes qualifications, skills, competencies, and values.

The study on “Improving professionalism in the South African local government” identified the values of loyalty, neutrality, transparency, diligence, punctuality effectiveness, impartiality, as well as other values that may be specific to the public services of individual countries. They further stated that “Public Service

professionalism embraces the notion that those who join the Public Service need to be inculcated with shared values and trained in basic skills to professionally carry out their official duties.”

Professionalism should be an inherent characteristic of public representatives and public servants alike. Coupled with this is the assumption that people who have academic qualifications or are taken through some form of training on the Code of Conduct and other programmes will necessarily demonstrate the required levels of professionalism. This expectation is justifiable.

In other words, a person who works as a public representative or a public servant must always present a professional attitude when serving the public. However, experience has shown that this is not always the case. There is adequate evidence from both the public and private sectors that qualifications, in isolation from other essential elements of professions such as ethical disposition related to character formation and social values, are the worst predictors of professionalism.

To have meaningful impact, not just across the public sector, but across society, there must be an integrated capacity development approach as shown in Table 2.2.1.2 A. below:

Table 2.2.1.2 A: Integrated Capacity Development Approach

Individual Capacity	Institutional Capacity	Environmental Capacity
Refer to skills, competencies, suitable qualifications, potential, attitudes, and the capabilities possessed by individuals	Relates to an enabling environment within the organisation to allow officials to perform their functions efficiently	Relates to social and economic conditions (physical, geographic and spatial landscape, economic growth, and employment opportunities)
Competency assessments to inform development	Compilation of credible Workplace Skills Plans informed by skills audit information	Promotes stable political environment
Skills development programmes	Well established policies and consistent application of administrative systems and procedures across the institution	Ensures integrated planning and implementation in addressing service delivery
Coaching and mentoring	Established norms and standards to allow resilient institutions and continuity	Elevates citizen/community engagements to a strategic level
	Sound leadership and management practices	
	Governance structures to exercise oversight roles	

Contrary to narrow conceptions that emphasise a few variables such as qualifications or experience, professionalism is a multidimensional concept, process and outcome that exists at the individual, organisational and societal level. At the individual level, it relates to skills, qualifications, and experience in each area, coupled with the individual's value system. In the second dimension, organisational ethos and its accompanying values and norms help to bind members of an organisation to a common understanding of its mandate, culture and professional mission.

The values and norms at both the individual and organisational level are influenced by the broader societal value system of the nation-state, patriotism and the specific values and principles that bind people as a nation. For the South African Public Service, being professional and professionalism means embodying the basic values and principles of public administration as enshrined in the Constitution.

Although such levels of professionalism ought to be inherent in the public sector, it is not innate to every public servant. Still, it must be nurtured and cultivated through appropriate processes and systems within the broader public administration. Achieving this requires leadership, sound policies, skilled managers and workers, clear lines of accountability, relevant systems, the consistent and fair application of rules, and strict adherence to the constitutional values and principles as contained in Section 195 of the Constitution.

Batho Pele

Putting People First.



We Belong



We Care



We Serve

The preceding exposition clarifies that professionalism in the Public Service is more than the sum of the qualifications, skills, experience, and attributes that an individual possesses. Further, it is more than elementary compliance with the Code of Conduct and the Batho Pele Principles. Professionalism includes elements such as how one speaks to others while performing their duties, including co-workers, citizens or members of the public.

Respect, dignity, integrity, courteous behaviour, treating people equally, and observing non-racialism are all elements of professional conduct, as captured in the Batho Pele Principles. Ubuntu, an African philosophy of humanism that is core to decolonising and humanising the administration of the state, is the foundational antecedent of the Batho Pele Principles. However, while the Public Service is expected to be inherently imbued with the qualities of professionalism, it cannot be taken as a given that this would evolve automatically. Standards and approaches should be entrenched, and public representatives and public servants should be trained or taught to take the right decisions and actions that will reflect their professional conduct.

A critically important lesson from the post-public management insights, which should shape the professionalisation of the Public Service, is that "government shouldn't be run like a business; it should be run as a democracy".

When the constitutional values and principles are read purposefully and contextually, it becomes clear that their geneses are the fundamental values in the Constitution and can be synthesised into human dignity, the achievement of equality, and the advancement of human rights freedoms. The synergy and nexus between the fundamental values and principles in Section 195 of the Constitution are that the two represent the building blocks of a developmental state and a capable and professional public service.

However, a development-oriented public administration and a capable and professional public sector as envisaged in the Constitution and the NDP will not flourish if the foundational values underpinning it have not taken root. Therefore, it is incumbent upon the public administration and the Public Service to go beyond the simple textual interpretation of the constitutional values and principles and reflect on the aspirations and transformative nature of the Constitution.

It is only when constitutional imperatives become second nature to every public servant and public representative that one can confidently assert that professionalism is inherent in the Public Service and that the delivery of services is under the fundamental rights and values of the Constitution.

Public sector leadership is required to incorporate transformative constitutionalism into their decision-making. Transformational leaders that inspire their staff to achieve outcomes that improve the capabilities of people in society so that they can also become active participants in shaping and consolidating South Africa's democracy are critical.

Building a capable and professional Public Service can only be realised through a form of public leadership in which public officials and public servants become stewards of the Constitution's rights, values and principles. This level of public value orientation and leadership must embody the collective with the obligation of senior administrators to shift their thinking toward the mobilisation and empowerment of others to create a governance system based on the fundamental values and principles of the Constitution.

Against this background it can be reasonably inferred that the definition of professionalism is multi-dimensional and is linked to various schools of thought. From the perspective of the Public Service, literature on professionalisation emphasises the importance of work ethic, skills development initiatives, performance management, and good governance as key imperatives towards developing and maintaining professionalism.

2.2.1.3 PROFESSIONALISATION

The professionalisation of the public sector is mandated by the Constitution, relevant pieces of legislation, and various policies such as the Public Service Charter, Codes of Conduct and Codes of Ethics, and more sharply, by the NDP. According to the NDP (chapter 13), "the Public Service should attract highly skilled people and cultivate a sense of common purpose and a commitment to developmental goals". Chapter 13 further suggests that "South Africa needs a two-pronged approach to building a more professional public service from the top and the bottom". Furthermore, to "increase the pool of skilled people by ensuring that the Public Service and local government become careers of choice for graduates who wish to contribute to the development of the country". The following are some of the more pronounced concepts of professionalisation of the public sector:

The professionalisation of the public sector means that all public servants become a cohesive group of workers who are subject to a single dispensation of professional registration and regulation. Professionalisation is thus predicated on the view that all public servants work for and on behalf of the State to deliver a range of services to the people. This viewpoint is inextricably linked to the concept of the establishment of a single public service across national and provincial government departments, municipalities, and their entities

"A professional Public Service is one where people are recruited and promoted based on merit and potential, rather than connections or political allegiance. This requires rigorous and transparent recruitment mechanisms. However, the Public Service will not be effective if it is elitist and aloof.

Public servants need to have an in-depth understanding of the sections of society with which they work. A highly skilled Public Service should also be representative of, and connected to, the communities it serves" – Chapter 13 of the NDP.

The professionalisation of the public sector refers to the subscription by all public servants to the basic values and principles of public administration as enshrined in Chapter 10 of the Constitution of the Republic of South Africa of 1996, including the values espoused in the Public Service Charter and the commitment to upholding the principles of Batho Pele by showing empathy towards the plight of the citizenry, especially those who rely on government goods and services for their daily living.

The professionalisation of the public sector refers to the uninterrupted career longevity of public servants who are there to do their job, regardless of any changes of Ministers, MECs or councillors within the governing party in charge of the administration, or changes to political parties in government after elections. In this context, professionalisation is considered the creation of an environment of integrity that insulates public servants from any political interference, which is viewed as a precondition for government becoming an employer of choice by people who wish to pursue their job careers for a lifetime; and

The professionalisation of the public sector is about full recognition of the various professional categories within the sector and subjecting them to registration with externally regulated professional bodies and

associations. It also refers to creating additional professional categories of workers linked to some form of training, which leads to the external regulation of such categories of workers according to a particular standard, code of conduct, and ethical framework.

It may be necessary to consider whether to treat these concepts as insular, stand-alone perspectives on this complex and dynamic matter or to take a combination of each of the best elements, without according superiority of one over the others. The value system embraced by the Constitution is the starting point of every public administration and Public Service practice.

Consistent with this value system, the basic values, and principles of public administration in Section 195 of the Constitution prescribe a particular kind of governance and public leadership for the Public Service. Every public official must adhere to its provisions. However, creating and sustaining a professional public service should not be a compliance-driven process but rather a higher calling for service to humanity. In the context of this framework, such should be driven by adherence to the Constitution as the supreme law of the land.

2.2.2 PROFESSIONALISATION STANDARDS

The partnerships and relationships between the State and professional bodies (statutory and non-statutory) is critical in the professionalisation of the public sector. It puts in place the checks and balances needed to ensure that public servants fulfil their duties in a professional manner. The framework must be clear on further steps to take, given the significant amount of work already undertaken.

Engagements must be undertaken with other state institutions to determine what work they are doing and assess the role of all state academies (national, provincial and local) in professionalisation. Additional issues for consideration include some of the following:

- Identify professional bodies and associations operating within the various disciplines to collaborate with government departments and institutions of higher learning;
- Assess the measures within public sector institutions to promote an environment conducive to employees thriving as professionals;
- Determine RPL as part of professionalisation; and
- Consider competency testing in the Public Service and curricula that can address professionalisation.



The SAQA Policy and Criteria for Recognising a Professional Body and Registering a Professional Designation for the purposes of the NQF (as amended, 2020) demonstrates the critical role of professional bodies in quality assurance and standards development in the NQF environment.

The recognition of professional bodies, and the designations' registration, will contribute to strengthening social responsiveness and accountability within professions and promoting pride in association for all professions and occupations. Redress is also a key imperative in the South African policy and regulatory environment. It is critical that perceptions of exclusionary practices be addressed upfront and that professions do not apply unjust policies and practices regarding who gains access to a profession.

According to the SAQA Policy and Criteria, the Professional Body means any statutory or non-statutory body that sets professional standards and registers individual expert practitioners in an occupational field. Professional designation means a title or status conferred by a professional body in recognition of a person's expertise and/or right to practice in an occupational field.

SAQA works with professional bodies to ensure that all South Africans benefit from the professions. The objectives of the policy and criteria for recognition of professional bodies are to: a) promote public understanding of, and trust in, professions through the establishment of a nationally regulated system for the recognition of professional bodies and the registration of professional designations; (b) encourage social responsibility and accountability within the professions relating to professional services, communities and individuals; (c) encourage the setting of professional standards by professional bodies; (d) promote the protection of the public from malpractice related to the non-fulfilment of the professional duties and responsibilities of professional bodies and their members;

(e) facilitate access to, and analysis of, data related to professions, including traditional trades and occupations, for the purposes and use as prescribed by the NQF Act; (f) encourage the provision of alternative access routes into professional designations through RPL; (g) encourage the development and implementation of CLPD; and (h) advance the objectives of the NQF.

2.2.3 ETHICAL DIMENSIONS OF PROFESSIONALISATION AND PROFESSIONALISM

An attempt to conceptualise professionalisation and professionalism without emphasising their ethical dimension will diminish and inadequately inform the intent and meaning of these terms. The ethical conduct of public servants is a foundational component of professionalisation and professionalism.

From a systemic approach, it is not adequate to only address these factors after appointment of a public servant – ethical conduct needs to be considered during the recruitment process with specific reference to the following:

How are the new recruits/employees tested to ensure a proper foundation in ethics-based decision-making?

- If testing is conducted, is it oral, computer-based or written?
- Does there appear to be a relationship between the age of recruits/new employees and ethics violations?
- What is the size of the organisation?
- Are recruits/employees assigned a mentor? If yes, did these employees display any incidents of less/more ethics-based violations?

This diagnostic test suggested that each country required different elements within either an ethics code or a code of conduct. The variance detected was based on differing hierarchies of values (not different values) and historical experiences.

The importance of this work, and the social psychology research at the Centre for the Study of Ethical Development at the University of Minnesota, has led to the uncovering of various key elements to deepen the understanding of what must go into an ethics code and why these will work.

The first lesson is that individuals approach ethics problems with “different” lenses and therefore an ethics code must be able to address multiple levels

of meaning. To clarify this, some individuals only want to know “what will happen to them” if they violate the code, others want to understand the rule. And still others want to know which principles underlie the specific rule(s). Good ethics codes should address all of these levels.

2.3 RATIONALE FOR POLICY INTERVENTION AND THE REASON FOR POLICY OPTIONS

Chapter 13 (Building a Capable and Developmental State) of the NDP contends that the weaknesses in capacity and performance are most serious in historically disadvantaged areas, where state intervention is most needed to improve people's quality of life.

There have been many individual initiatives, but there is a tendency to jump from one quick fix or policy fad to the next. These frequent changes have created instability in organisational structures and policy approaches that further strain limited capacity.




The search for a quick fix has diverted attention from more fundamental priorities that need to be addressed. A deficit in skills and professionalism affects all elements of the Public Service. At senior levels, reporting and recruitment structures have allowed for too much political interference in selecting and managing senior staff. The result has been unnecessary turbulence in senior posts, which has undermined the morale of public servants and citizens' confidence in the State.

At the same time there has been insufficient focus on providing stimulating career paths at junior levels to ensure the reproduction of skills and foster a sense of professional common purpose.

This challenge is articulated in Chapter 13 of the NDP: Skills, a professional ethic and a commitment to public service should be recognised and valued at all levels of the public sector.

- Many skills can only be developed on the job, but employees are often promoted too rapidly, before acquiring the experience needed for senior posts. This is in part a reflection of skills shortages in broader society; but specific interventions within the public sector can help ameliorate this.
- Public services cannot be delivered without people with the necessary specialist skills and knowledge – whether they are nurses, doctors, engineers, planners or artisans.



**Public services
cannot be
delivered without
people**

- Government needs professionals in the public sector, for example, engineers to build, maintain and operate infrastructure. Even when these functions are contracted out, government needs to have the technical expertise to commission and oversee contractors.
- The uninterrupted career longevity of public servants who are simply there to do their jobs, regardless of any political changes or of the administration must be insulated from any political interference. This is a precondition for government becoming an employer of choice by people who wish to pursue their job careers for a life-time.
- There is currently a full recognition of various professional categories within the public which

are subject to registration with professional bodies and regulated by these bodies external to the public sector. However, there is a need for the creation of additional professional categories of public servants, linked to some form of training, which would lead to the external regulation of such categories that must be held to a particular standard, code of conduct and ethics..

- Public servants who belong to various professions such as teaching, nursing, auditing, engineering, law, and medicine have the dual benefit of navigating their way through detailed codes of professional conduct which are externally managed. Independent professional bodies regulate these occupations in the public sector.

However, it is unclear how the public sector leverages the benefits of external professional membership to enhance the professionalism of these employees. For this reason, the framework seeks to address the role of professional bodies in supporting public servants and the public sector. Strategic partnerships, collaborations or alliances with the existing professional associations/ boards/councils should be forged, especially insofar as they relate to various imperatives of professionalisation of the public sector as contained in the framework.

Externally managed or moderated professions and 'non-professionalised' occupations in the public sector had to be looked into critically to prevent them from derailing debates and processes to professionalise the public sector. Ideally, the public sector should have its own professional body and be established through legislation. Such a body could take the form of an "allied council" of some sort with a federated configuration comprising sub-councils representing different professional occupations in the public sector. However, this may not be realisable in the short term.

Finally, the need to implement professionalisation in the public sector is an approach towards addressing matters of transformation and equality in many professions. The Foreword by the acting CEO: SAQA to the Policy and Criteria for Recognising a Professional Body and Registering a Professional Designation for the Purposes of the NQF Act, 2008 (Act 67 of 2008) (as amended, 2020) states the following: "The recognition of professional bodies, and the registration for their designations, will contribute to strengthening social responsiveness and accountability within professions and promoting pride in association for all professions and occupations.



Redress is also a key imperative in the South African policy and regulatory environment. It is critical that perceptions of exclusionary practices be addressed upfront and that professions do not apply unjust policies and practices regarding who gains access to a profession". Of critical importance is that Section 22 of the Constitution provides that every citizen has a right to choose their trade, occupation and profession freely. However, the practice of trade, occupation or profession may be regulated by law.

The rationale for the framework is further motivated by the reports which expound on the key changes that the South African public sector needs a capable, career-oriented and professional public service to underpin a developmental state. They provide important professional guidelines and are relevant to the professionalisation of the public sector.

2.3.1 PSC SOURCES ON PROFESSIONALISM

The PSC is mandated in terms of the Sections 195 and 196 of the Constitution of the Republic of South Africa of 1996, to promote and maintain a high standard of professional ethics throughout the Public Service. Its unambiguous tasks include investigating, monitoring, and evaluating the Public Service organisation and administration, as well as assessing the achievements and deficiency of government programmes.

In addition, the PSC must promote measures aimed at effective and efficient public service performance and promote the values and principles of public administration espoused in the Constitution. Since 2014, the PSC has published several reports on the professionalisation of the Public Service, of which the following can be noted:

2.3.1.1 REPORT ON BUILDING A CAPABLE, CAREER-ORIENTATED AND PROFESSIONAL PUBLIC SERVICE UNDERPIN A CAPABLE AND DEVELOPMENTAL STATE IN SOUTH AFRICA (2016)

One of the key documents which the Public Service Commission had put together is the Report on Building a Capable, Career-Orientated and Professional Public Service to Underpin a Capable and Developmental State in South Africa (2016). It enunciates a value-driven Public Service and sets out clearly what the public should expect from public administration. Of critical importance is the recommendation that all public servants undergo training on the principles of a values-based public service.

The report notes some weaknesses in the career system in the Public Service wherein firstly; it has previously been characterised as fragmented with decision-making dispersed throughout the Public Service. Determining the inherent requirements of a job was delegated to executive authorities (Ministers), so no uniform objective appointment requirements were set, and thousands of selection committees inconsistently applied even these requirements.

Secondly, it was noted that the careers were unstructured with no standardised probation, task proficiency, promotion and continued professional development requirements. The career system was an open system with all senior posts advertised outside the Public Service, with neither internal nor external candidates tested against objective criteria. Under these conditions, individuals build their careers by applying for posts everywhere, rather than having departments build a pool of skills in a structured manner and promoting candidates from within the department.

Staff are not building careers in specific departments, whilst at the same time experiential learning is not structured well enough to enable the transfer of skills from one department to another. People move from one job to the other in the Public Service, many times through promotion, before becoming proficient in specific areas of professionalisation.

Owing to the above-mentioned weaknesses in the public service career system, the discussion document recommended that the open career system with the advertisement of all posts outside the public service will have to be changed to one where preference is

given to promotions from a pool of candidates who have undergone a prescribed training programme and are certified to be able to perform a predetermined scope of work. The recommendations to standardise career development within each department in the Public Service could include:

- Introducing a structured internship for candidates aspiring to the middle and SMS.
- Requiring that those career paths should be structured by setting (and testing) task proficiency, promotion, continued professional development, prescribed training requirements, and
- That a promotion exam for entry into the middle and SMS (rather than an exam at entry-level because an entrance examination may unfairly discriminate between candidates with highly unequal educational backgrounds) or a prescribed course (or courses) in relevant fields of study, designed by the NSG, to be considered as a requirement for promotion into the SMS and MMS.

Regarding performance management, the report enquires whether the current Performance Management and Development System (PMDS) makes any difference to work performance and service delivery in the Public Service. Performance management in the Public Service is fundamentally flawed at both organisational and individual levels, mainly because measurable performance standards are not set, and accountability has been eroded. Poor day-to-day management of performance by supervisors – including poor supervision, poor people management, and poor operations management – contributes towards the failure of formal performance assessment.

The PSC recommended that the performance management system be reviewed, although this review cannot be done outside the accountability frameworks. Consequently, it is recommended that the accountability frameworks be reviewed, especially in-service delivery units such as police stations and health districts, to align responsibility, authority, and accountability.

Competency assessment has been introduced for members of the SMS. However, the competency framework contains generic management competencies and does not test candidates against the functional or task requirements of the job. Also, in South Africa, the results of the competency assessments have only been validated for development interventions and not for selection purposes.

The framework is only to a limited degree aligned with the competency requirements for public-service leadership in a developmental state.

This calls for a review of the competency tools. Consequently, the PSC recommended that the SMS Competency framework be reviewed to incorporate competencies, indicators, and behavioural attributes for the following competency dimensions: economic competencies, political competencies, and technical and functional competencies. Based on a representative sample of assessments, appropriate training programmes to fill competency gaps identified in the SMS group should accordingly be designed and offered by the NSG.

The results of competency assessments should be used as part of other selection processes, including a public service entrance examination, technical competency testing, personality assessment testing, interviewing, reference checking, assessing track record and integrity checks. The Directive on the Implementation of Competency-Based Assessments for Members of the SMS in the Public Service should be followed. Its prescription is that the “departments must utilise the results of the competency assessment in conjunction with other processes associated with recruitment, which include technical competency testing, interviewing, and reference checking”.

2.3.1.2 REPORT ON THE ROUNDTABLE OF THE PROFESSIONALISATION OF THE PUBLIC SERVICE IN SOUTH AFRICA (2018)

The PSC has produced this report as part of its constitutional mandate. The framework draws from it as it captures important discussions on the professionalisation of the Public Service and efforts to build a career-oriented, capable and professional corps of Public Servants.

The purpose of the roundtable was to assess the progress made thus far with the professionalisation of the Public Service since the adoption of the NDP and propose concrete initiatives that can be undertaken to deepen and consolidate the professionalisation process. The contributions made by various experts and stakeholders recognise the importance of context in its conceptualisation. A summary of findings presented in this report noted the following:

- The professionalisation of the Public Service cannot be discussed outside the context of the Constitution and the NDP. The Constitution directs the Public Service to be professional,

accountable, and developmental while the NDP drives this imperative by promoting certain values and principles.

- Amidst many definitions of professionalisation (depending on context), certain dimensions were identified. Professionalism refers to skills and competencies, values and norms, code of conduct, and meritocracy. Meritocracy sums up the issue of knowledge, skills, and values. All this resonates very well with the NDP when it refers to a professional public service where persons are recruited based on merit and potential rather than connection or political allegiance.
- The necessary tools exist for a professional public service in policies, the Constitution, and the NDP, and
- Regarding top-level appointments, the hybrid system, where the PSC and the Administrative Head of the Public Service work together, was endorsed as requiring fast-tracking.

2.4 STRATEGIC LINKAGES

It is important for the framework to consider existing strategic initiatives of the state towards a professional and capable public service. This Framework therefore considers these strategic initiatives with the intention of advancing and strengthening such programmes as catalysts for future endeavours.

2.4.1 INITIATIVES UNDERTAKEN TO IMPLEMENT PROFESSIONALISATION IN THE NATIONAL AND PROVINCIAL GOVERNMENT

The initiatives to professionalise the public sector have been undertaken through various projects since democracy in 1994. The Presidential Review Commission (PRC), officially called The Commission of Inquiry Regarding the Transformation and Reform of the Public Service, was established in 1996 with a Terms of Reference that included a quest for a professional public service.

Furthermore, the subsequent White Paper on the Transformation of the Public Service (WPTPS) also focused on the 'development of a professional work ethic' and 'elimination of corruption'. South Africa continued to grapple with professionalisation when they adopted the policy guidelines in the form of white papers, plans, and policies discussed elsewhere in this Framework.

Circulars relevant to professionalising the Public Service include Integrity and Ethics Management, Conditions of Service, Corporate Governance, HRM&D, and Delegations. For instance, the circular on Integrity and Ethics Management gives the approval to guide on the implementation of the ethics committee (DPSA, 2019), the reporting of unethical conduct, corruption, and non-compliance in the Public Service Act of 1994 and Public Service Regulations (PSR) of 2016, managing gifts in the Public Service, and other related matters (DPSA, 2019). Furthermore, the circular gives effect to the directive on conducting business with an organ of State (DPSA, 2017) and the directive on other remunerative work outside the employee's employment in the relevant departments (DPSA, 2019).



2.4.1.1 SENIOR MANAGEMENT SERVICE

The SMS Programme was developed to recognise the critical role that management plays in the effective and efficient functioning of the Public Service. Chapter 5 of the PSR of 2016 provides for the establishment of the SMS to: promote a public service management culture of excellence based on the values and principles in Section 195(1) of the Constitution and the provisions of the Act; facilitate cooperation amongst management structures of departments; transfer organisational, managerial, professional and strategic expertise across the Public Service; and provide an organised network to disseminate policy, strategy and expertise.

The 2016 Directive on Compulsory Capacity Development, Mandatory Training Days, and Minimum Entry Requirements for members of the SMS was necessitated to address poor performance levels and lack of training, resulting in inadequate service delivery. The purpose of this directive is to: determine the compulsory days of training for SMS members; provide for pre-entry to the SMS; and determine required qualifications for SMS posts.

The SMS Pre-Entry Programme (Nyukela) aims to strengthen the recruitment process at the SMS level and ensure that senior managers are competent in their job roles. The Directive recognises the importance of professionalisation through qualifications, experience, and training. In fulfilment of the Directive, the Pre-Entry to SMS course has been offered by the NSG since 1 April 2020. The course applies to public servants and citizens who wish to apply for a position in the SMS of the Public Service provided that certain minimum requirements, qualifications, and years of experience are met.



2.4.1.2 PUBLIC SERVICE INTERNSHIP PROGRAMME

The Public Service Internship programme is a public service graduate work experience programme targeting unemployed graduates to provide them with work experience or an opportunity to practice the work skills they have studied and will practice in the future. A Public Service Internship Programme is not aligned with the requirements for entry position into the Public Service. It takes two (2) years while the requirement for entry positions in the Public Service is three (3) years' experience.

The legislative framework and regulations to make the recruitment of new entrants without prior experience for entry positions possible should also be developed. The Framework recommends that the internship programme needs to be ramped up. Currently, interns are in the system for two years and thereafter are released. It is proposed that "a way needs to be found to harness their skills and create a link aimed at employing them when there are vacancies".

This proposal is framed in a way that poses the question of how the internship programme can be ramped up as part of the pursuit for the professionalisation of the public sector, including finding a way to make use of their skills rather than losing them when their internship programme comes to an end.

The internship programme needs to be strengthened and structured to provide more support and ensure that beneficiaries engage in meaningful work and workplace learning.

The DPSA should expedite the process to formalise this matter, as it is also critically important in addressing the challenge of particularly surging youth unemployment.

2.4.1.3 HANDBOOK FOR THE APPOINTMENT OF PERSONS TO BOARDS OF STATE AND STATE INSTITUTIONS

The *Handbook for the Appointment of Persons to Boards of State Controlled Institutions or State-Owned-Enterprises* was approved by Cabinet on 17 September 2008. It was developed in response to Cabinet's expectations that clear guidelines be developed for appointing persons to boards, including an explanation of how Executive Authorities (Ministers) can deal with such appointments and a specification of the approval processes to be followed (DPSA, 2009).

The purpose of the handbook is to provide best practice guidelines to promote uniformity in the appointment of persons to boards of state and state-controlled institutions. Implementing the guidelines of the Handbook supports government initiatives to promote transparency, accountability, sound administration, and good governance practices in all organs of state.

It builds on the good governance principles and practices in the Public Finance Management Act (PFMA), 1999 (Act 1 of 1999) (DPSA, 2009), ensuring that members of the boards in state-owned companies (SOCs) carry out their fiduciary duties professionally.



2.4.1.4 IMPLEMENTATION OF COMPULSORY TRAINING PROGRAMMES

In addition to Nyukela as a compulsory pre-entry to SMS programme, government has also determined other compulsory training programmes to strengthen capacity and professionalise the public sector. The implementation of the Compulsory Induction Programme (CIP) followed an MPSA directive issued on 31 October 2012, which is compulsory for every newly appointed public servant, from entry to senior management levels; and serves to introduce employees to the Public Service and educate them about ethics and professionalism.

The CIP programme aims to build a public service cadre that demonstrates developmental values, zeal, knowledge, skills, and commitment to serving the ordinary citizens of South Africa. It is mandatory for all new entrants to the Public Service to attend the CIP during the first twenty-four months of employment. Failure to complete the CIP will result in the non-confirmation of permanent appointment in the Public Service and illegibility to qualify for an annual pay progression incentive.

On 5 September 2018, Cabinet also approved, a list of compulsory training programmes to be delivered by the NSG. The objectives of these programme offerings are to support efforts to create a highly competent and professionalised public service. The decision specifies the compulsory training programmes to be attended and completed by all employees. These are listed below:

- CIP (salary levels 1-14);
- Executive Induction Programme (EIP) (salary levels 15-16);
- Khaedu Training and Deployment to Service Delivery Sites (salary levels 13-16);

- SMS Pre-entry Programme (applicants for positions on salary levels 13-16);
- Ethics in the Public Service (salary levels 1-16);
- Managing Performance in the Public Service (salary levels 6-12);
- SCM for the Public Service (salary levels 9-16);
- Financial Management Delegations of Authority (salary levels 9-16); and
- Reorientation in the Public Service (salary levels 1- 16).

2.4.1.5 INITIATIVES UNDERTAKEN TO IMPLEMENT PROFESSIONALISATION IN LOCAL GOVERNMENT

SALGA had undertaken initiatives to professionalise the local sphere of government. SALGA approved a professionalisation framework for local government in 2013, which was endorsed by the Department of Cooperative Governance and Traditional Affairs (DCoGTA) and the Local Government SETA (LGSETA).

In partnership with the Development Bank of Southern Africa and numerous service providers, National Treasury offered skills programmes based on various unit standards registered by SAQA which are related to municipal finance. National Treasury has been visible in government's professionalisation initiatives, and not only as they related to municipal finance, but also the entirety of the field of public finance management.

National Treasury also undertook initiatives in 2013 towards the professionalisation of public SCM. The initiatives include “establishing this field as a discipline within the South African educational system, defining [its] norms and standards, and developing a framework for career pathing that allows for progression, articulation, portability, transferability and recognition”.

National Treasury has established the SCM council as an interim structure created to “coordinate the interests of various SCM stakeholders in the country (professional associations, academia, business, and government) to establish SCM as a professional discipline within South Africa that is governed by SCM norms, standards, and principles”. This is a critically important part of professionalising public and municipal finance.

A Report entitled: “Professionalising/repositioning the Local Government Sector” was compiled for the LGSETA in 2018. A summary of the conclusions and recommendations encompass, for example, that skills shortages and administrative ineptitude are some of the major impediments to professionalism in local government. The absence of departmental plans and lack of monitoring of their implementation can be seen from the research reported on by the LGSETA. Patronage, lack of political leadership, and political interference are also governance challenges faced by local government. Furthermore, awareness of ethical values underpinning HRD policies and strategies is deficient.

Non-statutory professional associations exist, such as the Institute for Local Government Management (ILGM), which is a networking platform that also gives qualifying Section 56 and 57 (Local Government: Municipal Systems Act of 2000) municipal managers professional designations. It has foregrounded professionalisation of municipal finance to optimise the implementation of municipal regulations on minimum competency level requirements which National Treasury had prescribed. However, it had gone to the extent of drafting legislation titled the Local Government Professional Management Bill of 2012.

It had intended its submission to Parliament to be routed through the DCoGTA. This could be characterised as an example of civil society-initiated legislation, which had dealt extensively with the professionalisation of local government management. The draft legislation stated that “any municipal manager or senior manager who is found guilty of corruption, mismanagement, maladministration, financial misconduct, or any other misconduct by their municipalities, will be struck off the roll of local government management practitioners following due process.

This consequence management prescript effectively means that, depending on the nature of their misconduct and stipulated time-periods, they would never be able to obtain employment in any municipality in South Africa or internationally whatsoever”.

2.4.1.6 INITIATIVES UNDERTAKEN TO IMPLEMENT PROFESSIONALISATION IN SOEs

SOEs in South Africa fall into two main categories and each category has its own founding legislation regulating them, a different shareholder – representing the South African government – who plays an ownership and control role over the SOEs. The two categories as per the PFMA of 1999 are Major Public Entities and Schedule 3 Public Entities.

Major Public Entities: These are mainly the SOCs like Eskom and Transnet. They are under the ownership and control of the Minister of Public Enterprises. However, the guidelines for qualifications to be appointed on the Board of an SOC is within the powers of the MPSA.

Schedule 3 Public Entities: This category is either publicly funded or self-funding. As reported by the PRC (2013: 119), some SOEs generate their own revenue while others rely on public funds. This category of SOEs is also under the ownership and control of different Ministers in a representative capacity. All SOEs have different legal requirements for the appointment of the board members who play an oversight role. Reporting on the performance of the SOEs is made by different Ministers to Cabinet. There is no central control and centralised management function.

The PRC identified the following challenges for SOEs:

- South Africa had no common agenda for and understanding of SOEs.
- There are no commonly agreed strategic sectors and priorities.
- In addition to the absence of a consolidated national repository for all SOEs, the governance, ownership policy and oversight systems were inadequate; the quality of the board and executives' recruitment was inadequate; there was no clarity on the role of the executive authority (shareholder representative Minister), board of directors, and the CEO in the governance and operational management of SOEs
- Many SOEs currently require a massive injection of capital; finance policies require close re-examination; as do funding models for social and economic development; and
- Mandates of SOEs are blurred and confusing, leading, in some instances, to under-capitalisation.

Although there is no uniform approach to professionalising officials of SOEs and public service, the existing initiatives undertaken at public service level should be applied to employees of the SOEs as well. Some of the measures taken to improve oversight of SOEs include the following:

2.4.1.6.1 PRESIDENTIAL STATE-OWNED ENTERPRISES COUNCIL (PSEC)

The PSEC seeks to:

- support the reform process. It had outlined a clear set of reforms that would enable these vital public companies to fulfil their mandate for growth and development
- provide overarching legislation for SOCs, which would be tabled in Cabinet this financial year and in Parliament in the next financial year
- implement a centralised SOE model this financial year which would ensure standardised governance, financial management and an operational performance framework for all SOEs and
- re-evaluate the mandates of all SOEs to ensure that they are responsive to the country's needs and the implementation of the NDP.

It is envisaged that the PSEC will enhance the much-needed coordination and harmonisation of the SOEs. Its mandate will be to provide support to the Government's intent to reposition SOEs as effective instruments of economic transformation and development. It included strengthening the framework governing SOEs, the introduction of an overarching Act governing SOEs and the determination of an appropriate shareholder ownership model.

The Council's mandate would be extended to review the role and mandate of SOEs to ensure a positive socio-economic contribution and alignment to the national development agenda; review SOE corporate plans to ensure alignment to government priorities and to ensure appropriate systems were in place to monitor the implementation of such plans, as well as the operational and financial performance of SOEs; review business models, the capital structure and sources of financing for SOEs.

2.4.1.6.2 SHAREHOLDER MANAGEMENT BILL (SOE BILL)

The SOE Bill is intended to be a single, overarching legislation to regulate the oversight and governance of State-Owned-Enterprises and aims to provide for, amongst others, the role of the State as Shareholder of SOEs and allow for the state to restructure and to manage its investment in SOEs for developmental purposes.

2.4.1.6.3 PROTOCOL ON CORPORATE GOVERNANCE IN THE PUBLIC SECTOR

The Protocol on Corporate Governance (2002) embodies the principles of the King II Code and provides guidance to the public sector on governance principles, considering the unique mandate of the SOEs. Since then, the regulatory landscape has changed significantly, both internationally and in South Africa. The approach to corporate governance in South Africa has evolved due to an increase in corporate governance failures. In South Africa, to enhance corporate accountability, the Companies Act, 2008 came into effect in 2011 and we have seen best practice Codes such as King III and King IV being updated.

2.4.1.6.4 RECRUITMENT AND APPOINTMENT OF CEOS AND CFOS IN SOEs

The boards were responsible for the recruitment and appointment of the CEO and the Chief Financial Officer (CFO), as per the guidelines which were further emphasised in the Memorandum of Incorporation (MOI). The department would then make a final decision on the appointment of executive directors. The intention was to set out clear roles for the boards and the shareholders in giving effect to the government's reserved ownership and control rights, as contemplated in the PFMA of 1999.

2.4.1.6.5 BOARD APPOINTMENT PROCESS

The DPSA guide for the appointment of persons to boards is under review and would be presented to the PSEC. To enhance the guide, it must address ethical behaviour at executive and board levels, stressing meritocracy and a culture of courageous leaders who could act decisively and swiftly to root out fraud, corruption, and mismanagement.

2.4.1.6.6 REMUNERATION GUIDE FOR SOC NON-EXECUTIVE DIRECTORS, EXECUTIVE DIRECTORS AND PRESCRIBED OFFICERS

The review of the guide also sets out the principles for the remuneration of non-executive and executive directors. The intention of the review was to ensure that a method of calculating guaranteed pay and incentives was state-linked, and not private-sector linked. The department had undertaken a survey of approximately 60 SOEs at national, provincial and local government levels.

Survey results had been shared with the Economic Cluster in government to assist in the review. The focus was on commercial SOEs, and the review seeks to strike a balance between public sector salary scales and competitive private sector benchmarks, while ensuring that public sector principles of remuneration are aligned.

2.4.1.6.7 RISK AND INTEGRITY FRAMEWORK

This framework introduces stringent background checks for SOEs employees and from an ethical perspective it discourages SOE officials from doing business with the SOE. It has been designed to standardise integrity assessments of SOEs officials through stringent background checks. It introduces reforms designed to enhance and integrate risk and performance in SOCs, including standardised reporting requirements to the Department. It also provides for greater management of conflict of interest.

2.4.1.6.8 BOARD EVALUATION FRAMEWORK

Over the years, the practice of evaluating board performance has increasingly been adopted in corporate governance codes as a way to improve board effectiveness and to develop the skills of directors.

Principle 9 of King IV gives credence to the importance of board evaluation, stating that the governing body should ensure that the evaluation of its own performance and that of its committees, its chair and its individual members, support continued improvement in its performance and effectiveness. Conducting board evaluations as a means for improving board effectiveness in the governance and oversight of SOCs is, therefore, regarded as a good practice. Necessarily, the evaluation of a board should be conducted in terms of a clear definition of what board effectiveness means and entails.

As part of the reform of SOCs, the Board Evaluation Framework stipulates the requirements of effectiveness that will be evaluated in terms of the standards of the evaluation tools. The Framework, in line with King IV principles, establishes standardised approach to board evaluations. There is also provision for the Department to conduct its annual assessment.

Results of the evaluation should provide sufficient warning to take corrective action in the advent of governance, leadership and other organisational challenges. It should also provide sufficient insights in board performance and effectiveness for decision-making on the appointment, retirement and rotation of directors. Improvement plans must therefore be tracked to assess maturity of boards.

2.4.2 OPERATIONALISATION OF THE BATHO PELE REVITALISATION STRATEGY

On 9 March 2022, Cabinet approved the operationalisation of the Batho Pele Revitalisation Strategy, which is an outcome of research conducted by government and non-governmental institutions on the effectiveness of the 1997 Batho Pele Policy. The strategy provides the five pillars which will guide the minimum standards to be adhered to and the proposed interventions will give effect to a citizen-centred public service delivery programme. Ultimately, it seeks to drive behavioural change within the Public Service. The five pillars of the Batho Pele Revitalisation Strategy are:

- Take the lead by building capacity and learning from past and current Batho Pele implementation practices;
- Develop context specific Batho Pele standards and communication approaches in consultation with a diversity of stakeholders;
- Foster compliance with agreed on and publicised Batho Pele standards through appropriate monitoring of compliance tools;
- Reinforce Batho Pele standards through appropriate measures where there is evidence of poor or non-compliance with publicised standards; and
- Provide for Redress to citizens who are the centre of government's constitutional obligations.

The professionalisation of the public sector as envisaged in the framework requires that government should invest in strategic alliances / relationships / collaborations with HEIs and professional boards / councils/bodies/associations and the private sector. As the custodians of the professions, the public sector is required to optimise the efficiency and effectiveness of the State and enhance service delivery.

2.4.3 INTERNATIONAL COMPARATIVE ANALYSIS

A comparative analysis was undertaken of the initiatives to promote professionalism in the public services of different countries, including those characterised as developmental states and those which are members of the Organisation for Economic Cooperation and Development (OECD). This included: Malawi, Brazil, Botswana, Russia, China, India, South Korea, Estonia, Hungary and Singapore. The analysis is important for benchmarking and documenting lessons from international trends on the professionalisation of the public sector.

2.4.3.1 REPUBLIC OF MALAWI



Post the 1994 multi-party elections in Malawi, the government launched a public sector reform programme, called the Institutional Development Project, with the World Bank. One of the aftermaths of the elections was an increasing pressure for the Public Service to demonstrate neutrality, integrity, courtesy, expertise, and dedication.

The Public Service Act was promulgated in 1994 to provide equal access to public employment, merit-based recruitment, and promotion, and increased predictability, accountability, and transparency in civil service policies and practices.

In addition, an Anti-Corruption Bureau and the Ombudsman's Office were established. The Malawi Public Service Management Policy (2018 to 2022) guides Public Service management for an efficient and effective Public Service that will consistently deliver high-quality services to its citizens and effectively implement policies and programmes to accelerate the growth and development of the country. The policy has been developed to reposition the Public Service to serve the people of Malawi better.

Priority areas covered by this policy include Entrenching Public Service Guiding Principles, Values and Ethos, and Improving Productivity and Performance in Public Service Institutions. Policy Priority Area 2 aims to align the Public Service to the National Development Agenda structure and size of the Public Service, allocation of resources to MDAs, and staffing in the Public Service. Priority Area 3 aims at enabling a policy, legislative and institutional environment.

Priority Area 6 aims at improving public sector governance through combating corruption, fraud, theft, and abuse of public resources; promoting inter-sectoral and multi-stakeholder collaboration, institutionalising meritocracy in appointments, promotions, and deployment of public servants; promoting inclusiveness and equity; improving strategic leadership capacity in the Public Service; and improving records management in the Public Service.

2.4.3.2 BRAZIL

The Brazilian public administration has previously been characterised by patrimonialism and bureaucracy, with a disregard for efficiency. However, its public administration has gone through various reforms culminating in the current state of managerialism, bringing more transparency and accountability to public administrations over the last two decades.

However, some signs of patrimony and bureaucracy still exist. Brazil has been hailed for reducing its high levels of poverty and inequality. Its strong industrial performance beginning in the mid-1990s is attributed to it becoming a capable developmental state.



Recruitment into the Brazilian Public Service is based wholly on merit. Although Ministers in Brazil have discretionary powers to appoint those in the Direcao Assessoramento Superiores (DAS) or Senior Management categories, the trend is to appoint technocrats based on experience and qualifications.

The positions in the DAS system are discretionary appointments, are not part of the career civil service, and are not permanent positions. Furthermore, the Brazilian state implements open, transparent

competitive entrance examinations as the criterion for selecting and appointing public servants.

These examinations are administered centrally by the Ministry of Planning, Budget and Management, but the examination itself is outsourced to statutory agencies and private sector organisations.

Regarding promotion and career paths, candidates are hired at the entry-level and then move up in their occupational categories to acquire seniority. This does not apply to those in the DAS system and commissioned positions. Thus, vacancies in the Public Service, except at the entry point, are not open to outsiders.

In a report by the Public Service Commission, similar practices are described in other developmental states such as China, India, Malaysia, Mauritius, Singapore, and Japan, wherein Public Servants have predictable career paths in the public service, based on experience and performance. Therefore, public servants are appointed permanently until retirement, subject to probation.

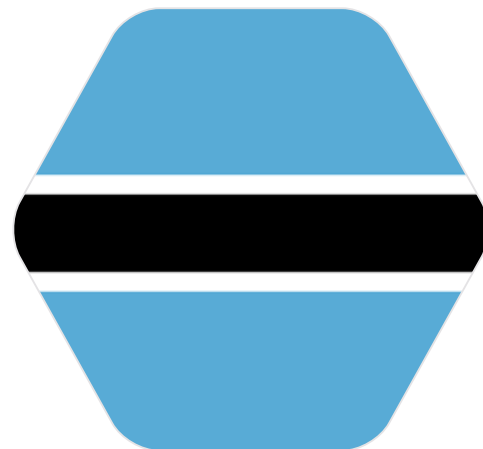
The Brazilian National School of Public Administration (Escola Nacional de Administração Pública – ENAP) was established in 1986 and is linked to the Ministry of Planning, Budget, and Management, with the main priority of enhancing the government capacity for managing public policies by developing competency amongst civil servants.

The School offers training to public administration executives at a high level. The courses offered are categorised under managerial development, induction, and specialisation.

Located within managerial development are leadership development and manager development, which offers HRM, public logistics, pluriennial plan management and public budget and finance. Within induction are the career induction courses and development courses for career progression. And lastly, within the specialisation suite are programmes that qualify civil servants to exercise competencies related to areas relevant to the State.

2.4.3.3 REPUBLIC OF BOTSWANA

Botswana is characterised as a developing state with high levels of poverty and inequality but is doing exceptionally well on the rule of law. The rule of law is the driving force behind good anti-corruption scores, especially since its performance regarding freedom of the press is more mediocre. On e-citizens, it only scores 3 (which still makes it the second-best performer of the 22 African countries in the index) according to Botswana Public Service College (BPSC).



Botswana has a Code of Conduct for its Public Service that requires all government employees to behave ethically. The code of conduct applies to all employees, including those employed on a contractual basis and senior and middle management levels. Their code of conduct is designed to assist all public servants to have a relationship with each other that is productive and fair.

In advancing the professionalising of its public service, the BPSC offers public officials an opportunity to enhance their administration and leadership skills to ensure that Botswana's reform agenda is effectively implemented. To achieve this, the college is divided into three centres, namely the Centre for Leadership Development, Centre for Public Administration and Management, and the Centre for Organisational Excellence.

In terms of some of the characteristics of public services in developmental states, Botswana has a merit-based recruitment system. Ministers are not involved in the appointment of public servants and do not sit on interviews. Instead, interviews are conducted by the Appointment Boards established for each line department. Botswana has an open recruitment

system wherein all positions are advertised to include outside candidates.

Regarding a competency framework for public service leadership in Botswana, senior management officers (including Deputy Directors, Directors, and executive leaders) must undergo a competency assessment before being appointed or promoted. The generic leadership competencies emphasised by the Leadership Competency Framework and the BPSC include leadership, mastering complexity, a drive for results, and stakeholder engagement. Technical competencies are addressed by the respective ministries.

2.4.3.4 THE RUSSIAN FEDERATION



The decree by the President of the Russian Federation (2012) on the main directions for improving the public administration system outlines initiatives regarding the reformation and development of the civil service as follows:

The decree provides opportunity for participation of representatives of public councils under the government of the Russian Federation in the activities of competitive and evaluation committees of these bodies on par by 1 September 2012.

Based on standard procedure, it provides suggestions for improving civil servants' remuneration system, which considers the labour market, including specific professional groups.

It encourages them to work on an anti-corruption basis by 1 December 2012; and Organises training for civil servants to provide public services to the population by 1 February 2013.

Russia's MGIMO University - School of Governance and Politics is mainly focused on creating a new generation of public officials who will thrive in a highly competitive environment. This generation is fluent in foreign languages and experts in strategic, innovation and crisis management, with a profound understanding of the current national and international political processes. The School of Governance and Politics specialises in Public and Municipal Administration, Political Science and International Relations.

Within the Public and Municipal Administration are programmes such as Federal and Regional Administration, Federal and Regional Property Management and Economic Politics. The International Relations Programme also includes Global Politics as part of its offering.

The School of Governance and Politics offers master's degree programmes that include International Public and Business Administration, a double degree programme linked with Macerata University in Italy, Management of International Projects, Governance in State-owned Corporations, International Political Consulting, and International Lobbying, Internal Humanitarian Cooperation and External Relations of Regions.

Russia's Global Code of Conduct includes several guiding principles grouped into five categories: working with one another, working with clients and others, acting with professional integrity, maintaining objectivity and independence, and respecting intellectual capital.

Russia emphasises anti-corruption in the Public Service as the country is a signatory to several international anti-corruption conventions such as the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, 2009; the Council of Europe Criminal Law Convention on Corruption; the Strasbourg Convention of 1999; the UN Convention against Transnational Organised Crime of 2000 and the UN Convention against Corruption of 2003.

The 1993 Constitution has supplemented these conventions. Despite the emphasis on combating corruption, and notwithstanding all these efforts mentioned above, corruption remains part and parcel of the public sector in Russia.

2.4.3.5 PEOPLES REPUBLIC OF CHINA



The Peoples Republic of China developed a centralised, uniform system of bureaucratic administration capable of governing a huge population with a system of impersonal and merit-based bureaucratic recruitment. The Chinese government opposes the system of electoral democracy to select political leaders at higher levels of government.

Instead, the Chinese government affirms “political meritocracy,” described as the idea that the political system should aim to select and promote public officials with above-average ability and virtue by such means as examinations and performance evaluations at lower levels of government.

Bell argues that there is a large gap as corruption and lack of checks against abuses of power are obvious threats to political meritocracy. As such, the main task would be to reduce this gap.

The responsibility of unethical practices in the Public Service rests upon the Central Disciplinary Committee and the Ministry of Supervision, in addition to Auditing Bureaux, Corruption Inspection Offices for Financial and Fiscal Discipline, Corruption Reporting Centres, as well as internal and external corruption monitors. Penalties for crimes against these institutions include “steep fines, confiscation of property, imprisonment, and the death penalty.

Appointments to the Public Service in China are influenced by party membership and loyalty. The ruling party holds absolute power over cadres because political and civil service positions are fused. However, it has ensured that those deployed are qualified and can perform the job they do.

China implemented Public Administration Civil Service Exams for centuries to ensure meritocracy in public administration and to manage nepotism. Previously known as the Imperial Examination System, the exam was introduced in the second century BC (Emperor Wu of Han) and applied with mixed consistency.

Since the sixth century, it was possible to select the most talented officials for government office. This lasted more than 1300 years (from the Sui Dynasty in 587 AD to the end of the Qing Dynasty in 1904). Thereafter, the relatively modified civil-service exam has continued through time up to this era.

This is considered the longest continuing public administration exam globally, largely consisting of an open written examination that entails formal discussion of Confucianism and the link made between traditional Chinese education and politics. Note that Confucius was known as the first “teacher” in China and made teaching available as a vocation to be practiced broadly to open up education to more people. Confucius was also known for establishing ethical, moral, and social standards that later became known as Confucianism.

The Chinese Academy of Governance (CAG), previously known as the China National School of Administration, was established in 1994 and aimed to provide training for civil servants at the ministerial and provincial levels who were at the department and bureau level.

The CAG also provides training to Macao and Hong Kong’s civil servants. In addition, the CAG conducts scientific research, especially in public administration and innovation. The China Executive Leadership Academy Pudong (CELAP) is a national institution funded by the central government aimed at leadership training and development.

The CELAP was jointly approved by the Central Committee of the Communist Party of China and State Council and was officially opened in March 2005. The target participants of CELAP include a variety of senior executives, including upper and middle-level Party and government officials, business executives, senior professionals, diplomats, and military officers.

The core competency training for target participants of CELAP focuses on the following: Economic development; values education; political ideology; moral education; capacity-building; leadership and behaviour-orientation.

2.4.3.6 INDIA

In India, examinations are administered to recruit public administrators for specific purposes. Exams for entry into the civil service, open for all citizens, are available for candidates with a university degree and are at least 21 years old but not exceeding 30 years. The upper age limit for candidates for Scheduled Caste/Scheduled Tribes and Other Classes is 35 years to address previous inequalities.

The exam for higher level civil servants consists of three parts: Part 1 is a multiple-choice based aptitude test. Here unsuccessful candidates do not continue with the rest of the process. Part 2 involves essay writing, and Part 3 is a personality test.

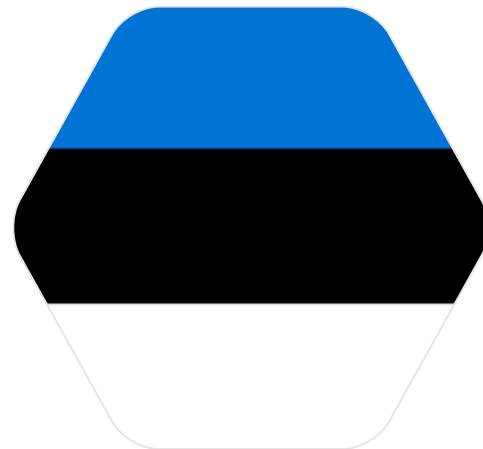
While each state has its cadre of civil servants, the central administration has the Central Services divided into groups. The unique cadre, the All-India Services, serves both the Centre and states. The Union Public Service Commission (UPSC) is responsible for recruiting and selecting personnel to both the All-India Services and the non-technical Central Services.

2.4.3.7 SOUTH KOREA REPUBLIC OF KOREA (SPECIFICALLY SOUTH KOREA) AND FRANCE

South Korea has applied a system of examinations for public administration similar to the Chinese system. Other countries, like France, do not have general exams for citizens before entry to the public administration. However, they use competitive competency-based exams to recruit officials, combined with interviews for advertised positions. In the example of France, civil servants are generally recruited through a range of competitive exams (specific qualifications,

professional experience interviews for advertised positions).

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2.4.3.8 REPUBLIC OF ESTONIA

The starting point of professionalisation for the former Eastern bloc country, Estonia, had a different trajectory from their Western counterparts. The state institutions and civil service system were built from scratch, and there were no traditional public service professions in need of replacement.

However, the changes and challenges affecting the development of senior civil servants in transition periods are similar in process to that of other countries.

As the focus of the competency model of the Estonian senior civil service is primarily on (self-) development, the centrally coordinated interventions are also related to training and development. Multi-staged development programmes, specific training, masterclasses and workshops, and individual activities such as mentoring, or consulting have been implemented.

There are three main competencies in focus (having a vision, innovation, and developing the network of cooperation). Based on the assessment results of the top officials' competencies, and by considering Estonia's strategic objectives in sustainable development, a program called "Global Development Trends and a Future Estonia" was designed and implemented for the Secretary Generals by the State Chancellery.

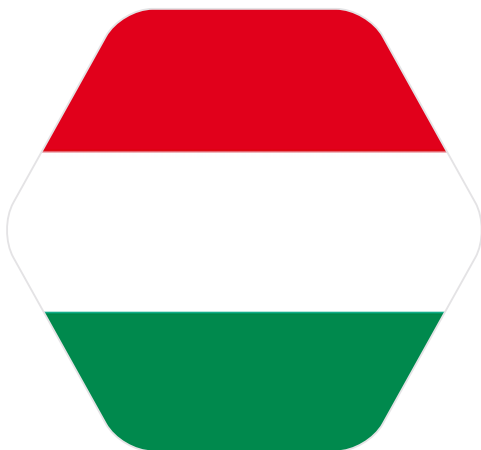
The development programme comprises of four modules consisting of theoretical seminars conducted in Estonia and study trips to countries with the greatest experience in these fields.

Two other long-term development programmes have also been created for the Estonian Civil Service. The first one, called Integro, is for new senior managers who have been working in their current positions for less than two years. The Tempora programme is designed for experienced senior managers who have been in office for more than five years.

Both programmes have a similar structure, comprising workshops on management issues, training, and masterclasses) as well as individual development activities (e.g., mentoring and consulting).

Each of these programmes includes a one-year Policy Innovation Programme, designed to increase the professionalism of Deputy Secretary Generals and Directors-General of agencies in developing, implementing, and analysing policies.

2.4.3.9 HUNGARY



In Hungary, another former Soviet Eastern bloc country, a three-tier training system was introduced that includes a general public administration examination to update the professional knowledge of officials already in place before the 1993 transition.

The examination contents include basic subjects such as institutions, the general principles in the functioning of the administration, administrative procedure, principles of public finance, management, and data protection.

This examination system reflects the willingness to reinforce the unity of the public sector and is obligatory for all public service officials. Those who fail the examination must leave the administration.

The professional public administration examination must be taken by all public service officials (with some exceptions) at a given moment in their career.

This is a more practical examination than the general examination mentioned above and covers several management principles and certain elements relating to the laws of the European Union (EU). This examination aims to confirm public service officials' professional competence and prepare them for carrying out general tasks in the administrative area.

Those who fail remain in the lower grades (e.g., employee II, junior clerk II, administrator II, or referee II), which denies them access to numerous financial benefits, particularly the bonuses awarded to higher categories.

Finally, high-level seminars are organised with the co-operation of international organisations and foundations. A fairly large number of public officials attend these seminars, which allows them to expand their professional horizons internationally and advance significantly in their careers. The Phare Programme of the EU is one of the most important of these training partnerships.

2.4.3.10 SINGAPORE

The Singaporean case relates specifically to the Foucauldian analysis of the professionalisation effort of nursing. In this regard, Singapore did not rely on the grandiosity of higher education, but the power relations are intimately interwoven in nurse-nurse and nurse-doctor interactions.



These strengthened the hierarchical nursing structure and formed the basis for good quality nursing. This provided a frame of reference for nurses' continuous interpreting and generating a precise understanding of nursing, that it demanded a consistent, high-quality standard of nursing practices.

3. POLICY ISSUE IDENTIFICATION

The review, amendment and harmonisation of the legislative and policy framework governing the Public Service is necessary, including reconsideration of some aspects of the Bills informing and determining this framework. And such should be as holistic and comprehensive as possible to include all aspects that are critically important.

This refers mainly to the following pieces of legislation where various instances of incoherence and contradictions were identified: Public Service Act of 1994, as amended several times, PFMA of 1999, as amended, PSC, 1997 (Act 46 of 1997) as amended, Local Government: Municipal Systems Act of 2000 and Municipal Finance Management Act (MFMA), 2003 (Act 56 of 2003).

The Bills referred to are the Public Service Amendment Bill of 2021, Public Administration Management Amendment Bill of 2021, and the Municipal Systems Amendment Bill of 2019.

One of the key areas relates to the Constitution of the Republic of South Africa of 1996 itself, especially its provision which concentrates both legislative and executive powers in the municipal councils. This

concentration of powers makes the administration in this sphere of government overly exposed to politicisation, particularly as it relates to the recruitment and selection processes.

Accordingly, the local sphere of government in South Africa should be re-imagined, and this may necessitate rethinking the provisions of the Constitution, including all the attendant pieces of legislation, rules and regulations made to give effect to its provision on the distribution of power in the municipalities.

The amendment of the laws governing the Public Service underway should redefine the public service as being about the entirety of the public sector, particularly the administrations of, and the employees working for, the municipalities.

The pursuit of a single Public Service may also require constitutional amendments, especially the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), as it has legislated the tenure of the municipal managers in a way that seeks to facilitate transition during changes of political power rather than for continuity of the administration. This needs to be changed as it inherently links the position of the municipal manager to a political term.

This should then apply to all pieces of legislation, regulations and rules which have spawned practices where HoDs tenures are structured to align to a political term. Among the key aspects in the latest changes to the Public Service Amendment Bill are formalising some of the recommendations of the NDP, including devolution of the administrative powers to the HoDs to ensure alignment with their financial responsibility, as prescribed in the PFMA of 1999.

This is intended to unburden the executive authority to focus only on strategic issues and policy direction. This is long overdue. Finally, the tension between the Public Service Act of 1994 and PFMA of 1999, which studies have shown have exacerbated tensions at the political-administrative interface, is now set for settlement.

On the other hand, the Public Administration Amendment Bill seeks to "improve service delivery through alignment of human resources, governance and related arrangements in the three spheres of government, including removing disparities across state institutions and providing for the co-ordination of mandating processes for collective bargaining in public administration."

The panel notes the initiatives underway to amend various pieces of legislation governing the Public Service, with implications on the professionalisation of the Public Service, notably the Public Service Amendment Bill of 2021, the Public Administration Management Amendment Bill of 2021, and the Municipal Systems Amendment Bill of 2019.

However, in these legislative changes the envisaged role of the PSC is not mentioned. A provision is made for only the head of the public administration. And, related to this, the DPSA's directives on various aspects related to managing the careers of the DG and DDGs need to be reviewed for consistency with the evolving legislative reform situating the head of the Public Service in the management of the career incidents of the HoDs and the role which the PSC is envisaged to play.

Also, there should be harmony between the Public Administration Management Bill and what the Revolving Door Policy of 2008 seeks to achieve. The former Bill determines the secondment of members of SMS which are envisaged as being temporary transfers within the public sector.

Secondment in the Revolving Door Policy includes secondment to the HEIs, private sector and development organisations, including international ones, where the objective is to expose members of the SMS to "fresh, current and inspirational learning and innovative ideas". This is not captured in the meaning of secondment in the Public Administration Management Bill, which only provides for temporary secondment within the Public Service.

The meaning of secondment in the Bill should be broadened to be inclusive of municipal managers and managers who report directly to them while the Revolving Door Policy should be reviewed to give it the NDP context, especially as it relates to the commitment of building a capable, ethical, and developmental state.

Some aspects of the Municipal Systems Amendment Bill (B2-2019) should be reconsidered for coherence with the Public Administration Management Bill (2013) and the Public Service Amendment Bill, especially in relation to the recommendation about the oversight role of the provincial head of the Public Service in the management of the career incidents relating to municipal managers and the managers who directly report to them.



The Public Service Act of 1994 has already been amended many times, but the PAMA of 2014 and PSC Act of 1997 should be amended to cater for the envisaged role of the PSC in reaffirming and repurposing its position within the system of managing state affairs. It may also be necessary to consider the recommendations made on the independence of the PSC, especially insofar as the process of appointing its DG and DDGs are concerned, but more importantly, the appointment of the commissioners themselves.

The Municipal Systems Amendment Bill of 2019 seeks to give the Minister of Cooperative Governance and Traditional Affairs regulatory powers related to the appointment of municipal managers and those managers who report directly to the municipal managers, and their position regarding the holding of political office.

This Bill should be harmonised with the provisions of the PAMA of 2014 and the Bill currently underway to amend it relative to the present powers of the MPSA to determine regulations about the norms and standards for public administration.

The attempts in the evolving legislative reforms to make a distinction between the role of the Executive Authority and Accounting Officer are noteworthy. This is important for role clarification at the political administrative interface. However, such a distinction should be even clearer. And perhaps the distinction which the Report of the PRC had made in 1998 could come in handy in this respect.

The panel makes a recommendation to this effect, as shown in Table 3 A:

Table 3 A: Roles of Executive Authority and Accounting Officers at the Political Administrative Interface

Executive Authority	Accounting Officer
Provide political leadership, vision, and policy direction	Inform and advise elected political officials accurately, comprehensively, and timeously
Oversee and monitor the implementation of policy	Implement policy and ministerial decisions efficiently and effectively, and in ways that provide value for money
Secure from colleagues' support in the form of necessary resources for their ministries and departments to carry out policies effectively	Be fully accountable to ministers and parliament
Represent the ministry in cabinet and parliament	Utilise all relevant sources of data and advice in carrying out of these functions, whether within or without the machinery of governance, to give ministers the broadest basis for policy consideration and determination
Account publicly for the performance of the ministry Take collective responsibility for cabinet decisions Account to the legislature for their actions	Coordinate, control, manage, and communicate within their departments

Source: PRC Report of 1998

Furthermore, the framework uses the terms “public service”, “public sector” and “public administration” interchangeably. All these should be understood in the context of the Constitution in defining public administration and organs of state. Section 239 of the Constitution defines an “organ of state” as any department of state or administration in the national, provincial, or local sphere of government; or any other functionary or institution exercising a power or performing a function in terms of the Constitution or a provincial constitution; or exercising a public power or performing a public function in terms of any legislation but does not include a court or judicial officer.

As a long-range plan that has mapped the country's future, the NDP asserts that “to achieve the aspiration of a capable and developmental state, the country needs to professionalise the Public Service”. Put another way, “a developmental state needs to be capable”, and that capability is the function of the professionalisation and professionalism of the Public Sector.

3.1.1 POLICY CONTEXT AND ENVIRONMENT

The need to implement professionalisation in the public sector has always been part of the broader project of strengthening state capacity. The first legislative framework for this was the Public Service

Act of 1994, promulgated to give effect to the Interim Constitution of 1993, which had established the context for public service transformation. Immediately after its promulgation, the 1995 WPTPS guided the new policies and legislation to transform the Public Service so that it was people-centred and had a robust ethical disposition in line with the new democracy.

It emphasised “the promotion of a professional service ethos” as one of the key transformation priorities. Set up in 1996 to advise on translating the transformation priorities into real outcomes, as stated in the WPTPS, the PRC on the Transformation and Reform of the Public Service also called for the professionalisation of the Public Service.

Another policy initiative promulgated to give effect to Chapter 10 of the Constitution was the White Paper on Transforming Service Delivery (WPTSD) promulgated in 1997. The year 2022 marks 25 years since the promulgation of the WPTSD which contained principles that the public service should subscribe to in discharging its public function, which came to be known as the Batho Pele Principles.

Their promulgation was intended to humanise public administration. The adage Batho Pele (People First) “represents [an important] value orientation based on the African philosophy of humanism”.

The Batho Pele Principles had a more profound significance than a regulatory framework to better manage service delivery and standards. It is right at the centre of the post-liberation restorative process where the historically marginalised are given back what is due to them. Our understanding of this significant aspect of Batho Pele must not be lost in time, as it remains as relevant in 1997 as it does today. By declaring that the public administration is developmental, the Constitution has elevated and heightened the restorative role of the Public Service in social justice, particularly through a recognition that the task of post-liberation and democratic public administration is to restore the dignity of the historically marginalised South Africans and allow them to take their rightful place in public affairs; not as powerless, but as confident participants in the public affairs of a nation they helped to build.

3.1.2 CONSTITUTIONAL CONTEXT

A comparative analysis of the constitutions of various countries in the African region and across the world – a sample of 15, eight in Africa, seven in the European Union (EU), and one in North America – show that the South African Constitution is more emphatic on the professionalisation of the Public Service, so much so that that it could dedicate a chapter to it [Chapter 10], including institutional arrangements related to the monitoring and evaluation mechanism in the form of the PSC.

In the Bill of Rights, the Constitution makes a provision for the opportunity for people to get education and skills, including state intervention to realise the socio-economic right to education. Basic education in public schools in South Africa is wholly funded by the State while higher education is heavily subsidised, including Government's national student financial aid scheme which provides funding to students who cannot afford to pay for their undergraduate studies. These constitutional provisions on education are important as they are the bedrock of talent acquisition which provides the opportunity to follow the route of professionalisation and ultimately become professional in a chosen field.

3.1.2.1 PROVISIONS OF SECTION 195 OF THE SOUTH AFRICAN CONSTITUTION (1996)

The provisions of section 195 of the Constitution are elucidated for a deeper understanding of the constitutional context for the professionalisation of public administration. The following principles apply to Administration in every sphere of government, organ of state and public enterprise:

3.1.2.1.1 A HIGH STANDARD OF PROFESSIONAL ETHICS MUST BE PROMOTED AND MAINTAINED

Ethics appears to be a simple concept, but it can be challenging to grasp and even harder to practice. Whereas values determine what is "right" and what is "wrong" within a particular society, ethics is about doing what is right as a group or as an individual. It is a normative concept, and ethical judgement is based on the shared values embedded in society. The King IV Report (2016) describes ethics as follows:

Two things are significant in this description. Firstly, ethics is not about the self in isolation. It has a social quality that is relational to a given problem, situation, or person. Secondly, in thinking and acting ethically, and to "treat others as you would like to be treated," the individual subjects her/himself to the cornerstone of the constitutional value of human dignity. In essence, ethics and the exercise of ethical judgement have at their core, respect for the inherent dignity of others.

3.1.2.1.2 THE PROMOTION OF EFFICIENT, ECONOMIC, AND EFFECTIVE USE OF RESOURCES

Government is entrusted with taxpayers' money to deliver services and ensure that funds are used



specifically for the purposes they are voted for and within the given prescripts. This principle must be promoted and upheld to avoid the risk of public funds being diverted away from government priorities, thus compromising the positive impact on the lives of citizens.

The efficient and effective use of resources contributes to improve service delivery, which, in turn, improves people's lives by providing quality education, better health services and enhanced access to services. It emphasises the provision of affordable services that are of an acceptable level and quality, and in this way, reflects the needs and priorities of citizens and the wider community.

3.1.2.1.3 PUBLIC ADMINISTRATION MUST BE DEVELOPMENT-ORIENTED

Understanding the development orientation of public administration requires a fuller comprehension of the aspirations of the Constitution. It is often said that South Africa's Constitution is transformative. It inspires us as a nation, people and society to redesign our country's landscape in such a way that it respects the fundamental values it enshrines and becomes a daily part of life. The fundamental values in the Constitution are explicitly stated and thus implicitly represent the building blocks of a capable developmental state. In many respects, this is the essence of transformative constitutionalism.

Government is obliged to ensure that all citizens benefit equally from its growth and development initiatives and to create and implement the conditions in which substantive equality is realised. To reduce the socio-economic inequalities and fulfil expectations from the previously disadvantaged citizens, Government must commit itself to rapid socio-economic development by alleviating poverty, inequality and unemployment at the centre of its developmental agenda within a human rights discourse.

In the case of public administration, development orientation refers to capacitated public administration institutions that can maintain an effective administration which designs and implements developmental programmes. Another important dimension of development orientation is mobilising all societal stakeholders behind the developmental agenda.

This includes, on the one hand, partnerships with the private sector, and on the other hand, placing development in the hands of communities whilst also

capacitating them so that they take the initiative for their own development. It also includes promoting patriotism and general benevolence amongst stakeholders from the private sector and communities.

3.1.2.1.4 SERVICES MUST BE PROVIDED IMPARTIALLY, FAIRLY, EQUITABLY AND WITHOUT BIAS

The values of human dignity, equality and the advancement of human rights are behind the principle that requires public services to be provided impartially, fairly, equitably and without bias. This principle has several pre-suppositions, including elements of the fairness of the procedure applied in the delivery of services.

It requires that services comply with quality and quantity standards and that they should be delivered without undue preferential treatment and discrimination of any form and kind. Where services require pre-application, these should be subjected to the same fairness and impartiality, especially fairness regarding the quality of services.

3.1.2.1.5 PEOPLE'S NEEDS MUST BE RESPONDED TO, AND PUBLIC PARTICIPATION MUST BE ENCOURAGED

Government's key objective is to provide a better life for all by responding effectively to people's needs. People's needs refer to government services that are further entrenched in the Bill of Rights and, therefore, should be treated as rights, not privileges. Public participation and engagement should become an integral part of service delivery in the public sector. In this respect, the public sector needs to work proactively with the citizenry to ensure that the voices of the widest possible public are heard and considered during the delivery of services.

**Government's
key objective is to
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We should not perceive citizens only as consumers or beneficiaries of Government services but as active role players in determining which services are to be delivered and how such services should be made available. As such, planning formats must allow citizens' voices to translate into public service programmes.

The involvement of communities in decision-making enables them to own the process, creates the necessary buy-in and credibility, and lends legitimacy to decision-making. It is also an invaluable source of new ideas and approaches. People elected to lead must understand the need for people's participation as a key enabler to this aspiration.

3.1.2.1.6 PUBLIC ADMINISTRATION MUST BE ACCOUNTABLE

The Public Sector should be a servant of the people - accessible, transparent and capable of providing excellent quality services. The Preamble to the Constitution states a need for "a system of democratic government to ensure accountability, responsiveness, and openness". Accountability refers to the obligation of public servants, or of an institution, to account for its activities, provide information about decisions and actions, explain, and justify decisions as well as exercise discretion, accept responsibility for these activities, transparently disclose the results, be answerable for their actions, and most importantly, that there are consequences when duties and commitments are not met.

It also includes the responsibility for cost-effective management of financial, human and physical resources utilised by that individual or institution to pursue its objectives. The principle incorporates both internal and external accountability. Internal accountability requires full accountability in terms of the reporting lines in an organisation. External accountability requires that the relationship with the public is transparent, consultative, participative, and democratic.

3.1.2.1.7 TRANSPARENCY MUST BE FOSTERED BY PROVIDING THE PUBLIC WITH TIMELY, ACCESSIBLE, AND ACCURATE INFORMATION

Every citizen is equally protected by law. At the heart of this principle and value is the obligation to ensure that the citizens have access to information held by the State and information required for the exercise or protection of any rights that another person holds.

The Promotion of Access to Information Act (PAIA), 2000 (Act 2 of 2000) gives effect to this principle and value, and by so doing, lays the foundation for a democratic and open society in which government is based on the will of the people.

A complementary requirement to the PAIA of 2000 in promoting transparency is the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000), which requires the provision of reasons for administrative actions (i.e., by revealing "both sides of the coin" to citizens who request it. A public body is not necessarily transparent when it is effective and fast in answering requests for information from the public. But when it provides crucial information without being requested by the public, this indicates a real commitment to transparency.

3.1.2.1.8 GOOD HUMAN-RESOURCE MANAGEMENT AND CAREER-DEVELOPMENT PRACTICES MUST BE CULTIVATED TO MAXIMISE HUMAN POTENTIAL

The success of the Public Service depends on its capabilities to maintain a sound administration, deliver services to citizens, and design and implement development programmes. These capabilities, in turn, depend on the skills, performance, integrity, and motivation of the Public Service personnel corps.

Best personnel administration practices suited to the South African context need to be pursued. These include recruitment, career management, performance management, and continuous professional development. In evaluating the effectiveness of personnel practices, essential considerations are first, the purpose of the practice, and second, compliance with all personnel administration prescripts and labour agreements.

3.1.2.1.9 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

One of the priorities of the democratic government in 1994 was to establish a credible and legitimate public service free from employment inequalities and broadly representative of the people of the country. The WPTPS

defines Affirmative Action as laws, programmes or activities designed to redress past imbalances and ameliorate the conditions of individuals and groups who have been disadvantaged on the grounds of race, colour, gender, or disability in the workplace. Affirmative Action can therefore be seen to ensure representativity and equality in employment. It also means that specific provision is made to accommodate people with disabilities.

Besides requiring a public sector incumbent to have the correct qualifications as a bare minimum entry to a position, this principle requires objectivity, fairness, and the need to redress the imbalances of the past to achieve a broader representation. In this respect, emphasis has largely been placed on achieving nominal targets when appointing people while underplaying the candidates' public value orientation, integrity, and professionalism.

It is now important to ensure that the transformation of public administration practices reflects our unique needs, aspirations and societal conditions and is designed for our specific context in a holistic manner. Therefore, the public sector should reflect a representative society in all its richness, including all official languages, organisational culture, symbols and the internalisation of the constitutional values and principles, especially concerning how these shapes the way we treat vulnerable groups in society, deal with any form of discrimination and manage state resources for the benefit and good of the public – despite the strengths and weaknesses of the applicable prescripts.

3.1.3 PUBLIC SERVICE ACT OF 1994

Professionalising the Public Service involves engendering a credible system in all practices, including the appointments and filling of posts. Measures have been put in place with the Public Service Act of 1994 (as amended), as well as the PSR of 2016, to ensure that the imperatives of the Constitution are realised. These can be noted in Section 11(2) of the Public Service Act of 1994, which states that “in the making of any appointment in terms of Section 9 in the Public Service Act of 1994:

“all persons who applied and qualify for the appointment concerned shall be considered; and the evaluation of persons shall be based on training, skills, competence, knowledge and the need to redress, in accordance with the Employment Equity Act (EEA), 1998 (Act 55 of 1998), the imbalances of the past to achieve a public service broadly representative of the South African people, including representation according to race, gender and disability.”

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TRANSPARENCY
MUST BE FOSTERED
BY PROVIDING THE
PUBLIC WITH **TIMELY,**
ACCESSIBLE,
AND **ACCURATE**
INFORMATION

The above therefore suggests a meritocratic Public Service based on competence and meeting the requirements of posts when appointments are being considered. Furthermore, the PSRs and subordinate policy instruments, such as the Directives and Determinations issued by the MPSA aim to reinforce professionalisation in all respects.

3.1.4 PUBLIC SERVICE REGULATIONS OF 2016

Sections 74-77 of the PSR of 2016 deal specifically with training to ensure that public servants are kept up to date with recent developments in their various fields of practice. This aims to ensure that their skills are kept “sharpened” so that they can deliver professional services to citizens. The rationale behind professionalism, as indicated above, is that public servants should be neutral, impartial, fair, competent and that they serve the public interest in an unbiased way when carrying out their duties.

3.1.5 PUBLIC ADMINISTRATION MANAGEMENT ACT, 2014 (ACT 11 OF 2014)

Section 195(5) of the Constitution provides that national legislation should be enacted to promote the basic values and principles governing public administration. Such was enacted as the PAMA of 2014.

Section 4 of the PAMA of 2014 deals with the basic values and principles governing public administration, which are fundamental to professionalising the Public Service and which require each administrative body to institutionalise these values and principles.

The Act sets these values and principles, norms and standards in section 16 and establishes the Office of Standards and Compliance in Section 17. Furthermore, sections 11, 12, and 13 of the PAMA of 2014 deal with capacity development and how professionalisation in public administration can be implemented. The following should be noted:

Firstly, the NSG must deliver education and training that promotes the progressive realisation of the public administration's values and principles and enhances the quality, extent and impact of developing human resource capacity in institutions. This should include the professionalising of public servants and public sector institutions.

Secondly, the NSG must provide education and training or cause such education and training to be provided or conduct or cause the resultant examinations or tests to be conducted.

The successful completion of specified education, training, examinations, or tests should be seen as a prerequisite for specified appointments or transfers; and are compulsory to meet the development needs of any category of employees; and Thirdly, the NSG must interact with and foster collaboration among training institutions, HEIs, Further Education and Training (FET) institutions, and private sector training providers to FET initiatives.

From a capacity development intervention, these provisions in PAMA of 2014 provide sufficient authority to institutionalise professionalisation in public administration. That the PAMA of 2014 is currently being amended will unlikely affect the intent of these provisions.

3.1.6 LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT OF 2000

The Local Government: Municipal Systems Act of 2000 stipulates principles for municipal administration, entrenching the fact that local public administration is governed by the democratic values and principles embodied in Section 195 of the Constitution. This implies that all three spheres of government should adhere to the same values and principles.

All municipalities are expected to try to establish their administrations professionally, as far as possible within their administrative and financial capacity. The Act stipulates that a municipality must establish and organise its administration in a manner that enables it

to, among other things:

- Be responsive to the needs of the local community;
- Facilitate a culture of public service amongst staff; and
- Be performance orientated and focused on the objects and developmental duties of local government as set out in the Constitution of South Africa of 1996.

These indicate the professionalism expected in municipalities as they deliver services to citizens. It is also expected that each municipality will develop its human resource capacity to perform its functions and exercise its powers in an economical, effective, efficient, and accountable way. Sections 38-45 of the Local Government: Municipal Systems Act of 2000 deals with the performance management aspects of municipalities.

Performance management is an important component of ensuring good performance and continuous development that can achieve the expected professional goals when delivering services to the public.



Furthermore, Section 51 highlights that a municipality must within its administrative and financial capacity: establish and organise its administration in a manner that would enable the municipality to be responsive to the needs of the local community; facilitate a culture of public service and accountability amongst its staff; and be performance orientated and focused on the objects of local government as set out in Section 52 of the Constitution and its developmental duties as required by section 153 of the Constitution.

Schedules 1 and 2 of the Local Government: Municipal Systems Act of 2000 further detail the Code of Conduct for councillors and officials within a municipality (Code of Conduct for Municipal Staff Members) (2000) and expectations about ethical conduct. All the above are ways of entrenching professionalism in local administration.

3.1.7 SKILLS DEVELOPMENT ACT (SDA), 1998 (ACT 97 OF 1998)

The SDA, 1998 (Act 97 of 1998) sets the professionalisation agenda by providing for learnerships that lead to registered qualifications associated with a trade, occupation or profession; the financing of skills development through a levy-grant scheme and a National Skills Fund; and the regulation of employment services; which sets out an institutional framework to devise and implement national, sector and workplace strategies to develop and improve the skills of the South African workforce and integrate those strategies within the NQF.

The SDA of 1998 further sets out to expand the knowledge and competencies of the labour force in order to improve productivity and employment.

The Act aims to improve the quality of life of workers, their prospects of work and labour mobility; to improve productivity in the workplace and the competitiveness of employers; to increase the levels of investment in education and training in the labour market and to improve the return on that investment; to promote self-employment; and to improve the delivery of services.

3.1.8 NQF ACT, 2008 (ACT 67 OF 2008)

The NQF is a strategy to create a national education and training system that provides quality learning, is responsive to the ever-changing influences of the external environment and promotes the development of a nation that is committed to life-long learning. The NQF provides a framework within which the South African Qualifications System is constructed, representing a national effort at integrating education and training.

Records of learner achievement are registered to enable national recognition of acquired skills and knowledge, thereby ensuring an integrated system that encourages lifelong learning, which, in turn, contributes to the professionalisation of those who embark on their career paths.

Section 13(1)(i) of the NQF Act of 2008, as amended, requires the SAQA to:

- develop and implement policy and criteria for recognising a professional body and registering a professional designation for the purposes of this Act, after consultation with statutory and non-statutory bodies of expert practitioners in occupational fields and with the Quality Councils (QCs); and
- recognise a professional body and register its professional designation if the criteria contemplated in subparagraph (i) have been met.

Furthermore, Section 28 of the NQF Act of 2008 provides for cooperation between the Quality Councils and Professional bodies. In other words, despite the provisions of any other Act, a professional body must co-operate with the relevant Quality Councils in respect of qualifications and quality assurance in its occupational field.

The NQF Act of 2008 further makes provision for professional bodies to be recognised by SAQA. Section 29 requires that a statutory or non-statutory body of expert practitioners in an occupational field must apply in the manner prescribed by the SAQA in terms of Section 13(1)(i)(i) to be recognised as a professional body in terms of this Act. Section 30 requires professional bodies to register professional designations.

A professional body that is recognised in terms of Section 29 must apply to the SAQA, in the manner determined by SAQA in terms of section 13(1)(i)(ii), to register a professional designation on the NQF.

3.1.9 SKILLS DEVELOPMENT LEVIES ACT, 1999 (ACT 9 OF 1999)

Accompanying the SDA of 1998 is the Skills Development Levies Act, 1999 (Act 9 of 1999) which imposes a levy to encourage learning and development in South Africa and is determined by an employer's salary bill. The funds are expected to be used to develop and improve the skills of employees.

The Act provides for employers to pay at least one percent of its payroll for the education and training of its employees and to contribute funds to a SETA, where necessary.

3.1.10 PFMA OF 1999 AND LOCAL GOVERNMENT: MFMA OF 2003

Critical to the professionalisation agenda is the responsible use of public funds, regulated by the PFMA of 1999 and the Local Government: MFMA of 2003. These Acts advocate for the efficient and effective utilisation of public funds, which is critical to basic economic governance and essential in establishing functional entities' performance, legitimacy and accountability.

Public financial management ensures the effective administration of funds collected and spent by national and provincial governments. The MFMA of 2003 deals with securing sound and sustainable management of the financial affairs of municipalities and other institutions in the local sphere of government, establishing treasury norms and standards for the local sphere of government, and providing for those matters.



The performance agreements of the municipal managers and senior municipal managers are linked to the measurable performance objectives, budgets and implementation plans. Section 53 of the MFMA of 2003 and sections 57(1)(b) and 57(2) of the Local Government: Municipal Systems Act of 2000 provide direction.

Furthermore, to ensure that professionalism is maintained at all times, Section 78 indicates that senior managers and each official of a municipality exercising financial management responsibilities must take all reasonable steps within their respective areas

of responsibility to ensure that the system of financial management and internal control established for the municipality is carried out diligently; that the financial and other resources of the municipality are utilised effectively, efficiently, economically and transparently; that any unauthorised, irregular or fruitless and wasteful expenditure and any other losses are prevented; that all revenue due to the municipality is collected; that the assets and liabilities of the municipality are managed effectively and that assets are safeguarded and maintained to the extent necessary; that all information required by the Accounting Officer for compliance with the provisions of the Act is timeously submitted to the accounting officer; and that the provisions of the Act are complied with.

Sections 83, 107 and 119 of the Act prescribe the minimum competency levels for all municipal officials entrusted with a financial management responsibility within the municipality and their entities, where they exist. The supporting regulations issued in terms of section 168 (1) have codified that the minimum competency levels must cover the following: higher education qualification; work related experience; core and leading competency levels and the financial management and SCM competency levels in line with the varying positions and the budget sizes of the respective municipalities.

3.1.11 PUBLIC AUDIT AMENDMENT ACT, 2018 (ACT 5 OF 2018)

The Public Audit Amendment Act, 2018 (Act 5 of 2018) gives additional authority to the AGSA to identify a material irregularity during an audit. The Accounting Officer will be notified of the material irregularity and if action is not adequately taken to address the matter, a recommendation will be issued in the audit report encouraging the Accounting Officer to take urgent action. The AGSA also has the option of referring the material irregularity for further action to another body that may be better placed to deal with the issue at hand.

Primarily, these powers are designed as mechanisms to trigger corrective action and to restore accountability. Failing to act on a material irregularity can result in the AGSA issuing binding remedial action to the auditee or, in extreme cases, issuing a certificate of debt against the personal finances of the Accounting Officer of the auditee in which material irregularities have been identified. This would serve as a further deterrent to committing acts of financial misconduct in the public sector.

3.1.12 CODES OF CONDUCT AND ETHICS

One of the early signposts of intended professionalisation was the adoption of Codes of Good Practice. As some scholars noted, the South African Government enacted a comprehensive legislative framework including, inter alia, the Executive Member's Act, 1998 (Act 82 of 1998) and the Code of Conduct for Public Servants (1999) to stimulate ethical behaviour and professionalism. The first mentioned framework provides directives specifically to executive members of government on how to act in good faith and in the best interest of good governance.

The Code of Conduct for Public Servants provides guidelines to all public office-bearers and functionaries. It emphasises using public resources efficiently, effectively, transparently, and accountably. Although codes of conduct and those for ethics are often seen as synonymous, they are actually different – as will be explained below.

Codes of conduct usually set provisions to define right and wrong behaviour, and even establish specific punishments for wrong conduct. They could be legal acts promulgated as parliamentary laws or executive regulations. They are prescriptive and give little autonomy for public officials, focusing on the institution's core functions rather than on general ethical ideals or principles.

The Code of Conduct for Public Servants (1999) acts as a guideline to public servants outlining what is ethically expected of them (as individuals and in their relationship with the legislatures, the executive, colleagues, and members of the public). The code contributes towards developing acceptable ethics and accountability in public officials and promotes exemplary conduct.

Codes of ethics, on the other hand, are a set of principles and standards that serve as guiding norms for the behaviour of public officials. They generally include ethical values and principles that are the basis of the institution they govern, recommend conduct, and normally have a juridical character inferior to that of the law. Both codes are necessary to promote public trust and confidence.

They govern the ethical performance of political office-bearers and public officials; eliminate or reduce unethical behaviour; provide guidelines to public officials in their relationships with fellow public officials, political office-bearers, and with members of the public

and sensitise both serving and aspiring public officials to the ethical foundations of public administration.

The importance of Codes of Ethics and Codes of Conduct is in their aspiration to channel the public official's morality and technical skills towards wider public service aims and intentions – in other words, public service “right-doing”.



The codes, however, have limitations because they are often difficult to apply to particular situations and the public sector as a whole, coupled with being difficult to enforce (often lacking enforcement mechanisms). Largely, they are often ineffective in dealing with systematic maladministration (especially where internal practices encourage contradictory behaviour). Thus, on their own, they are not sufficient to promote ethical and professional conduct.

3.1.13 PUBLIC SERVICE CHARTER 2013

The Public Service Charter (PSCBC Resolution 1 of 2013) is a social contract entered into between the employer and employees that sets out their respective roles and responsibilities to improve performance, enhance and fast track the delivery of services to improve the lives of the people. Its objectives include, amongst others, to:

- Improve service delivery programmes
- Professionalise and encourage excellence in the public service
- Enhance performance
- Strengthen processes and initiatives that prevent and combat corruption
- Help government departments rise to the challenge of treating citizens with dignity and expectations meeting their demands equitably and fairly; and
- Ensure an effective, efficient, and responsive Public Service

The following table presents prescripts that commit the State (as employer) and public servants to creating an enabling environment in the Public Service.

Table 3.1.12 A: Articles 6 and 7 of the Charter

Commitment as employer	Commitment as a public servant
Create an enabling environment within the provisions of available resources for public servants to perform their duties	Serve the public in an unbiased and impartial manner in order to create confidence in the Public Service
Maintain a disciplined public service	Promote the unity and wellbeing of the South African nation in performing official duties
Institute national accountability and integrity systems to promote value-based societal behaviour and attitudes as a means of preventing corruption	Execute all reasonable instructions by persons officially assigned to give them, provided these are not contrary to the provisions of the Constitution and/or any other law
Membership or non-membership of a political party shall not be used as criteria for appointment into the public service	Demonstrate integrity and respect all rules, values and established codes of conduct in the performance of official duties
Develop a feedback mechanism that will allow the public to compliment or raise complaints about the conduct and attitudes of public servants and the quality, timelines, and efficacy of the services they provide	Accept the responsibility to undergo ongoing training and self-development
Implement governance systems that optimise management of resources, risk management and audit management	Demonstrate professionalism, competency, excellence, transparency and impartiality in the performance of official duties
Implement service delivery improvement programmes	Act against fraud, corruption, nepotism, maladministration and any other misdemeanour which constitutes an offence, or which is prejudicial to the public interest
Introduce modern and innovative procedures and systems for the delivery of services	Dress and behave in a manner that enhances the reputation of the Public Service when performing official duties
Introduce systems and processes that facilitate citizens' access to government services	Be punctual at work, meetings and events

Various pieces of legislation which the Charter gives effect to emphasise the importance of having a professional public administration and ensuring that its practices and principles epitomise the humane delivery of services. All these require that the administrative arm of the state should assert itself as a profession. And as it evolves, it should embrace the values of integrity, neutrality, and fairness, among many other values.

Key to this is the merit-based approach in setting up career structures for a professional public service system which supports decision-making and implements the policies and programmes of the

government of the day. And such is characterised by career public servants who are expected to play a vital role in the sustainable development and governance of a nation.

Furthermore, as an institution, the public service should maintain stability and continuity between transitions of power. This is the hallmark of modern-day democracy. Given these crucial roles, the nation expects its public service to demonstrate professionalism and ethics in fulfilling its primary role of delivering services to the people.

4. IMPLEMENTATION

Foremost, every public institution, which is bound to the provisions of Section 195 of the Constitution of the Republic of South Africa of 1996, has its mandate to ensure professional behaviour and functions. The framework is, therefore, by its very nature, cutting across all organs of state.

Similarly, professionalism and professional ethics within the public sector cannot be promoted and institutionalised solely through a generic Code of Conduct. There is a need to develop and employ a more comprehensive and systematic approach to professionalise the public sector. Several stakeholders, key role-players, and institutions that influence, direct, and support the public sector must be considered within this framework.

These include policymakers, employing institutions, ETD institutions, oversight bodies, accrediting bodies, labour, individual managers, and employees. The

framework proposes that professional development activities are facilitated throughout the public sector to professionalise the employee and organisational domains

Each profession or non-professionalised, emergent occupation has its peculiarities. Interventions will have to become much more solution-driven to solve such dilemmas in the specific context of departments. Solutions will also have to address the practical steps that managers can take in creating a serving and caring culture appropriate to each department's differing contexts. In addition, each public sector institution has its unique ethical dilemmas. Therefore, every profession and institution must have a foundational and practical system to observe, give feedback, discuss ethical issues, and promote professional behaviour.

Diagram 4.A reflects the five phases of the **life journey of the public servant career** and a view of how implementing professionalisation supports this journey of building an efficient and effective service delivery:

Diagram 4 A: Five phases of the life journey of the public servant career



PHASE 1:

Readiness to work. A new public servant must be orientated to the Constitution, Values and Principles, the regulations guiding the public sector and its ethos. They must also be oriented to their place of employment, their supervisor/manager and colleagues, the nature of their work and performance requirements. Research shows that a good induction programme leads to reduced career incidents, greater assimilation, and greater employee satisfaction.

PHASE 2:

Functional at work. The public servant has a very good understanding of the public sector environment, ethos and values and principles. The application of the rules as pertains to government policies, able to navigate the social, political, ethical, cultural and governance space with comfort.

PHASE 3:

Excellence at work. With the fundamentals in place, the public servant develops their management and leadership skills to deliver excellence at work through sound, authentic and values-based management, and leadership.

PHASE 4:

Relevance at work. Public servants are required to maintain their professional compliance, remain up to date with the current discourse in their field of work, and find opportunities to expand their horizons. This is usually done through short courses, programmes, webinars/seminars, and other ETD interventions.

PHASE 5:

Performance at work. The public servant has reached a high level of competence, adaptability, and agility in the organisation – clear strengths in all the competency areas and at this point is usually able to mentor others – professional development is at the level of mentoring for self and others, as well as coaching for performance.

4.1 POLICY FOCUS AREAS: PROBLEM STATEMENT, TARGET BENEFICIARIES AND STAKEHOLDERS

Based on the consultations and inputs received since the development of the framework, high-level proposals have been made for implementing professionalisation in the public sector. These are discussed in the following paragraphs:

4.1.1 HIGH-LEVEL PROPOSALS FOR IMPLEMENTING PROFESSIONALISATION IN THE PUBLIC SECTOR

The NDP's proposal that a position of the administrative head of the Public Service should be created, "to whom all DGs would report on operational, organisational and administrative matters" but remain accountable to their ministers on policy matters, is long overdue. It is almost a decade since the NDP had made this proposal, which is consistent with the attempts to reaffirm and repurpose the role of the PSC related to senior appointments. The Nugent Commission established a principle that is used to appoint the Commissioner of the South African Revenue Service, which may be considered for the constitution of the selection panel for the appointment of the national head of the Public Service and provincial heads of the public sector.

The recommendation that the panel is making is that appointment practices should be on merit-based recruitment and selection system, which it regards as key to building a capable, ethical and developmental state. This also contributes towards changing a surging negative public perception about employment practices in the public service. Other countries have a position similar to that of a DG or HoD which is termed a permanent secretary, who is always politically non-partisan.

The latest study of the PSC, which this Report has already referred to earlier, has found that "there is general support for contract appointment of the HoDs". Security of tenure for this position is important, but such should be dependent on how the incumbent performs. In this regard, the panel suggests that the tenure of the HoDs, including municipal managers, should be reconsidered. The administrative leadership of the state, including of the municipalities, should be able to serve different political complexions with a sense of non-partisanship, focussed on the public good, irrespective of which political party is in power.



This is important for continuity and seamless transition, especially during times of political change. Its security of tenure should be based on performance in terms of service delivery, instead of serving party political interests. Of critical importance, which the panel wants to point out as key in stabilising the political administrative interface and should therefore be seriously considered is that the tenure of the HoDs should be delinked from political changes of every five (5) years after the elections. In the local sphere of government, linking the tenure of the municipal managers to a political term is even legislated.

Section 57(6) of the Local Government: Municipal Systems Act of 2000 states that the fixed term employment of the municipal managers of up to a maximum of five years should not exceed a period ending one year after the election of the next council of the municipality. This is designed to facilitate transition of power, not continuity of administration.

It links the tenure of the municipal manager with the political term, and therefore inherently politicises the administrations of the municipalities. It is because of this that the panel recommends that the tenure of the HoDs/municipal managers should be delinked from a political term for continuity of administration regardless of which party won the elections. Instead, the incumbents should carve out a non-partisan professional identity and be responsive to the priorities of the government of the day.

The tenure of the DGs, HoDs and municipal managers should be increased up to at least ten (10) years yet be subject to rigorous process for recruitment, selection, training and development; performance management and reviews and consequence management for non-compliance or non-performance. The DPSA should design a practice note regulating extensions for incumbents once the framework is adopted. Ten years is not automatic will have clear exit clauses for poor performance.

The five-year contract framework linked to political changes in every five years weakens the capacity of the state. It is important to investigate the possibility and the implication of making the appointment of the HoDs and municipal managers permanent. As indicated earlier, a decision was taken as early as 2007, where it was said then that the Maphai Report (PRC on the Reform and Transformation of the Public Service in South Africa), which had proposed the professionalisation of the public service, should be implemented.

A circular to this effect was sent out, while rules and regulations were made to facilitate this especially as it related to the position of a DG, where attempts were made to put in place a career system based on the merit principle, which fairly and impartially recruits and promotes public servants.



The purview of the PSC does not extend to the local sphere of government. The appointment of municipal managers and those who directly report to them is a municipal council-driven process clearly defined in the Regulations on the Appointment of and Conditions of Service for Senior Managers (Local Government: Municipal Systems Act of 2000).

A key question regarding the appointment of senior municipal officials should be whether they understand municipal finance, including other critical aspects associated with this. The municipal councils are required to prepare a report and submit the same to the MEC about the appointment of municipal managers as a necessary arrangement to enhance accountability on recruitment and selection practices in the local sphere of governance.

Consequence management in the Public Sector can be augmented through the mechanisms available to professional bodies when action needs to be taken against unprofessional behaviours, misconduct, and material irregularities. Non-adherence to the codes governing personal, professional, and financial conduct can in the last resort result in the de-registration of members, which has the additional penalty of preventing the ex-member from further practice within that profession as it is governed by the professional body. These codes of conduct would also apply to Public Service officials who belong to professional bodies and therefore serve as a powerful deterrent to the commitment of professional or material transgressions.

To speed up the consequence management processes, a specialist disciplinary unit should be established to support the departments. Section 188A of the Labour Relations Act, 1995 (Act 66 of 1995) should also be investigated to explore the possibility of using it to expedite consequences management processes.

The Act makes a provision for the appointment of an arbitrator from the Commission for Conciliation, Mediation and Arbitration (CCMA), Bargaining Council or other accredited agency to conduct an inquiry into the conduct or capacity of a transgressing employee. If used wisely, this Section could shorten the consequence management processes which often take a long time to conclude. Therefore, it would be designed "to avoid the need to have both the internal disciplinary enquiry plus arbitration" .

The Public Audit Amendment Act, 2018 (Act 5 of 2018) gives additional authority to the Auditor General to identify material irregularities in an audit outcome, to recommend that legal or disciplinary action is taken by the Department and then to refer the matter to Parliament and a law enforcement agency if the department fails to take the recommended action. Further to this, the AG is also bestowed the power to appropriate the personal finances of the Accounting Officer of the department or institution in which material irregularities have been identified. This would serve as a further deterrent to acts of financial misconduct in the public sector.

TABLE 4.1.1. A: HIGH LEVEL PROPOSALS FOR IMPLEMENTING PROFESSIONALISATION IN THE PUBLIC SECTOR

No.	Proposal	Enabling instrument	Responsible Public Sector Institution
1.	<p>Stabilising the political-administrative interface:</p> <p>To stabilise the political-administrative interface, the role of the PSC must be strengthened, and the Head of Public Administration (HOPA) finalised to play an active role in appointing and managing the career incidents of HoDs.</p> <p>The political-administrative interface does not only refer to HoDs/administration, but other members of senior management.</p>	Policy directive	PSC DPSA
2.	<p>HOPA:</p> <p>The DG in The Presidency should be designated as the HOPA. In the provinces, this designation should be the provincial DGs in the Office of the Premier.</p> <p>Furthermore, the PSC should support the President to plan the recruitment and selection for this position. Such planning should involve determining the necessary qualifications, job and person specifications, the types of tests and scoring, and the selection panels required within the legislative parameters.</p>	Legislative amendments	DPSA PSC The Presidency
3.	<p>Merit-based recruitment and selection:</p> <p>Recommendation that the recruitment and selection system should be based on meritocracy, which it regards as key in building a capable, ethical, and developmental state and is also about contributing towards changing a surging negative public perception about employment practices in the public sector.</p>	Policy Directive	PSC DPSA (for national and provincial government) DCoG (for local government) Department of Public Enterprises (DPE) (for major SOEs) and all shareholder departments National and provincial legislatures

4.	<p>Tenure of DGs and HoDs: Contract of all DGs and HoDs shall be extended to five years, subject to robust performance reviews, and the incumbent meeting the requirements of being fit and proper. The MPSA will issue a directive within 30 days to guide implementation. This will include measures to delink the appointment and extension of contracts from the political term of the executive authority to institutionalise seamless transition during change of power and to ensure continuity of the administration.</p> <p>To ensure administrative stability in the public sector institutions which is critical for service delivery, the extension of tenure of HoDs and DGs to 10 year will be governed through a thorough review of performance with clear exit clauses for poor performance. Clear planning should involve determining the necessary qualifications, and person job specification, the types of tests and scoring, and the selection panels within the legislative parameters. After 10 years there should be a rigorous review and the review panel will advise regarding termination or extension of the employment contract for a five-year period. During this five-year period the incumbent can remain in his or her department or rotated to another government department as HoD or play a technical role in a special project or specialist service delivery unit.</p>	Policy Directive	PSC DPSA DCoG
5.	<p>Tenure of municipal managers: The tenure of municipal managers should be delinked from a political term for continuity of administration and improved service delivery. The DCoGTA should facilitate the transitional measures towards the employment contracts of 10 years for municipal managers to be adopted by SALGA. This will not be automatic but subject to rigorous process for recruitment, selection, training and development, performance management and reviews, and consequence management for non-compliance or non-performance. This is not an automatic process however, a thorough review of performance with clear exit clauses for poor performance. Clear planning should involve determining the necessary qualifications, job and person specific specification, the types of tests and scoring, and the selection panels within the legislative parameters.</p>	Legislative amendments Policy Directive	PSC DPSA (for national and provincial government) DCoGTA (for local government) DPE (for major SOEs) SOEs) and all shareholder departments National and provincial legislatures
6.	<p>Legislative amendments: All public-sector legislation governing professionalisation must be reviewed, amended and harmonised in accordance with this framework.</p> <p>This will include the PSA Bill, PAMA Bill, Municipal Systems Bill and any other related legislation.</p> <p>The purview of the PSC does not currently extend to the local sphere of government so this too will require legislative amendments.</p>	Legislative amendments	PSC DPSA (for national and provincial government) DCoGTA (for local government) DPE (for major SOEs) SOEs) and all shareholder departments National and provincial legislatures

7.	Consequence Management: Policy frameworks must be strengthened where they exist already or developed from scratch to decisively address consequence management in the public sector. This must be augmented through the mechanisms available to professional bodies when action needs to be taken against unprofessional behaviour, misconduct, and material irregularities. The NSG must also ensure the delivery or facilitate the delivery of labour relations training to all supervisors and managers in the public sector, who are responsible for managing consequences.	Policy frameworks	NSG State academies DPSA (for national and provincial government) DCoGTA (for local government) DPE (for major SOEs) and all shareholder National and provincial legislatures
8.	Utilisation of distinguished former public servants and public representatives: Policy guidelines must be developed on the utilisation of distinguished former public servants (e.g., HoDs, CEOs and municipal managers) and public representatives as mentors, coaches and part of a network to turn around and stabilise public sector institutions and support other public servants (e.g., the youth and those entering management/ leadership positions). Furthermore, National Treasury should also determine their utilisation within existing structures (e.g., Government Technical Advisory Centre).	Policy Directive	National Treasury DPSA (for national and provincial government) DCoGTA (for local government) DPE (for major SOEs) and all shareholders National and provincial legislatures

4.1.2 FIVE PILLARS OF THE VALUE CHAIN

The framework is foregrounded in a value chain for professionalising the public sector. Professionalisation and professional development is not a linear construct in practice. However, as a possible model for an implementation framework, it is illustrated in the value chain below. The proposed value chain that supports a dynamic approach is outlined here to professionalise the Public Service for the employer (Diagram 4.1.2 A). The implementation proposals are submitted as follows:

Diagram 4.1.2 A: Professionalisation Value Chain





4.1.2.1 PILLAR 1: PRE-ENTRY, RECRUITMENT AND SELECTION

The fundamental element of the professionalisation of the public sector requires the tightening of pre-entry requirements that inform meritocratic appointments at middle and senior management levels. This primary pillar is influenced by pre-service education and training. HEIs and other recognised institutions primarily provide pre-entry ETD. Subsumed in pre-entry interventions, are training and tests/examinations for employment in the public sector.

The undergraduate qualifications/programmes are more geared towards foundational knowledge. They, therefore, do not necessarily provide the advanced knowledge required for the level of complexity associated with managing public affairs at the senior level. Those aspiring for higher positions in the public sector should have a higher cognitive ability and analytical skills.

The minimum entry requirements into SMS appear consistent with paragraphs 10.3.2 and 10.3.3 of the DPSA Directive. As stated in the directive, it is a master's degree in public administration. The postgraduate qualification is at NQF Level 9, but paragraph 10 prescribes an undergraduate qualification at NQF Level 7 for a Director or Chief Director. The directive should be reformulated for consistency and clarity in this regard.

Furthermore, it prescribes a Senior Management Leadership Programme as a pre-entry requirement into SMS. As stated in the Directive such a programme will be a 12-to-24-month long intervention, which is recognised and accredited in terms of the minimum requirements of the NSG".

The framework aligns with the spirit of the directive, "in recognising the importance of promoting professionalisation in the Public Service and regularising the quality of individuals who wish to enter the SMS" with minimum entry standards. This is how pre-entry requirements related to the educational profiles of those who aspire for senior management in the public sector could be tightened.

It is consistent with recruitment and selection practices ascribed to academic attributes in those countries which have established themselves as developmental states such as South Korea, Brazil, China, Malaysia and Botswana. Most senior managers in these countries have higher education qualifications such as master's and doctoral degrees.

The NSG roll-out of the Nyukela programme is successful and serves as part of the professionalisation of the SMS. However, the Nyukela programme should be reviewed by the NSG to ensure currency and strengthened alignment to implementing professionalisation in the public sector. The Nyukela programme should also be extended to employees in the local government, military, state security, police, correctional services and boards of SOEs.

Also, staff appointed into political office, including advisors, must also do Nyukela and other pre-entry, competency and integrity assessments within 60 days of appointment into office. Where appointments are subject to the discretion of powers that are vested within the Executive Authority and or President of the Republic of South Africa, those appointed should, within the minimum probation period, comply with the minimum requirements for pre-entry into SMS, i.e. Nyukela and the other assessments listed above.

Regarding integrity testing, the public sector should perform pre-employment screening to establish the risk profile of an applicant before their appointment, as well as during their tenure at the public sector. Screenings should be the first line of defence to prevent unsuitable candidates from being appointed.

The Special Investigating Unit (SIU) model considers inter alia the following: validity of the person's qualifications; criminal record and if so, the nature thereof; financial situation and how it is handled; workplace behaviour through interviews; integrity and counter-productive workplace behaviour through psychometric tests; validity of driver's license etc. The candidate also undergoes a truth veracity test. The results of the different screening instruments

are considered in relation to each other, and a recommendation is not made based on the outcome of one instrument alone. The screening of each candidate is approached as a unique event as no two candidates have the same circumstances or personality make-up.

Their reactions to situations therefore differ and may influence their risk profile significantly. There are nevertheless certain disqualifying factors, for example a criminal record relating to violence and/or dishonesty that was recently obtained, however these factors must still be considered in relation to the rest of the pre-employment screenings at the SIU candidate's profile. Another example is forged or false academic qualifications, which is viewed in a very serious light and will certainly result in a non-recommendation.

The public sector should have a clear policy on succession planning without creating opportunities for nepotism and favouritism. The PSC's study (2020) found that the transition of those who are in middle management to senior management is often a challenge, as many are unable to progress out of the operational/tactical orientation of their responsibilities to assume more strategic roles. In this regard, government sets minimum competency requirements (SMS and MMS in national and provincial governments, and for municipal managers and municipality managers in local government).

The Public Service Internship Programme is not well aligned with the requirements for entry into the Public Service. The DPSA HRD Circular 3 of 2018 states: "The Directive aims to elucidate Regulation 39 (1) (b) of the PSR of 2016 and provides an intervention to address the removal of experience as an unjustifiable barrier in terms of the minimum requirements for the appointment into entry-level posts in the Public Service.

This intervention aims to assist departments in appointing persons not meeting the entry-level requirements." The NSG roll-out of the pre-entry programme for graduates, namely the Breaking Barriers to Entry and the Cadet programmes are successful in introducing graduates to the operations of government and serves as part of professionalisation process below the SMS level.

Regarding the recruitment and selection of commissioners to the PSC, the principle of independence applies and should not be perceived as political deployment. These must be appointments of women and men of the highest integrity and

competence lettered in statecraft. In other words, they should have or have had an impeccable career in the Public Service, including those who have established themselves as scholars in the field of public administration, public management, public governance or related disciplines and fields.

Section 6(2) of the PSC Act of 1997 is essential in this respect. It states that "a commissioner shall not hold office in any political party or organisation." The President should also ensure that all aspects of the requirements constitute the profile of the recommended candidates and exist in each candidate's credentials when acting on the recommendations of the National Assembly in appointing commissioners.

The PSC Amendment Act, 2019 (Act 10 of 2019) prescribes the condition for the renewal of the term of a commissioner. It should be strictly followed in that it must be based on "remaining a fit and proper person and having maintained a satisfactory level of performance concerning their duties". A system of assessing the commissioners' performance should be established.

ETD interventions for the SMS should foreground the political-administrative interface.

"remaining a fit and proper person and having maintained a satisfactory level of performance concerning their duties"

Other necessary interventions to stabilise the interface include reconsidering deployment practices for merit-based staffing practices and reaffirming and repurposing the PSC to play a crucial role in insulating recruitment and selection practices from partisan influence, interference, or manipulation in the appointments to senior positions in the public sector.

The qualification profiles of public servants in South Africa are also generally acceptable. Education is critical in professionalising the Public Service, particularly in institutionalising meritocracy. That, as recommended earlier, the minimum qualification levels for entry into senior management in the public sector should be reconsidered is consistent with the DPSA's Directive, in paragraphs 10.3.2 and 10.3.3.

However, paragraph 10.1 of the DPSA directive, makes an undergraduate qualification a minimum entry requirement into SMS. It should therefore be reconsidered. Postgraduate qualifications as a minimum entry requirement into SMS are important for the incumbents or those aspiring to be at the senior management level to be considered. The qualifications ensure that the graduates can systematically deal with complex governance issues with a high degree of intellectual authority and innovative ingenuity. SMS personnel critically analyse policy decisions and interventions, programmes, and projects to determine their sustainability and viability related to the commitment to the public good.

They should ingeniously make sound judgement drawing insights from the science and art of governance and effectively communicate this to various relevant stakeholders, particularly their political principals. Those managers with postgraduate qualifications should be able to demonstrate self-direction and originality in their strategic acumen in tackling and solving problems, including the ability to act autonomously in planning and implementing programmes, projects or tasks.

The Public Service Amendment Bill of 2021 seeks to amend the Public Service Act of 1994 to provide for the devolution of administrative powers from Executive Authorities to HoDs. This arrangement is critically important for institutional efficiency and effectiveness. The executive authorities therefore retain the strategic leadership and policy direction.

As Accounting Officer, the HoD "may appoint any person in their department, including SMS members below the HoD position and all other officials for

their departments". Their competencies should be developed and measured against those of the SMS before consideration for senior management. The qualification levels for senior management in the public sector as indicated in the DPSA's 2017 Directive are somewhat lower and could perhaps be reconsidered. However, the DDGs' recruitment and selection should follow the same process of appointing the HoDs.

The DPSA Directive (2011) allows existing SMS members to be subjected to competency assessments to identify skills and/or developmental gaps and be incorporated into Personal Development Plans (PDPs). They constitute the first pillar of the professionalisation model and are crucial to optimising recruitment and selection. For this reason, the DPSA must review the SMS competency framework.

The political and economic competencies, including many competency attributes for a developmental state, are either not adequately catered for in the SMS competency framework or "not explicitly stated", and should therefore be included, coupled with an emphasis on technical competence. Many other competency attributes emphasised as key in the countries which have successfully reinvented themselves as developmental states should be added to the SMS competency framework.

The results of competency assessments should be used as part of other selection processes, including public service entrance examinations, technical competency testing, personality assessment testing, interviewing, reference checking, track record, and integrity checks.

Integrity assessment must be formalised as mandatory in the public sector, with due regard for the provisions of Section 8 of the EEA of 1998 and the South African context and its developmental agenda, in order to complement existing pre-employment screening exercises and to conduct basic background checks and should have resonance in the national integrity system."

Assessment is not as restrictive as testing and allows for an expansive and developmental approach.



TABLE 4.1.2.1 A: PROPOSALS FOR PRE-ENTRY, RECRUITMENT AND SELECTION

No.	Proposal	Enabling instrument	Responsible Public Sector Institution
1.	<p>Nyukela:</p> <p>The NSG's Nyukela course must be reviewed to determine its impact and draw lessons for other pre-entry programmes for different levels.</p> <p>The Nyukela course must also be compulsory for pre-entry into any senior management position in the public sector (currently limited to national and provincial government). Also extend the pre-entry assessment of "Nyukela" to employees in the military, state security, police and correctional services.</p> <p>Staff appointed into political office", including advisors, should also do Nyukela, competency and integrity assessments within 90 days of appointment into political office. Where appointments are subject to the discretion of powers that are vested within the Executive Authority and or President of the Republic of South Africa, those appointed should, within the minimum probation period, comply with the minimum requirements for pre-entry into SMS.</p> <p>Furthermore, the use of pre-entry tests/exams with related training programmes must be expanded beyond senior management into the lower levels of the public sector.</p>	<p>Current learning materials</p> <p>Policy directive</p>	<p>NSG</p> <p>DPSA (for national and provincial government)</p> <p>DCoGTA (for local government)</p> <p>DPE (for major SOEs) and all shareholder departments</p> <p>National and provincial legislatures</p>

2.	<p>Integrity assessment: Integrity tests must be formalised as mandatory in the public sector, to complement existing pre-employment screening exercises.</p> <p>Integrity tests should form part of the pre-employment process. Adopt the SIU vetting methodology, which includes the following: validity of the person's qualifications; criminal record and if so, the nature thereof; financial situation and how it is handled; workplace behaviour through interviews; integrity and counter-productive workplace behaviour through psychometric tests; validity of driver's licence etc. The candidate also undergoes a truth veracity test.</p>	Policy directive	<p>DPSA (for national and provincial government)</p> <p>DCoGTA (for local government)</p> <p>DPE (for major SOEs) and all shareholder departments</p> <p>National and provincial legislatures</p>
3.	<p>Introduce occupation-based competency assessments for senior management: Occupation-based competency assessments and pre-service entry exams tighten entry into the public sector to establish a merit-based career system. The results of competency assessments should be used as part of recruitment and other selection processes, including public service entrance examinations, personality assessment testing, interviews, reference check, track record and integrity tests.</p> <p>Where an individual is not found to be fully competent in a particular competency, strict timelines should be attached for development purposes (i.e., within first six months of appointment).</p> <p>Furthermore, the application of occupation-based competency assessments must be considered for progressive implementation at all levels in the public sector.</p>	Policy directive	<p>DPSA (for national and provincial government)</p> <p>DCoG (for local government)</p> <p>DPE (for major SOEs) and all shareholder departments</p> <p>National and provincial legislatures</p>
4.	<p>Review the SMS and MMS Competency Framework: The DPSA must review the MMS and SMS competency frameworks. The political and economic competencies, including many competency attributes for a developmental state, are either not adequately catered for in the SMS competency framework or "not explicitly stated", and should therefore be included, coupled with an emphasis on technical competence.</p>	Competency frameworks	DPSA
5.	<p>Revise the academic requirements for entry to the SMS: For entry into SMS level 13 and 14, a minimum qualification should be at least NQF level 8, while for SMS levels 15 and 16 should be NQF level 8; and Level 9 will be highly recommended (not NQF levels 7 and 8 respectively). The directive should be reformulated for consistency.</p>	Policy directive	DPSA
6.	<p>Revise the academic requirements for entry to senior management in local government and SOEs: The level of educational qualifications for the municipal managers, including those managers who directly report them, should be at least NQF level 8, and NQF level 9 will be highly recommended, with a strong focus on municipal financial management, not NQF Level 6 as is currently the case, including those of SOE CEOs. The directive should be reformulated for consistency.</p>	Policy directive	<p>DPSA (for national and provincial government)</p> <p>DCoGTA (for local government)</p> <p>DPE (for major SOEs) and all shareholder departments</p>

7.	<p>Recruitment of DG and DDG at the OPSC: The commissioners of the PSC and the HOPA should constitute a selection committee for the appointment of the DG and DDGs of the PSC. Other members of Cabinet may also form part of the selection committee.</p> <p>The President retains the power to appoint and remove the Director-General: OPSC in consultation with the Chairperson of the PSC. The HOPA should manage the career incidents of the DG: OPSC.</p>	Conditions of Service	The Presidency National Assembly PSC
8.	<p>Recruitment of Commissioners to the PSC: The provisions on the conditions of the appointment of commissioners as indicated in the PSC Act of 1997 should be tightened.</p> <p>External experts should be invited to analyse the credentials of those who have applied to be commissioners in order to accordingly advise whether they meet the requirements of being fit and proper persons related to their integrity and competence, and to sit in the interviews of the PSC commissioners.</p>	Legislative amendments Conditions of Service	President National Assembly OPSC
9.	<p>Institutional arrangements to ensure insulating recruitment from political interference: The DPSA should ensure that the Public Service Act of 1994 and other relevant legislation give the HoDs certain powers to be fully accountable for administrative decisions.</p>	Legislative amendments	DPSA
10.	<p>Recruitment of DGs and DDGs in the public sector: The Head of the Public Service should form part of the interview panel for selection of DGs (and equivalent designations). The Executive Authority will be responsible for the recruitment and selection process.</p> <p>The PSC should develop a database of a pool of technical experts to be utilised by EAs during the recruitment and selection process. The PSC will make recommendation of two (2) technical experts with relevant technical expertise/knowledge of the sector/ department institution to form part of the selection panel. This will enable the EA to run a rigorous selection and recruitment process supported by experts who can technically assess the suitability of the shortlisted candidates.</p> <p>The power to appoint the Directors-General of national departments, resides with the President. Likewise, in the province, the power resides with the Premier.</p>	Legislative amendments Policy directives	DPSA PSC

11.	<p>Recruitment of municipal managers:</p> <p>The Municipal Council will be responsible for the recruitment and selection process.</p> <p>The representative from provincial Treasury should be included in the selection panel of municipal managers to add value in identifying suitable candidates.</p> <p>The Public Service Commission should develop a database with a pool of technical experts to be utilised by the municipal councils during the recruitment and selection process. The PSC will support the Municipal Councils by recommending two (2) technical experts with relevant technical expertise/knowledge of the sector/ institution to form part of the selection panel. This will enable the Municipal Councils to run a rigorous selection and recruitment process supported by experts who can technically assess the suitability of the shortlisted candidates.</p> <p>The panel should be given the powers to determine its procedures, including a declaration of any conflict of interest that may affect its decision-making. The selection panel's mandate should be to analyse the credentials of all the applicants against the prescribed competencies and skills required for the position of a municipal manager, draw up a shortlist and conduct interviews. Based on how each candidate fared, the selection panel should provide a detailed report with a clear indication of those found to be appointable in their performance and one candidate who is recommended for appointment by the council.</p>	<p>Legislative amendments</p> <p>Policy directives</p>	DCoGTA
12.	<p>Appointment of Board and executive members of SOEs:</p> <p>The DPSA guide for the appointment of persons to boards is under review and would be presented to the PSEC soon. To enhance the impact of this guide, it must address ethical behaviour at the top, stressing meritocracy and a culture of courageous leaders who could act decisively and swiftly to root out fraud, corruption and mismanagement.</p> <p>Appointment to the Boards and Executive of the SOEs should be by merit and improve the SOEs' performance efficiency and should include the appointment of competent and autonomous management bodies to oversee the SOEs' day-to-day operations.</p>	<p>Legislation and regulations</p>	<p>DPSA</p> <p>DPE and all shareholder departments</p>
13.	<p>Alignment of internships with pre-entry requirements:</p> <p>There is a need to align internships with the Public Service pre-entry orientation and training programmes. A successful undertaking of pre-public service orientation/ training should qualify candidates for entry into the Public Service. This training is important to attract new talent. For entry positions in the Public Service, work experience is removed, save for the inherent requirements for professional and technical fields such as medicine and engineering.</p> <p>The legislative framework and regulations to make the recruitment of new entrants without prior experience for entry positions possible should be developed.</p>	<p>Legislation and regulations</p>	<p>DPSA (for national and provincial government)</p> <p>DCoGTA (for local government)</p> <p>DPE (for major SOEs) and all shareholder departments</p>

14.	Succession planning: The Public Sector must have a clear policy on succession planning without creating opportunities for nepotism and favouritism.	Policy Directive	DPSA (for national and provincial government) DCoGTA (for local government) DPE (for major SOEs) and all shareholder departments National and provincial legislatures
15.	Partnerships and collaboration with HEIs and professional bodies/ associations: Establish strategic partnerships and collaboration with HEIs and professional bodies/associations to enhance ETD interventions. Strategic alliances are essential to optimise engagements for professionalisation, especially as they relate to compulsory public administration pre-employment training for people who aspire to join the Public Service. Such engagements are essential to influence curriculum development, especially in public affairs/ public administration/public management/public governance and local governance.	Pre-service education curriculum norms and standards	NSG State Academies DHET South African Qualification Authority DPSA DCoGTA (for local government) DPE (for major SOEs) and all shareholder departments National and provincial legislatures

4.1.2.2 PILLAR 2: INDUCTION AND ONBOARDING

It is important that employees undergo a workplace orientation to better understand the workplace and its dynamics. Induction into the public sector must take place simultaneously as Workplace Orientation. The all-too-common experience of being inducted months or years after an appointment does not add value for employees.

While the CIP and EIP remain key programmes towards professionalisation, the reality is that the time lag from appointment to CIP/EIP registration to completion is too long. There needs to be faster workplace orientation. There is a distinction between workplace induction/orientation and the CIP and EIP. These remain essential programmes towards the professionalisation of the Public Service.

Induction should therefore occur within ninety (90) days or the first three months of the new recruits taking up their position in the Public Service. According to the DPSA's Directive on the Implementation of Compulsory Induction in the Public Service HRD 1 of 2012, this should therefore be enforced. Ideally, induction should commence immediately after taking up a position or at least within 30 days after taking up a position".

Workplace orientation and induction programmes should be linked with onboarding and be mainstreamed

as an intervention for organisational socialisation. As indicated earlier, onboarding is a more dynamic and comprehensive approach to integrating employees. It takes longer than workplace orientation and induction and "lasts until the new employee is fully settled into the new role (integration), regardless of whether that takes three weeks, three months, or even a complete year". Its objective is to help new recruits "adjust to the social and performance aspects of their jobs so they can quickly become productive contributing members of the organisation".

Onboarding should also be well-structured to ensure that it becomes an efficient and cost-effective process. All the on-boarding activities should be identified and used to work out a programme for all involved so that they get to know their expected contribution to the organisation.

Professional bodies could be part of onboarding new recruits in many ways. They may facilitate or host 'communities of practice' interactions for the new recruits to interact with established professionals in their fields. Technology may optimise the interactions of those who share a common professional interest, enabling sharing experiences and best practices. Some professional bodies publish magazines where trends and the latest developments in the profession are shared among members of the fraternity. All these could be used to leverage on-boarding interventions.

Pillar 2: Induction & On-Boarding

1. Participation in Compulsory Induction Programme by Prospective Public Servants:

Commence with induction immediately after appointment or within 90 days of appointment

2. Compulsory reorientation programme for serving public servants.

Who must Participate? Public Servants:

- National, Provincial, Local Government & State Owned Entities,
- Including Institutions of Traditional Leadership
- Military, Police, State Security, Correctional Services,
- Staff appointed into Political Office & Advisors.

TABLE 4.1.2.2 A: PROPOSALS FOR INDUCTION AND ONBOARDING

No.	Proposal	Enabling instrument	Responsible Public Sector Institution
1.	<p>Participation in induction programmes before assuming duty: Prospective public servants including local government, boards of SOEs, the military, state security, police and correctional services must commence immediately with induction programmes before assuming duty in any public administration position, following the example of the induction models of China and India. Should this not be possible, then induction programmes must be completed within the first 90 days of appointment.</p> <p>Also, staff appointed into political office, advisors; and institutions of traditional leadership must participate induction programmes within 90 days of appointment into office.</p> <p>The induction curriculum can be covered as part of the pre-appointment or promotion training programmes, which could also be made available online.</p> <p>It is further proposed that there be a progressive shift towards making induction programmes in the public sector a pre-appointment requirement for prospective public servants.</p>	Amendments to current policy directives on induction programmes New policy directives on induction programmes	<p>NSG</p> <p>State academies</p> <p>DPSA (for national and provincial government)</p> <p>DCoGTA (for local government)</p> <p>DPE (for major SOEs) and all shareholder departments</p> <p>National and provincial legislatures</p>
2.	<p>Reorientation Programme: The reorientation programmes to the public sector to be compulsory for all serving public servants, including local government, boards of SOEs, the military, state security, police and correctional services, institutions of traditional leadership, staff appointed into political office and Advisors.</p> <p>The NSG must lead in the development and facilitation of roll-out across the public sector.</p>	New policy directive	<p>NSG</p> <p>State academies</p> <p>DPSA (for national and provincial government)</p> <p>DCoGTA (for local government)</p> <p>DPE (for major SOEs) and all shareholder departments</p> <p>National and provincial legislatures</p>
3.	<p>Coaching and Mentorship Programmes: Coaching and mentorship programmes (especially at senior management, specialist and technical positions) must be provided as part of the onboarding within the first six months of appointment.</p> <p>Occupation-specific knowledge sharing can also support onboarding.</p> <p>Sharing of technical knowledge (e.g., engineers across the public sector sharing knowledge through established communities of practice).</p> <p>Professional bodies could be part of onboarding new employees in many ways, including hosting communities of practice interactions with established professionals in their fields.</p>	Amendments to current policy directives and issue of new policy directives on mentorship	<p>NSG</p> <p>State academies</p> <p>DPSA (for national and provincial government)</p> <p>DCoGTA (for local government)</p> <p>DPE (for major SOEs) and all shareholder departments</p> <p>National and provincial legislatures</p>

4.1.2.3 PILLAR 3: PLANNING AND PERFORMANCE MANAGEMENT

The third pillar of the value chain builds on induction and onboarding towards an effective performance management system. Key aspects of professionalisation must be emphasised in the planning, performance management and appraisal systems, including performance standards and assessment instruments for different categories of employees.

Performance management can also be aligned with professional body/association registration. The performance management system must also create space for innovation and risk taking. It is noted that studies conducted by the PSC have confirmed that the existing performance management system in the Public Service has major weaknesses and often results in non-alignment between individual performance and organisational performance.

Government's PMDS seeks to integrate the management of individual performance with the management of organisational performance. The system aims to create a practical measure to validate and align the individual performance results with the organisational performance outcome.

The purpose of instituting such a system is to improve efficiency, effectiveness and value-for-money in the services that are provided to the population. The system has the potential to enhance professionalism by making individuals account for their performance in contributing towards organisational goals.

There are several factors that influence the effectiveness of performance management within government, spanning from the need to ensure a strong planning phase to ensuring a capable leadership cadre that can implement the system. A successful performance management system rests on strong strategic and operational planning; then leading to appropriate target and indicator development; facilitated by good daily operational management, in turn supported by recruitment practices which enable appropriate candidate selection and stable leadership.

Linked to this point above is that the performance management system chosen by public sector reformers has to be a 'good fit' for the institutional context of that particular public administration. Rather than enhancing a focus on organisational goals, systems that 'enforce' accountability through strong sanctions and rewards are often counterproductive. The bottom line here is that more mature organisations can handle more complex and higher-stakes performance systems,

while more vulnerable organisations far less so. Over the longer term, having a capable leadership that can manage any major changes to the PMDS system, should thus ideally be made once recruitment and pre-selection processes have been reformed. In the more immediate term, it is necessary to tighten planning processes, and to better monitor the performance of existing senior leaders, while focusing on building daily capacity for operational (day-to-day) management of staff by managers to improve the implementation of the current system.

Regular management of performance also enables learning to take place within an organisation, while tweaking systems on a rolling basis and enhancing efficiency in service delivery. If such assessments are only undertaken every three or six months, this breeds inefficiency and poor service delivery.

One of the unfortunate side effects of implementing a system that requires individual performance to be formally assessed either quarterly or bi-annually is that the management of performance, which should be taking place on a regular, day-to-day basis, becomes neglected. Performance management should be agile and responsive in order to address shortcomings or failures frequently and as soon as they happen.

This requires hands-on managers who institute daily or weekly measures (brief meetings, action logs, submission of dashboards to assess progress in carrying out key tasks) to review performance on a more regular basis. Such a regular system has the potential to enhance accountability and to identify skills that staff may require in order to improve their individual performance.

The use of such tools would also facilitate (i.e., provide some of the evidence) and inform the 'formal assessment' to be undertaken according to the existing system. This would serve to provide the 'portfolio of evidence' that would form the basis of a more formal assessment process. As currently structured, however, the PMDS system has devolved into a 'compliance' exercise that is not seen as a useful tool to enhance service delivery.

The DPME should develop guidelines on the structure of performance agreements; not only for the HoDs as is currently the case. The capacity of the human resource units of the departments should be strengthened to provide support in the application of the PMDS. Non-compliance with performance management contracting deadlines should be treated as an element of insubordination.

It should therefore be dealt with through existing consequence management processes. It is not enough to say that non-compliance would lead to not getting a performance bonus. This is an inappropriate way of dealing with incidents of this sort as it unwittingly perpetuates the misconception that performance management is about monetary benefits.

Performance management is about enhancing organisational performance. This needs to be understood by all in the Public Service. Service delivery depends on how State employees perform.

Good performance management optimises the efficiency and effectiveness of the State. The DPSA should determine a sanction for non-compliance with performance-contracting deadlines. HoDs, as accounting officers, are held accountable for the effectiveness of the performance management process through existing public service legislation.

A question has arisen about how professional associations/bodies may be used to optimise performance management for the purpose of professionalisation of the public sector. While performance management is a duty of all managers in the public sector, professional bodies might be able to assist with the development of standards in technical areas of assessment (i.e., key aspects of engineering projects, etc.) or assess whether staff have the requisite skills and competencies to perform their jobs.

Moreover, one aspect of the performance management system is the development of PDPs to strengthen skills and competencies of employees in order to meet an organisation's goals. Employees can benefit from additional training or capacity-building sponsored by professional bodies to enhance the performance of an employee's functions and tasks.

The role of professional bodies in optimising performance management per se is less clear – one focus area might be to provide training to senior managers on how to develop targets and indicators or manage cases of poor performance in line with existing legislative prescripts. Performance management can also be aligned with a professional body/association. Ideally the performance management system must create the space for innovation and risk-taking.

Performance agreements should entail the professional registration processes for candidates and the Continuous Professional Development requirements for professionals. Additionally, the legislative and policy frameworks should enable and promote the rotation of employees in order to contribute to the professional expertise within the three spheres of government.

Mentorship of candidates should form part of the contracts and performance management processes of the registered professionals. Alignment of business processes in government in line with Council for the Built Environment Professionals (CBEP) Codes of Conduct is also recommended.

Pillar 3: Performance Planning & Management



1. DPSA review performance management system

- DGs and DDGs to be tabled to Cabinet



2. Align performance management with professional bodies' registration.



3. The new system should provide objective mechanisms to:

- Link performance of HODs and DDGs to that of the Institution.
- Introduce independent triggers for exit of non-performing HoDs.
- Improve the competency of politicians to manage performance.
- Address the systemic challenges that result in instability and poor relations between Executive Authorities and HoDs.



4. Cabinet resolved that the PSC should play a role in performance evaluation of HoDs

to strengthen objectivity & introduce an approach that will link the performance of the individual to the institution they lead.

TABLE 4.1.2.3 A: PROPOSALS ON PLANNING AND PERFORMANCE MANAGEMENT

No.	Proposal	Enabling instrument	Responsible Public Sector Institution
1.	<p>Review of Institutional Planning and Performance Management Systems:</p> <p>The DPME must lead in the review of institutional planning and performance management systems to ensure greater alignment across public administration and to optimise the nexus between planning and performance management.</p> <p>The current institutional performance management systems prove to be heavily compliance driven, with little room for innovation and risk taking.</p>	Planning and Policy frameworks	DPME
2.	<p>PMDS:</p> <p>The performance management tools must be reviewed to make them fit for purpose. Guidelines must be developed on how to structure performance agreements for all public servants and that the capacity of the human resource development (HRD) units are empowered to provide support in the application of the PMDS.</p> <p>Non-compliance with performance management and contracting deadlines must be treated as an element of insubordination, and therefore should be dealt through existing consequence management processes.</p> <p>The PDPs must be given greater prominence in the performance appraisal process. If personal development does not occur during the performance period, this must be dealt with in the performance appraisal process.</p> <p>Performance agreements should entail the professional registration processes for candidates and CLPD opportunities for professionals. Mentorship of candidates should form part of the performance agreements and performance management processes.</p>	Planning and Policy frameworks	<p>NSG</p> <p>State academies</p> <p>DPSA (for national and provincial government)</p> <p>DCoGTA (for local government)</p> <p>DPE (for major SOEs) and all shareholder departments</p> <p>National and provincial legislatures</p>
3.	<p>Professional bodies enhancing performance management:</p> <p>The role of professional bodies in enhancing performance management should be optimised. Further work must be undertaken to determine how this can be implemented, for example, professional bodies might be able to assist with the development of standards in technical areas of assessment (i.e., key aspects of engineering projects, etc.)</p>	Policy frameworks	<p>NSG</p> <p>State academies</p> <p>DPSA (for national and provincial government)</p> <p>DCoGTA (for local government)</p> <p>DPE (for major SOEs) and all shareholder departments</p> <p>National and provincial legislatures</p>
4.	<p>Review performance management system at all levels:</p> <p>Align performance management with professional body/associations registration.</p>	DPSA policies and directives	DPSA

	<p>The new system should provide objective mechanisms to:</p> <ul style="list-style-type: none"> • Link performance of HoDs and DDGs to that of the Institution. • Introduce independent triggers for exit of non-performing HoDs. • Improve the competency of politicians to manage performance. • Address the systemic challenges that result in instability and poor relations between executive authorities and HoDs. 	DPSA policies and directives	DPSA
5.	<p>Role of PSC in performance evaluation: Cabinet resolved that the PSC should play a role in performance evaluation of all HoDs to strengthen objectivity and introduce a comprehensive approach that should link performance of that individual to that of the institution they lead.</p> <p>A revised performance management framework for HoDs will be presented by the MPSA to Cabinet by the end of November 2022. The MPSA will issue guidelines on the implementation of the decision.</p>	<p>PSC policies</p> <p>DPSA directives</p>	<p>PSC</p> <p>DPSA</p>

4.1.2.4 PILLAR 4: CONTINUING LEARNING AND PROFESSIONAL DEVELOPMENT

In this pillar of professionalisation, we use the analogy of the “airline pilot returning to the simulator” – cross-referenced with the DPSA directive for SMS periodical assessment against the SMS competency framework. We must decide on the professionalisation of a certain category of employees (including SMS, specialist, technical, and some key functions of SCM, HR, Finance, and Planning) in which they gain certification with professional bodies.

For example, an engineer employed in the Public Service with an engineering qualification may be qualified in her/his field. But they will not be able to certify or sign off specific projects because they are not certified as professional engineers by the Engineering Council of South Africa (ECSA).

Candidates must be deemed to be competent after a minimum of three (3) years after graduating and applying the knowledge gained through the educational process in real life circumstances. We need competent technical professionals as custodians of public assets to be able to manage the services of outsourced technical consultants.

Considering the PSC’s recommendations, the NSG must determine the appropriate training and learning pathways to assist in the professionalisation of these categories of employees. The NSG has gone further to

design executive education programmes that will be launched in June 2022. CLPD points system is recommended for further study. The PAMA of 2014 including the Public Service Charter, provides for CLPD.

Additionally, the DPSA’s Directive on Compulsory Capacity Development, Mandatory Training Days, and Minimum Requirements for the SMS affects this piece of legislation on CLPD. The legislation was developed to “instil a culture of compulsory, continuous development amongst the SMS for them to keep abreast of relevant management practices and technical skills”.

Most interventions to shore up professionalisation are geared more towards SMS members. This needs to be corrected as it creates a skewed pursuit that is detrimental to the broad intentions of professionalisation. Perhaps this Directive could be amended to make CLPD mandatory for even lower levels in the public service.

For the professionalisation of the public sector to succeed, CLPD interventions should be improved. Public sector institutions should develop a CLPD framework and policies and then monitor and evaluate their implementation. Departments must partner with the HEIs and professional bodies (statutory and non-statutory professional bodies) that are recognised by SAQA to develop the CLPD programme to optimise its value as a capacity development intervention.

Coaching, mentoring and peer reviews should be considered as integral to the CLPD and linked closely to performance management. Employees can develop CLPD action plans to develop and enhance their capacity for improved performance in delivering the public good. CLPD should not be pursued for credentialism as this too would undermine its purpose in the Public Service. Qualifications should not just be about pieces of paper but rather, a valid certification of skills and competencies, which impact on the public sector outputs for society.

The design of CLPD interventions should consider key imperatives shaping trends in education and training. Technologies should be used for CLPD activities for the learners' convenience and to enhance their learning experiences. The effectiveness of the instructional interventions should always be quality assured.

Qualifications and short courses for CLPD should be registered with accreditation authorities. However, learning that excludes CLPD points and conducted by non-academic providers should also be considered as they add value to the professional evolution of the officials, especially in the area of technical workplace application.

It is important to leverage the existing DPSA directives to institutionalise CLPD, including working with recognised professional bodies in using the CPD point system for certain categories of employees in the public sector. Such should be linked to and considered for performance management and recruitment, selection, and promotion.



Furthermore, professional bodies maintain and develop professionalism, thus securing high quality services for society. According to the Professional Associations Research Network (PARN), professional bodies can be divided into the following types: (i) professional associations (ii) regulatory bodies; and (iii) learned societies which can apply to a variety of fields.

a) Public Finance Management/SCM

Professionalisation of public finance management units to improve audit outcomes should be expedited. The initiatives to implement the Cabinet decision of 2014 regarding the reform of SCM should be concluded. National Treasury has done a lot of work in this regard. They established an SCM Council "to coordinate the interests of various SCM stakeholders in the country (professional associations, academia, business and Government) to establish SCM as a professional discipline within South Africa governed by SCM norms, standards and principles". An SCM Council must establish itself as a legal entity by enacting an Act of Parliament to license members to the profession.

Reconsideration of minimum qualification levels for entry into the public finance space must be undertaken. National Treasury should amend regulations regarding the minimum competency level requirements for those who aspire to work in the finance or SCM environments in the public sector to have at least three (3) years in public finance management or SCM.

They should be licensed to practice in this space by the relevant professional body, association, or council. The CFO's minimum entry qualification should be at the NQF level 8. Those aspiring to work in the finance or SCM environment further should have accounting, economics, and finance as part of the curriculum in their field of study, and preferably qualification as a Chartered Accountant (CA).

For senior managers in the local sphere of government other than the SMS or managers who directly report to them and the CFO, the minimum qualification should also be at the NQF level 8, including the head of SCM.

The qualifications of senior management in the local sphere of government should focus on public or municipal finance, with at least a qualification in accounting, economics, and finance subjects. SCM managers' qualifications should at least be at NQF level 7 in accounting, finance, or economics.

Other financial officers should have a minimum entry qualification at NQF level 6 in accounting, finance, economics, public administration/local government. Those who do not have qualifications should be given a reasonable time to get them should they satisfy other employment criteria. In this respect, the department that employs them should support them in whatever way possible.

However, it should remain their responsibility to enroll with HEIs or professional bodies, councils or associations that may offer these qualifications. As these may affect their employment contract, unions should be engaged throughout the PSCBC processes.

b) HRM&D

HRM in the public sector should also be professionalised, including the certification of HR practitioners through CLPD interventions in this field. The DPSA's analysis has revealed that the "human resource units (in the Public Service) are not effective in implementing national policies and are therefore not supporting their departments strategically to deliver on their mandates".

This is alarming as human resources is the pivot upon which organisations depend for their continued existence. The DPSA should consider collaborating with existing non-statutory professional bodies which are recognised by SAQA in the professionalisation of the HR occupation in the public sector.

c) Planning

Professionalising planning as a specialist field could be done through partnerships with relevant professional bodies. The Integrated Planning Framework Bill (2018) sought to provide for, inter alia, an institutional framework for a new predictable planning paradigm and discipline within and across all spheres of government; and promote better coordination, collaboration and alignment of Planning, Monitoring and Evaluation between and across the national, provincial, and local spheres of government, including public entities.

The Bill also provided for prescribing norms and standards for planning, monitoring & evaluation and development which must reflect the national policy and national development priorities; promote social inclusion, spatial equity, desirable settlement patterns, rural revitalisation, urban regeneration and sustainable development within the Republic; planning, monitoring and evaluation processes and development timeframes



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are efficient and effective; and existing and future plans, programmes and projects are relative to key sectors of the economy and society. The planning function for the public sector is therefore important as a vehicle for achieving overall alignment, better coordination, and implementation of key interventions.

d) Information and Communications Technology

Technological development has now gone into global override, as the interplay of automation, biotechnology, nanotechnology, information, and communication technologies has spawned a magnitude of intervention that necessitates Government enhancing its capacity in this important area.

This makes the professionalisation of the ICT as a specialised technical field a strategic urgency. Led by the State Information Technology Agency (SITA), Centre for Public Service Innovation (CPSI), NSG and DPSA should facilitate engagement with professional bodies in ICT to establish the possibility of professionalising the ICT space in the public sector, including the certification of the skills and competencies of those who work in this space as ICT practitioners through CLPD.

SITA is one of the portfolios of the Ministry for the Public Service and Administration (MPSA) established to "render an efficient and value-added ICT service to the public sector". It has a deeper insight into the ICT space and could add value to discussions with the professional bodies for a strategic relationship. Likewise, CPSI, as established to enhance the innovative capacity of the state, could also come in handy in engaging credible professional bodies for partnership.

As a state training institution, NSG is the pivot upon which the professionalisation of the Public Service revolves and has been instrumental in developing this framework. At the same time, the DPSA is a regulatory department responsible for the organisation of the Public Service and the administration of the State.

e) The Built Environment

The CBE is mandated to promote ongoing HRD in the built environment. This is achieved through concurrent functions with the CBEP. While the CBE and the councils are statutory bodies, the levels of professionalisation in the sector remains an area of concern across the three spheres of government.

This results in poor workmanship, project over-expenditure and inefficiencies in infrastructure planning, design, implementation, and maintenance, which, in turn, results in shortcomings in the realisation of government priorities to respond to socio-economic challenges.

While the public sector institutions have various governance frameworks for human capital development and management, the levels of professionalisation remain an area that needs to be strengthened through alignment and compliance to the applicable codes of conduct. The technical skills required for efficient infrastructure development and maintenance also remain an area of concern within the public sector.

Institutional arrangements within the public sector are intended to achieve the objectives of the Constitution. However, the differing or fragmented mandates within public service departments present limitations in the effective implementation of certain objects of the CBE and the CBEPs.

Specific reference must be made to the implications of the Identification of Work Policy provisions as mandated by the CBE Act (Act43 of 2000) and the Competition Act (Act89 of 1998).

The Competition Act mandates the Competition Commission to provide an equal opportunity for all South Africans to participate in the national economy amongst other provisions. In addition, while in some instances, departments are required to appoint professionally registered professionals, this is not always the case and there is no enforcement or requirements for adherence to the legislative prescripts.

In instances where incumbents are required to fulfil this requirement as soon as they obtain employment in the Public Service, they stop being affiliated to any professional bodies.

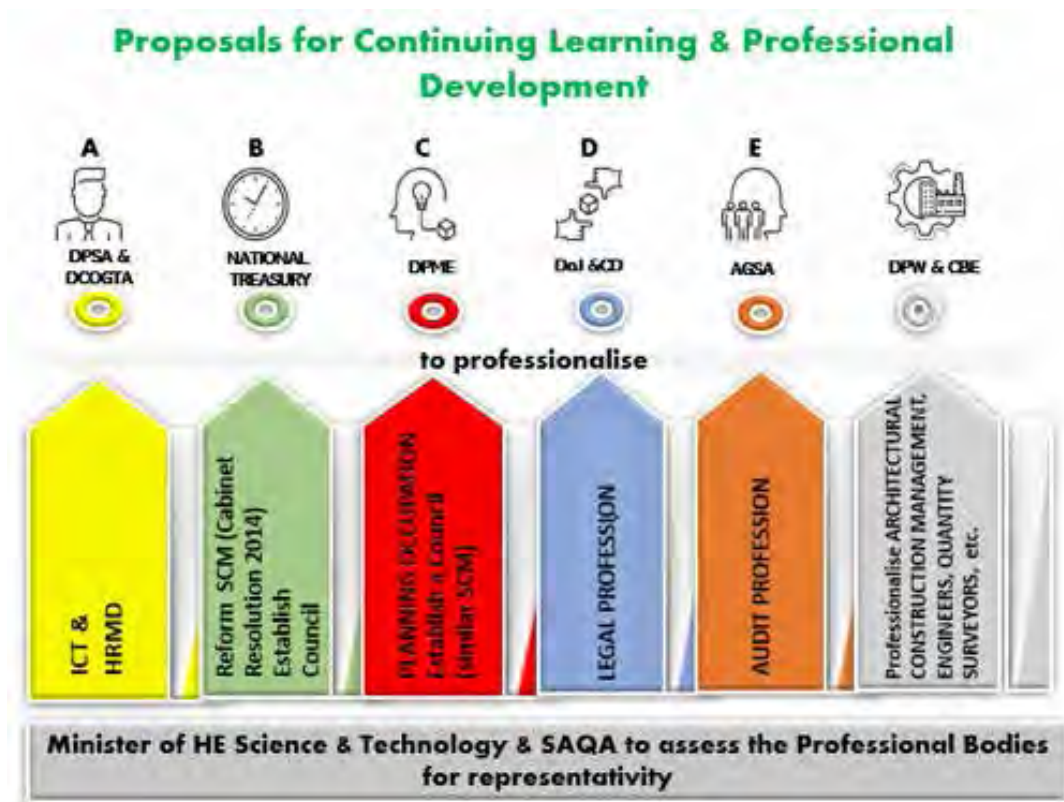


TABLE 4.1.2.4 B: PROPOSALS ON CONTINUING LEARNING AND PROFESSIONAL DEVELOPMENT

No.	Proposal	Enabling instrument	Responsible Public Sector Institution
1.	<p>Training and Learning Pathways:</p> <p>The NSG must determine appropriate training and learning pathways to assist in the professionalisation of certain categories of employees. These categories of employees need to be professionalised and gain certification with professional bodies. The NSG has gone further to design executive education programmes that will be launched in June 2022.</p> <p>Public sector institutions responsible for implementation must also assess the measures within institutions to promote an environment conducive for employees to thrive as professionals.</p>	NQF Act National Learner Record Database PAMA of 2014	<p>NSG</p> <p>DPSA (for national and provincial government)</p> <p>DCoGTA (for local government)</p> <p>DPE (for major SOEs) and all shareholder departments</p> <p>National and provincial legislatures</p>

2.	<p>Professionalisation of Public Finance Management and SCM: National Treasury must fully implement the Cabinet decision of 2014 regarding the reform of SCM.</p> <p>The SCM Council was established to coordinate the interests of various SCM stakeholders in the country (professional associations, academia, business and government) to establish SCM as a professional discipline governed by SCM norms and standards and principles.</p> <p>National Treasury should amend regulations regarding the minimum competency level requirements for those who aspire to work in the public finance or SCM environments in the public sector to ensure that they have at least three (3) years in public finance management or SCM. They should be licensed to practice in this space by the relevant professional body, association, or council.</p> <p>For appointment as a CFO into SMS levels 13 and 14 (and equivalent levels), a minimum qualification should at least be at NQF level 8, while for SMS level 15 (and equivalent levels) NQF level 8 will be a requirement and NQF level 9 will be highly recommended.</p> <p>For senior managers in local government other than the municipal managers or managers who directly report to them and the CFO, the minimum qualification should also be at NQF level 8, including the head of SCM.</p>	<p>Cabinet decision of 2014 regarding the reform of SCM</p> <p>Treasury Regulations Policy frameworks</p>	<p>National Treasury</p> <p>DPSA (for national and provincial government)</p> <p>DCoGTA (for local government)</p> <p>DPE (for major SOEs) and all shareholder departments</p> <p>National and provincial legislatures</p>
3.	<p>Human Resources Management and Development: DPSA and DCoGTA must determine the approach towards professionalising the HRM&D occupations in the public sector.</p> <p>The establishment of a Council (like the SCM Council) could assist to coordinate the interests of various HRM&D stakeholders (professional associations, academia, business, and government) to establish HRM&D as a professional discipline governed by norms, standards and principles.</p> <p>This may also include registration with a relevant professional body, association, or council. Alternatively, collaboration with existing non-statutory professional bodies could be fostered in the professionalisation of the HR occupation in the public sector.</p> <p>For appointment as heads of HRM&D into SMS levels 13 and 14 (and equivalent levels), a minimum qualification of at least NQF level 8 should be set, while for SMS level 15 (and equivalent levels) it should be set at NQF level 8 and NQF level 9 will be highly recommended.</p> <p>For senior managers in local government, other than the municipal managers, the minimum qualification should also be at NQF level 8, including that of the head of HRM&D.</p>	<p>PAMA of 2014</p> <p>Public Service Charter</p> <p>DPSA's Directive on Compulsory Capacity Development, Mandatory Training Days, and Minimum Requirements for SMS</p>	<p>NSG</p> <p>DPSA (for national and provincial government)</p> <p>DCoGTA (for local government)</p> <p>DPE (for major SOEs) and all shareholder departments</p> <p>National and provincial legislatures</p>

<p>4.</p>	<p>Planning:</p> <p>The DPME and DCoGTA must determine the approach towards professionalising the planning occupation in the public sector.</p> <p>The establishment of a Council (like the SCM Council) could assist in coordinating the interests of various planning stakeholders (professional associations, academia, business, and government) to establish planning as a professional discipline governed by norms & standards and principles. This may also include registration with a relevant professional body, association or council.</p> <p>For appointment as heads of planning, into SMS level 13 and 14 (and equivalent levels), a minimum qualification of NQF level 8 should be set, while for SMS level 15 (and equivalent levels) it should be set at NQF level 8 and NQF level 9 will be highly recommended.</p> <p>For senior managers in local government other than the municipal managers, the minimum qualification should also be at NQF level 8, including that of the head of planning.</p> <p>The NSG must develop ETD interventions to support integrated planning across the public sector.</p>	<p>Policy frameworks</p>	<p>NSG</p> <p>DPME</p> <p>DPSA (for national and provincial government)</p> <p>DCoGTA (for local government)</p> <p>DPE (for major SOEs) and all shareholder departments</p> <p>National and provincial legislatures</p>
<p>5.</p>	<p>Information and Communications Technology (ICT):</p> <p>Technological development has now gone into overdrive, as the interplay of automation, biotechnology, nanotechnology, information, and communication technologies has spawned a magnitude of interventions that necessitate that government enhances its capacity. This makes the professionalisation of the ICT as a specialised technical field a strategic urgency.</p> <p>DPSA and DCoGTA determine the approach towards professionalising the ICT occupations in the public sector.</p> <p>The Government Information Technology Officers Council (GITOC) and SITA should be strengthened to assist and coordinate the interests of various ICT stakeholders (professional associations, academia, business, and government) to establish ICT as a professional discipline governed by recognised norms & standards and principles. This may also include registration with a relevant professional body, association, or council.</p> <p>For appointment as heads of ICT, into SMS levels 13 and 14 (and equivalent levels), a minimum qualification of NQF level 8 should be set, while for SMS level 15 (and equivalent levels) it should be set at NQF level 8 and NQF level 9 will be highly recommended.</p> <p>For senior managers in local government other than the municipal managers, the minimum qualification should also be set at NQF level 8, including that of the head of ICT. The NSG should develop ETD interventions to support ICT management across the public sector.</p>	<p>Policy frameworks</p>	<p>DPSA (for national and provincial government)</p> <p>DCoGTA (for local government)</p> <p>DPE (for major SOEs) and all shareholder departments</p> <p>National and provincial legislatures</p>

6.	<p>Built Environment:</p> <p>Institutions are required to appoint professionally registered professionals, although this is not always the case and there is no enforcement or adherence to the legislative prescripts. In instances where incumbents are required to fulfil this requirement as soon as they obtain employment in the Public Service, they often cease their affiliation to any professional bodies.</p> <p>To rectify this, registration with professional councils must be enforced. Furthermore, the placement of candidates in the public sector should be in line with the training plans prescribed by the professional bodies.</p>	Policy frameworks	<p>DPSA (for national and provincial government)</p> <p>DCoGTA (for local government)</p> <p>DPE (for major SOEs) and all shareholder departments</p> <p>National and provincial legislatures</p>
7.	<p>CLPD:</p> <p>A CLPD framework and policies must be developed and implemented. Such a framework must take into consideration key imperatives shaping trends in education and training, including the technologies for CLPD activities, in a way that enhances the learning experience of participants and secures the quality of instructional interventions.</p> <p>Institutions must partner with the HEIs and professional bodies (statutory and non-statutory professional bodies that are recognised by SAQA) to develop the CLPD programme in order to optimise its value as a capacity development intervention for all levels of employees.</p> <p>Coaching, mentoring and peer reviews should be considered as an integral part of the CLPD and closely linked to performance management. The Directive could also be amended to make CLPD mandatory for lower levels in the Public Service.</p>	<p>PAMA of 2014 Public Service Charter</p> <p>DPSA's Directive on Compulsory Capacity Development, Mandatory Training Days, and Minimum Requirements for SMS</p>	<p>DPSA (for national and provincial government)</p> <p>DCoGTA (for local government)</p> <p>DPE (for major SOEs) and all shareholder departments</p> <p>National and provincial legislatures</p>

4.1.2.5 PILLAR 5: CAREER PROGRESSION AND CAREER INCIDENTS

When one considers the significance of career management as articulated by the International Labour Organisation (ILO), the reality is that the South African public sector - as the largest employer with more than 1,2 million public servants - must ensure a fully defined career management function and be able to provide extensive career management services to its employees.

The issue of "job-hopping" among public servants is common, in many instances from one occupational group to a completely different occupational group. This practice points to some weaknesses in the recruitment system that do not take into full consideration the skills and competencies of the employee or their job content.

The 2014 PSC report (Building a Capable, Career-Oriented and Professional Public Service to Underpin a Developmental State in SA) argued that the career system in the Public Service is currently fragmented with decision making processes dispersed throughout the sector; careers are unstructured with no standardised probation, task proficiency, promotion and continued professional development requirements; and the career system is open to all, with senior posts advertised outside the Public Service, with neither internal nor external candidates tested against objective criteria.

The proposals in this regard include:

- Career Management: which must be in line with National Policy for an Integrated Career Development System for South Africa and include considerations for career guidance, career education and career adaptation to support public servants in their careers.
- Set a minimum number of years of service for promotion from one level to the next.
- Introduce and set an exam as a requirement for promotion in the public sector from junior into middle management or a prescribed course in relevant fields of study, designed by the NSG.
- Specify the occupations in the public sector in terms of the job content; entry requirements regarding task, knowledge and skills proficiency; promotion requirements; career progression and succession planning; mobility into and out of the occupation; and continued professional development requirements.



- Revise the Revolving Door Policy (2008) to provide for the movement of identified public servants between private sector, academia and the public sector to inculcate "fresh, current and inspirational learning and innovative ideas".
- Revise and strengthen the RPL policy to minimise the multiple meanings and interpretations given to it and explore the possibility of targeted recruitment to optimise its use in the public sector. Also, those whose prior experience needs to be recognised, not only for academic purpose but also for the awarding of professional designations by professional associations, bodies, councils or boards.

Key activities and issues for implementation of the framework include the following:

- Whilst the framework places significant emphasis on the senior management and executive leadership in the public sector, it will progressively cascade throughout the entire public sector. It may be prudent for some category of public servants to rather start at the lower levels and cascade upwards. This would mean that the framework will not focus exclusively on the senior management and executive leadership
- Strengthen the role of the PSC as the custodian of the professionalisation of the public sector
- Initiate pilots as an important means of testing the functionality of and modalities for assisting selected categories of public servants to be recognised/registered by professional bodies. The framework identifies the following occupations for professional recognition/ registration: Public Finance; SCM; HRM&D; Planning; Information and Communication Technology; Built Environment; and Internal Audit.

- Determine the implications of professionalisation on current conditions of service and transition measure.
- Public values and ethics need to be introduced as part of the schooling sector and tertiary curriculum to build a cohort of citizens and public servants who are ethical, and values driven. Similarly, the public must be included in ethics awareness programmes and in the promotion of constitutional values and principles.
- Public sector occupations should be mapped/catalogued in order to identify the well established and emerging professions that exist in the public sector, as well as the levels and benefits of external professionalisation linkages.

The existing 'salary' classification system (SMS, MMS, OSD, etc.) is not effective enough for the purpose of professionalising the Public Sector professions and thus needs to be reformed

- Promotions into leadership positions in the public sector should be grounded on principles of technical competence (qualifications plus proven effective and appropriate work experience) integrity, responsibility, accountability, transparency and a commitment to the eradication of poverty, unemployment and inequality. For this reason, recruitment and selection instruments should be broadened to address the different elements of professionalism.
- Ethical standards must be effectively communicated to employees, who must then undergo continuous training on ethical challenges that confront their institutions and professions. Ethics training is necessary to integrate ethical decision-making into the organisational culture and to reinforce ethical choices and accountability.
- All relevant codes of conduct should be supported with a framework to deal with corrective action because if unprofessional conduct is not sanctioned or punished, it gets elevated to a position of acceptable/tolerable behaviour and this gets repeated because of such indirect reinforcement. Therefore, consequence management is important to deter unethical conduct and other forms of unprofessional conduct.

“a number of activities which provide support to individuals in achieving successful and fulfilling careers that are essential in achieving a balance between personal objectives linked to living a happy, secure and accomplished life and growth-oriented objectives”

4.1.2.5.1 PILLAR 5 A: CAREER MANAGEMENT

“Education, training and labour market systems are challenged by developments such as digitalisation, globalisation, demographic change, climate change and global disruptions like financial and economic crises and health pandemics like COVID-19”.

As such, the report notes the need for “individuals to deal with more frequent and complex transitions within and between education and work”.

The report therefore argues that the readiness and ability to embark on lifelong learning is required in tandem with individuals' needs to develop career management skills enabling them to manage their individual life paths in education, training, and work across the employment lifespan.

The report of the ILO defines career development support as “a number of activities which provide support to individuals in achieving successful and fulfilling careers that are essential in achieving a balance between personal objectives linked to living a happy, secure and accomplished life and growth-oriented objectives” .

This enables effective career transitions and is instrumental in promoting skills utilisation, productivity and innovation – as is an important component in the RPL playing a fundamental role in bridging informal and non-formal learning with the successful acquisition of qualifications.

Career development support, according to the report, covers important services, including:

- Career guidance: Support individuals of any age and at any point throughout their lives, to make educational, training, and occupational choices and to manage their careers (career management skills). Career guidance and counselling can include a wide range of activities (such as skills assessments, mentoring, coaching, and counselling); and
- Career education: Well organised and structured learning activities aimed at developing individuals' career management skills. Career education follows a programmed and gradual approach to skill development, reflecting a curriculum and relying on a mix of classroom activities, networking with professionals and work experience..

The notion of career adaptation in career development is also significant given the changing labour market systems and global developments. Career adaptation in quoting is occurring in a "changing landscape", and also brings into question a challenge to career practitioners on how to "nurture career aspirations and possibilities that attempt to rise above the contextual realities of individuals' lives while, at the same time, acknowledging the recognised career development tasks of circumscribing and compromising career aspirations in relation to the realities of a prescribed working world".

When one considers the significance of career management as articulated by the ILO, the reality is that the South African public sector, as the largest employer of more than 1,2 million public servants, must ensure a fully defined career management function and be able to provide extensive career management services to its employees.

The issue of "job-hopping" among public servants is common, in many instances from one occupational group to a completely different occupational group. This also points to some weaknesses in the recruitment system that do not take into full consideration the skills and competencies of the employee or the job content.

The 2014 PSC report (Building a Capable, Career-Oriented and Professional Public Service to Underpin a Developmental State in SA) argued that the career system in the Public Service is currently fragmented with decision making on its function dispersed throughout the Public Service; careers are unstructured with no standardised probation, task proficiency,

promotion and continued professional development requirements; and that the career system is an open system with all senior posts advertised outside the Public Service, with neither internal nor external candidates tested against objective criteria.

To achieve a capable, career-oriented, and professional public service in South Africa, the PSC made some of the following key recommendations in relation to career management:

- A minimum number of years of service be set for promotion from one rank to the next. While at a specific rank, an employee should be exposed to a variety of tasks or prescribed scopes of work suited for each occupation/rank coupled with performance assessment and certification of competence;
- An exam as a requirement for promotion into middle and senior management or a prescribed course (or courses) in relevant fields of study, designed by the NSG; and
- All occupations in the Public Service be specific on job content, entry requirements relating to task, knowledge, and skills proficiency; promotion requirements; career progression and succession planning; mobility into and out of the occupation; and continued professional development requirements.

In 2012, the DHET noted that "currently in South Africa, no single body or entity has the exclusive legislative responsibility or sole mandate of coordinating career information, advice, and development services for the career development sector in general.





The DHET developed a framework ("Framework for Cooperation in the Provision of Career Development [Information, Advice and Guidance] Services in South Africa, October 2012") for cooperation in providing career information, advice, and guidance services in South Africa. This was followed in 2017 by a National Policy for an Integrated Career Development System for South Africa (*Government Gazette*, 20 April 2017)

This policy has a national footprint that spans national government departments and directs implementation at provincial and local government levels. Its purpose is to build an integrated career development system for South Africa that will:

- ensure that all citizens, including youth, students, underemployed workers, and unemployed citizens have access to quality career information and career services;
- emphasise the role of government in ensuring that all citizens have access to comprehensive and integrated career development services to make informed career and learning decisions;
- provide a framework for the strengthening and continuity of leadership regarding career development services in South Africa;
- provide a framework for coordination, cooperation and collaboration at all levels of government, as well as with NGOs and the private sector, to ensure transparency and ease of access to career development services geared to meet the needs of a diverse range of citizens;
- address the weaknesses, overlaps and gaps in the current provision of career development services;
- identify processes that stimulate regular review and systemic planning of career services;
- provide specific directives for various aspects concerning the provision of career development services to the country; and

- facilitate a basic understanding of the dynamic inter-relationship among the economy, skills development, careers, and society.

This policy provides for career development services across the employment lifespan of an individual, including that of public servants. Furthermore, the Competency Framework for Career Development Practitioners was published in July 2016 and provides guidelines on the minimum competencies that a CDP must possess to offer career development services in South Africa.

The Competency Framework was widely consulted, including with the Health Professions Council of South Africa (HPCSA), and it states that only CDPs at the Specialist Level will conduct specialist services such as standardised psychometric tests in line with the regulations set by the HPCSA. The professionalisation of CDPs, including arriving at a shared definition of professionalisation; compliance with approved competency frameworks; and harmonisation and alignment with applicable ethical, regulatory and legislative prescripts, will be addressed.

In April 2021, the DPSA released a draft Occupational Dictionary for the Public Service. This Dictionary seeks to improve how occupations in the Public Service are categorised and defined to provide a basis for grouping of occupations that can be used in the development of job profiles.

This is certainly a step in the right direction towards a strategic management of occupations in the Public Service but must also implement the recommendations of the PSC – namely, specified job content; entry requirements relating to task, knowledge and skills proficiency; promotion requirements; career progression and succession planning; mobility into and out of the occupation; and continued professional development requirements.

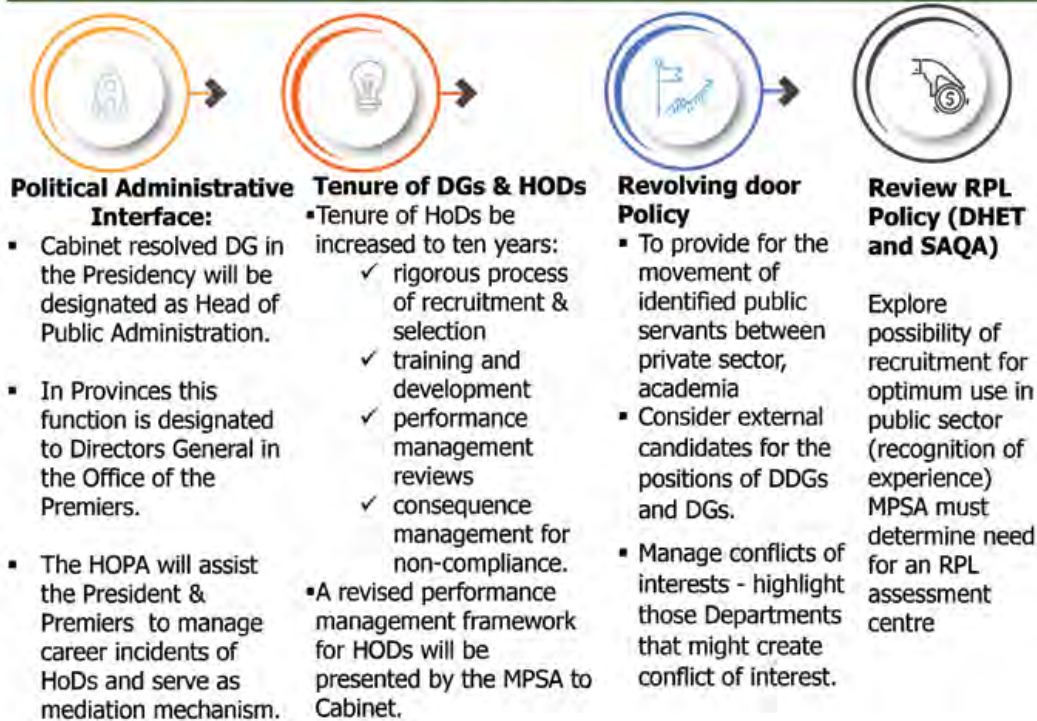
This Occupational Dictionary is limited to national and provincial government occupations, as reflected by the DPSA. However, this valuable format must permeate the public sector to ensure consistency in the management of occupations and career management. Another government initiative has been the Revolving Door Policy, which provides for the movement of senior management between private sector, academia and the public sector to inculcate "fresh, current and inspirational learning and innovative ideas". The enablers of the Revolving Door relationships are:

- Secondment of an SMS/HoD to an academic or other institution;
- Secondment of candidates from academia or other institutions to the Public Service; and

- Granting of sabbatical leave to the SMS/HoD levels (and other levels of employees in the form of special leave (e.g., legally trained people who want to be admitted as attorneys/advocates).

This is a critical initiative of government that has not been fully utilized, and it is proposed that the DPSA reviews this policy since development in 2008, to be broadly utilised across the public sector. Furthermore, it should not be restricted to SMS only but other occupational levels in the public sector.

Pillar 5: Career Progression & Career Incidents



How to Make Your
**OPEN DOOR
 POLICY**
 a Success

TABLE 4.1.2.5.1 A: PROPOSALS ON CAREER PROGRESSION AND CAREER INCIDENTS

No.	Proposal	Enabling instrument	Responsible Public Sector Institution
1.	<p>Career Management: In line with National Policy for an Integrated Career Development System for South Africa, this must be implemented in the public sector.</p> <p>This must include considerations for career guidance, career education and career adaptation to support public servants in their career management. Furthermore, consideration must be given for the appointment/designation of career practitioners in the public sector institutions, including the professionalisation of this occupation.</p>	Policy framework	<p>DPSA (for national and provincial government)</p> <p>DCoGTA (for local government)</p> <p>DPE (for major SOEs) and all shareholder departments</p> <p>National and provincial legislatures</p>
2.	<p>Minimum number of years of service: A minimum number of years of service should be set for promotion from one level to the next. While at a specific rank, an employee should be exposed to a variety of tasks, and a prescribed scope of work suited for each occupation or rank coupled with performance assessment and certification of competence.</p>	Directive	<p>DPSA (for national and provincial government)</p> <p>DCoGTA (for local government)</p> <p>DPE (for major SOEs) and all shareholder departments</p> <p>National and provincial legislatures</p>
3.	<p>Requirements for Promotion: As recommended by the PSC, an exam must be introduced as a requirement for promotion in the public sector into middle management or a prescribed course in relevant fields of study, designed by the NSG.</p> <p>Currently, Section 13 of PAMA directs that the Minister (MPSA) may, after approval by the Cabinet, direct that the successful completion of specified education, training, examinations or tests is a prerequisite for specified appointments or transfers; and are compulsory in order to meet the development needs of any category of employees.</p>	Ministerial directive	<p>NSG</p> <p>DPSA (for national and provincial government)</p> <p>DCoGTA (for local government)</p> <p>DPE (for major SOEs) and all shareholder departments</p>
4.	<p>Occupation Management: All occupations in the public sector should be specified in terms of job content; entry requirements regarding task, knowledge and skills proficiency; promotion requirements; career progression and succession planning; mobility into and out of the occupation; and continued professional development requirements.</p>	Ministerial directive	<p>DPSA (for national and provincial government)</p> <p>DCoGTA (for local government)</p> <p>DPE (for major SOEs) and all shareholder departments</p> <p>National and provincial legislatures</p>

5.	Revolving Door Policy: The Revolving Door Policy (2008) must be revised by the DPSA to provide for the movement of identified public servants between the private sector, academia and the public sector to inculcate “fresh, current and inspirational learning and innovative ideas”. This must be applicable to all public sector institutions and not be restricted only to the SMS but also to other occupational levels in the public sector.	Policy directive	DPSA (for national and provincial government) DCoGTA (for local government) DPE (for major SOEs) and all shareholder departments National and provincial legislatures.
6.	RPL The RPL policy must be reviewed and strengthened to minimise multiple meanings and interpretations given to it and also to explore the possibility of targeted recruitment to optimise its use in the public sector by those whose prior experience needs to be recognised, not only for academic purpose but also for the awarding of professional designations by professional associations, bodies, councils or boards.	Policy directive	SAQA DPSA (for national and provincial government) DCoGTA (for local government) DPE (for major SOEs) and all shareholder departments National and provincial legislatures

4.1.2.5.2 PILLAR 5 B: PROFESSIONALISATION IN SOEs

The SOEs should be at the forefront of economic and social transformation. They are responsible for providing the infrastructure and the services on which the country's economy depends, whether it be in the generation of electricity, commuter transport, water provision, freight logistics or telecommunications. It is important to remember that the State does not own these companies simply for the sake of it, or because this is what the democratic government inherited from the apartheid state.

Rather, the approach to state ownership is informed by the need for the effective functioning of key network industries, such as energy and ports, and by the need to ensure that the basic needs of all South Africans, particularly the poor, can be met. Public ownership is

necessary in critical sectors of the economy and the country needs robust SOEs that can drive economic growth and transformation.

This is particularly the case in the delivery of public goods such as electricity and water, where SOEs can pursue a developmental mandate in the public interest as opposed to a purely commercial one. Reforms to strengthen the SOEs so that they can produce the results that the country needs and expects are required, and these are not intended to weaken the public sector or to reduce its role, but rather to make it a more dynamic and effective part of our economy. Based on the above, the following recommendations are suggested for reforming the SOEs.

TABLE 4.1.2.5. B: PROPOSALS ON SOEs

No.	Proposal	Enabling instrument	Responsible Public Sector Institution
1.	<p>State's Role as Enterprise Owner: The SOE Guidelines – as well as the OECD Best Practice Principles on the Governance of Regulators (OECD, 2014) – recommend a strict separation of the state's role as both enterprise owner and economic regulator, as well as the appointment of professional and autonomous boards of directors in each SOE to ensure that the companies act according to their corporate objectives rather than in response to ad-hoc political interventions.</p>	Policy framework	<p>DPSA</p> <p>DPE (for major SOEs) and all shareholder departments</p>
2.	<p>Disclosure and transparency: SOEs should observe high standards of transparency and be subject to the same high-quality accounting, disclosure, compliance and auditing standards as listed companies.</p> <p>The state ownership policy should fully recognise SOEs' responsibilities towards stakeholders and SOEs report on their relations with stakeholders.</p> <p>It should make clear any expectations that the state has interest in the business conduct by SOEs. Transparency can promote public-private partnerships and facilitate ease of doing business. Reporting on revenues and quasi-fiscal expenditures can enhance SOEs' status as national champions and help build trust.</p>	PFMA and/or Companies Act.	Department of Public Service and Administration DPE (for major SOEs) and all shareholder departments
3.	<p>Role segregation between Boards and Executives: The boards of SOEs should have the necessary authority, competencies and objectivity to carry out their functions of strategic guidance and monitoring of management. They should act with integrity and be held accountable for their actions but not interfere in operations in respect of which they must rather provide oversight.</p>	PFMA and/or Companies Act.	<p>DPSA</p> <p>DPE (for major SOEs) and all shareholder departments</p>
4.	<p>Strengthen Risk Management Committees: In the current environment, SOEs are becoming increasingly reliant on financing on market terms which has heightened their risk awareness. At the same time, government has an interest in prudent risk management by the enterprises.</p> <p>The principal duty of managing risk is with the board of directors, which under almost all national legislations is subject to a duty of care toward the company and/or its shareholders. Some have established risk management committees at the board level to identify, assess, quantify, manage and mitigate risk. Since the financial crisis of 2008, attention has also focused on how SOEs manage all their risks and how risks are inter-connected.</p>	PFMA and/or Companies Act.	<p>DPSA</p> <p>DPE (for major SOEs) and all shareholder departments</p>

5.	Engender a culture of accountability: All SOEs are expected to behave ethically and in a socially responsible manner. Government should communicate its expectations in this respect to the companies they control, preferably in a transparent manner and subject to accountability regarding the way in which these expectations are developed.	Policy framework	DPSA DPE (for major SOEs) and all shareholder departments
6.	Meritocratic Appointment and Training of Directors: Appointment to the Boards and Executive of SOEs should be based on merit. To further improve SOEs' performance efficiency, competent and autonomous management bodies must be appointed to oversee the SOEs' day-to-day operations. All newly appointed Board members must receive training (Induction Programme for Boards of Public Entities) through the NSG, including participation in continuous professional programmes.	Policy framework	NSG DPSA DPE (for major SOEs) and all shareholder departments

4.2 RESOURCE ALLOCATION HUMAN-FINANCIAL EQUIPMENT AND SYSTEM

4.2.1 HUMAN RESOURCES

The National Framework will apply to administration in every sphere of government, organs of state and public enterprises. The coordination and monitoring of the implementation plans will remain with the MPSA.

4.2.2 FINANCIAL RESOURCES

The financial implications will be established once the framework is approved. It will be incurred by every sphere of government, organ of state and public enterprise.

4.2.3 EQUIPMENT AND SYSTEMS

The equipment and systems implications will be established once the framework is approved. It will be incurred by every sphere of government, organ of state and public enterprise.

4.3 ROLES AND RESPONSIBILITIES

The framework will be implemented in the three spheres of government as outlined in section 4.1 of this framework, including organs of state and public enterprises.

4.4 COMMUNICATION

Under the leadership of the MPSA and in consultation with the Government Communication and Information System (GCIS), a detailed media and communication plan will be developed..

5. GOVERNANCE

The following paragraphs discuss such issues as pertinent to governance:

5.1 PERFORMANCE REPORTING AND ACCOUNTABILITY

Performance reporting and accountability will occur across the three spheres of government as outlined in Section 4.1 of this framework and coordinated by the MPSA.

Reporting will also take place through the GSCID Cluster, which will be part of the standard annual Programme of Action reporting. Furthermore, reporting will be undertaken to Cabinet to provide status updates on the implementation of the Framework.

5.2 TRANSPARENCY AND INFORMATION DISSEMINATION

The framework will be widely publicised through the *Government Gazette*, once approved. In addition, consultative meetings with the implicated departments and sectors will be coordinated through the MPSA.

5.3 RISK ASSESSMENT AND MITIGATION STRATEGY

Inadequate accountability arrangements for the monitoring and coordination of the implementation of the framework poses a major risk for its implementation. This will be mitigated by the involvement of various departmental heads, tabling plans and reports against the plans developed by the GSCID Cluster. Furthermore, risk assessments and mitigation strategies will be identified and implemented across the three spheres of government responsible for the implementation of the framework.

6. POLICY MONITORING EVALUATION AND REVIEW

Monitoring and evaluation programme performance is an integral element of policy design, development and implementation. There is a concerted movement in government to ensure policy implementation and measuring the impact thereof. The policy design and development phases of the framework took cognisance of the guideline of the Socio-Economic Impact Assessment System (DPME, 2015), National Policy Development Framework (DPME, 2020) and the National Evaluation Policy Framework (DPME, 2019).

Monitoring, evaluating and reviewing the Framework is critical to ensure the long-term interventions relating to the professionalisation of the public sector. It is fundamental in the establishment of a capable, ethical and developmental state, and must demonstrate accountability to stakeholders and the citizens. This process will also assist in tracking whether proposals in the Framework are being implemented or whether changes may be required to ensure success.

These initial monitoring processes are indicated in the overview of the processes followed in section 4.1 of this Framework.

6.1 PROGRAMME PERFORMANCE MEASUREMENT INDICATORS

Given the transverse systemic intention of the Framework, the proposals indicate the roles and responsibilities of the different government institutions as set out in Section 4.1 of this Framework. The Framework also clearly sets out the intended outcomes

in sub-section 3.4.2 in which each responsible institution will develop implementable and measurable programme indicators to achieve:

- A meritocratic and ethical career system steeped in the Batho Pele Principles;
- A professional public sector responding to the needs and expectations of the people and building citizen trust and confidence;
- The promotion of a high standard of professional ethics and the effective and efficient use of state resources to the advantage of the public;
- A development-oriented public administration, which is accountable and transparent;
- Career-development practices to maximise human potential, while representing the demographics of South Africa;
- The Implementation of employment and personnel management practices based on transparent and fair career pathing practices;
- A change in service delivery in the public sector through the implementation of professionalisation;
- Alliances, partnerships, and collaborations within and amongst the public sector and other sectors;
- Impact in legislative and policy introduction and changes; and
- A measure of professional registration by public servants with professional bodies.

The implementation programmes of the Framework should be prioritised by the DPME as part of their annual national evaluation plan. This is to ensure that there is continuous attention given to this national programme throughout the system.

6.2 MONITORING PROCESSES

As indicated during the stakeholder consultations and research of previous and existing programmes, the professionalisation of the public sector cannot be successful unless it is integrated in the accounting and reporting systems of government. Section 4 of the Framework proposes the institutional arrangement needed for the implementation of its proposals and ultimately the programmes it will encapsulate.

The monitoring of the design and development phases as well as the implementation process should be mainstreamed through the DPME monitoring and evaluation process of government sectoral programmes. This data will be used to contribute to the improvement of the quality of the implementation programmes.

Monitoring the implementation of the framework will ensure that there is a continuous process to systematically receive feedback with data or information to make necessary improvements. This will also ensure the tracking of the proposals for implementation, identify risks that may emerge, as well as the resources and capacity that is necessary.

The complexities around implementing professionalisation across the public sector may necessitate the identification of trigger points to be monitored with the intention of prompting further action. Furthermore, the framework is premised on strategic alliances, partnerships or collaboration with key sector institutions, including professional bodies, private sector institutions and HEIs. The monitoring must ensure that the detailed actions of these alliances, partnerships and collaboration are monitored.

The following departments will have the key responsibilities of monitoring the implementation of the framework:

- DPSA;
- DPME;
- DCoGTA;
- OPSC; and
- NSG.

6.3 EVALUATION OF THE POLICY

The National Evaluation Policy Framework (DPME, 2019) sets out the evaluation processes for government. The evaluation of the framework is subjected to these prescripts and ought to be integrated in the planning, budgeting, and monitoring processes. Given the priority that the state assigns to the professionalisation of the public sector, the different sectorial implementation programmes need to be subjected to the National Evaluation plan.

In line with the National Evaluation Policy Framework, the Professionalisation Framework will be evaluated to improve performance, accountability, decision-making and generate knowledge. The evaluation of the framework will follow two separate methodologies, namely implementation evaluation and impact evaluation.

6.4 POLICY REVIEW SCHEDULE

The implementation evaluations should be planned annually, targeting a specific occupation or public sector institution for evaluation. The impact evaluation should be planned to be undertaken over 3-year periods.

7. TRANSITIONAL ARRANGEMENTS

Where the implementation of the framework towards the professionalisation of the public sector requires the amendment of the legislation, the executive authorities of the institutions will be allowed to implement the framework by way of a Resolution so that there is no government institution that is left behind in terms of implementation.

8. CONCLUSION

In his open letter on 1 March 2021, President Ramaphosa reminded South Africans that a capable, efficient, ethical and development-oriented state can deliver on the commitment to improve the lives of the people of this country, which means that the Public Service must be staffed by men and women who are professional, skilled, selfless and honest.

Public servants must be committed to upholding the values of the Constitution, and must, according to the President, “faithfully serve no other cause than that of the public”. The initiative to professionalise the public sector is an immense task, but also a necessary one. It is about giving full effect to professionalism and professionalisation in line with the basic values and principles articulated in Section 195(1) of the Constitution.

Importantly, professionalisation within the developmental state means developing a nuanced understanding of the developmental state and the context in which most citizens live. It is also about understanding what it means to be a “servant” for the people, paying due attention to the specific circumstances of the people in our policy making, policy analysis and policy implementation roles, as well as a deeper understanding of the interconnectivity between the decisions public servants take (or do not take) and their impact on the livelihoods of citizens.

Another important aspect that should be considered is that most professions within the South African

context are regulated by professional bodies and associations with non-statutory bodies. Training in terms of continuous professional development is regulated by the professional bodies and not subject to the work environment of the practitioner. Thus, regardless of whether the practitioner is working in the private sector or the public sector, the continuous professional development requirements will be similar and regulated by the professional body.

The professionalisation of the public sector requires the subscription by all public servants to the basic values and principles of public administration, the Public Service Charter and the commitment to upholding the Batho Pele Principles by showing empathy towards the plight of the citizenry, especially those who rely on government goods and services for their daily living.

It also requires the uninterrupted career longevity of public servants who are there only to do their job, regardless of any political changes, or changes to political parties after elections. In this context, professionalisation is considered as the creation of an environment of integrity that insulates public servants from any political interference, which is viewed as a precondition for government becoming an employer of choice by people who wish to pursue their job careers for a lifetime.

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Physical Address:

ZK Matthews Building, 70 Meintje Str, Sunnyside

Postal Address:

Private Bag X759, Pretoria, 0001

Business Hours:

Mon – Fri 08:00 to 16:30

Switchboard: +27 12 441 6000

General facsimile: +27 12 441 6030

Contact Centre: +27 86 100 8326

E-mail Address: contactcentre@thensg.gov.za
