A SINGLE PUBLIC SERVICE

FOR THE REPUBLIC OF SOUTH AFRICA

A STRATEGY

TOWARD THE DEVELOPMENT OF OVERARCHING LEGISLATION FOR

THE

SINGLE PUBLIC SERVICE

Proposed by:

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And:

Approved by Cabinet on
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1. BACKGROUND

In his State of the Nation Address on 11 February 2003, President Mbeki announced: "We will this year also finalise the proposal for the harmonisation of systems, conditions of service and norms between the public service in the national and provincial spheres on the one hand, and the municipalities on the other." A four-phased process was approved in July 2003 by the Cabinet Lekgotla, which outlined timeframes for the development of an Assignment Framework, a Transfers Framework, the rationalisation of local government conditions of service and the development of framework legislation. To take the work forward a Single Public Service task team was established under the Governance and Administration Cluster in June 2003. The Department of Public Service and Administration (dpsa), Department of Provincial and Local Government (dplg), National Treasury, National Departments of Health, Water Affairs and Education, South African Local Government Association (SALGA) are part of the task team.

The Assignment and Transfers Frameworks have been completed and considerable progress has been made in the rationalisation of local government conditions of service. The Assignment Framework deals with the identification, process and procedure for the transfer/assignment of powers and functions to local government. Linked to the framework is the review of the allocation of powers and functions contained in Schedules 4 and 5 of the Constitution. These activities were driven by the dplg.

Using the experiences of the Department of Water Affairs and Health as case studies, the dpsa has developed a framework to facilitate transfers (mobility) of staff between the three spheres of government. The framework provides guidelines on the application of section 197 of the Labour Relations Act (transfer of a business as a going concern). The framework outlines the principles in which transfers must take place, including labour relations requirements and funding arrangements.

This framework serves as an interim mechanism in the absence of legislation. The Minister for Public Service and Administration issued the framework covering public service employees and simultaneously requested the Minister for Provincial and Local Government to do the same to cover municipal employees.

The work is now in the fourth phase, that is, the design of framework legislation. This strategy document, together with the attached work plans, provides the basis that will lead to the design of the framework legislation for the Single Public Service.

2. INTRODUCTION

Building an effective developmental state is a central objective of government in South Africa. A developmental state is pro-poor and must intervene decisively and coherently in the economy and society to address social and economic developmental goals. These fundamentally include bridging the historical racial-based divide between the developed first economy and the underdeveloped second economy.

The ANC's 2004 Election Manifesto, *The People's Contract*, calls for the establishment of a common system of public services. This common system is a key goal of the South African developmental state as it is seen as one of the building blocks toward seamless and integrated service delivery. Thus the imperatives of integrated service delivery as well as ease of mobility between the spheres create the impetus for the evolution toward a Single Public Service. To achieve government's priorities as spelt out in numerous policy documents and strategies, it will be a key task to work toward the optimal configuration of the state so that

the public service is seen and functions as one, where resources are utilized effectively and efficiently by establishing national norms and standards through appropriate regulatory frameworks. Initially the development of the Single Public Service will require the harmonisation of conditions of service between the public service and local government, but it will ultimately find expression in overarching framework legislation that will establish common norms and standards for a Single Public Service.

Achieving the vision of a Single Public Service presents many challenges, given the disparities and fragmentation that currently exist. Legislation is therefore proposed to establish the framework, to be developed in accordance with the timetable provided in Appendix 1. It is proposed to adopt a one-stage approach, that is to proceed directly to the drafting of Single Public Service legislation rather than to develop separate legislation regulating local government in the interim. The objectives of the framework legislation are as follows:

- to create a common culture of service delivery, based on the precepts of Batho Pele, in order to ensure a consistently high standard of service from the public service corps;

- to stabilise and strengthen intergovernmental relations, recognising the distinctiveness of the spheres while emphasising their interdependence and interrelatedness;

- to achieve more coherent, integrated planning, budgeting, implementation and monitoring and evaluation within a Single Public Service, in general and specifically in relation to joint programmes;

- to create a single senior management service cadre, where appointment would be to the service rather than the post, facilitating the mobility of these managers within the Single Public Service;

- to provide a uniform framework of remuneration and conditions of service for the Single Public Service;

- to establish uniform norms and standards for employment in the Single Public Service, including employment practices and employee relations frameworks and mandating arrangements;

- to provide a mechanism for the approval of deviations from the norm in exceptional circumstances;

- to provide a mechanism for the transfer of functions and staff between institutions or spheres of government, within the framework provided by the Constitution and the Labour Relations Act;

- to provide for a human resource development strategy for the Single Public Service and the development of an integrated skills database to support human resource planning; and

- to provide for an anti-corruption strategy and standards of conduct for the Single Public Service.

- to ensure that e-government governance, information and communication technology regulations, norms and standards are adhered to within the Single Public Service.

The scope of the legislation would include the current public service and municipalities. Public entities will be regulated by separate legislation that will strengthen corporate governance and regulate human resource matters for public entities.

To realise the overall objectives of the Single Public Service, work on the Single Public Service project has been carried out in three work streams: the integration of the front office (points of service delivery); the integration of the back office (information systems); and, the integration of the institutions that deliver services to the people.   A Single Public Service work plan (Appendix 2) provides the detail of specific projects that will be undertaken toward the realisation of the Single Public Service.

- Integration of the front office

Experience has shown that certain services are suited to particular access channels. The dpsa is currently developing an Access Strategy that will identify the key services to be provided in line with government's strategic priorities, will identify suitable channels through which to deliver them and will categorise services according to the most appropriate channel for delivery. It will also seek to exploit the potential of information and communication technologies to support efficient and effective service delivery. The e-Government Programme Framework takes into account the needs of citizens and businesses to perceive government through a single window as far as service delivery is concerned and will support the realization of this through appropriate policies, strategies and project plans in addition to the work designated in terms of back office integration referred to below. Work is also currently underway to cascade Batho Pele to the local government level.

- Back-office integration

A comprehensive e-Government Programme Framework has been developed and is currently going through the final stages of government endorsement under the guidance of dpsa. The framework addresses amongst other aspects the need for an integrated architecture of government information systems, to provide especially for interoperability between government systems. Integration of transversal systems across the three spheres of government is an important focus of the e-government work.

- Institutional integration

Good progress has already been registered in relation to preparatory work for the framework legislation. Legislation to regulate local government employment matters has been drafted. A Policy Framework for the Governance and Administration of Public Sector Institutions, which makes proposals on the governance and administration of public entities, was developed and is currently under consideration by Cabinet.

Creating a single face of government will require human resource and financing models that cut across departments. The harmonisation of conditions of service will ultimately address some of these challenges, but public servants at service delivery points which offer multiple services in time would have to be multi-skilled to be able to assist citizens with a range of services. Similarly capital and operating costs for 'one-stop shops' would have to be shared across departments and local government. Initial work has been done in the management arrangements for Multi-Purpose Community Centres, but a more integrated model will be required in the longer term.

3.   PROBLEM STATEMENT

The government is gearing towards the provisioning of a seamless public service by fostering a "*one department*" work environment and developing internal service delivery standards to advance a "*no wrong door*" service philosophy. As a result, government has embarked on various transformation initiatives aimed at achieving this goal. However, government continues to witness challenges associated with the extension and sustainability of the provision of services at all levels. These challenges are discussed in more detail below.

3.1   Cooperative Governance

Underpinning the system of governance is the concept of cooperative governance, which is enshrined in the Constitution. As a function of cooperative governance, the spheres are required to coordinate their actions so as to provide coherent government for the country as a whole.[1] This mandate provides the backdrop for both integrated service delivery and institutional integration.

One of the key principles contained in the Constitution is that the spheres of government are "distinctive, interdependent and interrelated". The establishment of a Single Public Service would not seek to undermine the distinctiveness of local government as a sphere; rather, it seeks to improve the manner in which the spheres interrelate. The Intergovernmental Relations Framework Act, 2005 will assist by creating the environment for formalizing intergovernmental forums and regulating dispute resolution. However, in order to facilitate seamless service delivery it will be necessary for government to further strengthen intergovernmental relations.

3.2   Transformation initiatives

Government has embarked on various transformation initiatives with a view to modernizing its service delivery model for the benefit of its people. These include, amongst others, the transformation and restructuring of national and provincial departments since 1994 to date, the demarcation and establishment of municipalities, the creation of public entities as vehicles of service delivery etc. Research undertaken has however shown that there is need for greater co-ordination and better integration of efforts especially when undertaking joint programmes. The development of systems has also been department/ sector/municipality/sphere-specific, resulting in a situation where obtaining consolidated information for planning and other purposes becomes a challenge.

Going forward there is a need for an integrated approach to all of these activities. Although there is an improved effort on co-ordination, limited integration takes place in planning, budgeting and reporting. Currently National and Provincial Plans (PGDPs) do not necessarily inform plans developed at local level (Integrated Development Plans) or vice versa and, as such, budgets and other resources allocated cannot be leveraged for maximum impact.

3.3   Access

Despite indications of some improvements in the provision of access to government services through the usage of platforms such as the Multi-Purpose Community Centres (MPCCs), the Batho Pele Gateway and Call Centres, research[2] has shown that there is a need to address access in an integrated and holistic way. Government has not yet achieved *'seamless ser-*

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[1] Sections 41(1)(h)(iv) 41 (1)(c), RSA Constitution, 1996 as amended.

[2] Department of Public Service and Administration. *Report on the Implementation and Promotion of Batho Pele*. June 2004.

vice delivery' objectives due to continued *'silo mentality'* that still prevails throughout the three spheres of the government.

The report by the Public Protector on an *Investigation into the Causes of Delays in Communication in the Public Service Administration* (Special report No 19 of 2002) points out that access to services is still a challenge, that government institutions are not citizen-friendly and that the Batho Pele principles are far from being implemented. It also indicates that there is varying degree in terms of the understanding of compliance with the Batho Pele policy. Access should be citizen-centred, allowing access to government services using the most convenient channel. The emphasis of this should be on a bundle of service offerings rather than which department is responsible for that service. What this means in essence is an integrated service delivery approach between government departments and all the spheres of government.

3.4   Governance and accountability

The current government configuration is characterized by inadequate corporative governance arrangements resulting in inconsistent, incoherent and/or lack of accountability (as evidenced in the review of public entities undertaken jointly by the dpsa and National Treasury). Some macro-organisational issues also compound the situation, resulting in multiple reporting and accountability. For instance, according to the Constitution local government is independent, however, local government accounts to the Office of the Premier of the Province and Provincial Department of Local Government, as well as the National Department of Provincial and Local Government. The Minister and National Department of Provincial and Local Government play an oversight role on the performance of all local municipalities whilst the South African Local Government Association (SALGA) coordinates human resource and conditions of service matters.

3.5   Service Culture (Batho Pele)

The *White Paper on Transforming Public Service Delivery* only applies to improving the service delivery of national and provincial departments. Part of a "no wrong door" dispensation, is a shared culture of service delivery across the public service. This common culture, as embodied by Batho Pele, is more than merely adhering to a set of principles. It is a mechanism to ensure that government generally has the same service delivery transformation vision and agenda. It is therefore important that all the spheres of government subscribe to a single overarching service delivery vision – *Batho Pele.*

3.6   Mobility

One of the strongest arguments for a Single Public Service is the facilitation of mobility between the institutions of government. Greater mobility facilitates the transfer of functions between spheres, to allow services to be delivered at the most appropriate level, and also enables the deployment of managers to where they are most needed in government.

The Constitution provides that national and provincial governments must assign functions to a municipality, by agreement that would be more effectively administered locally, in cases where the municipality has the capacity to administer the functions. The Constitution and legislation also require the transfer of specific functions in certain instances, as in the case of the Departments of Health and Water Affairs and Forestry. One of the implications of a transfer of functions between the spheres is that the personnel who perform that function must also be transferred. In terms of Section 197 of the Labour Relations Act, the function and the personnel must be transferred as "a going concern". In addition, the conditions of service of transferring staff may not be reduced in the process.

Numerous complications have arisen in transferring personnel between the spheres. The conditions of service in the public service and that of local government are significantly different. In the public service, a job is evaluated and calculated to have a certain job weight, which corresponds to a salary grade. The job weight determines the salary, and the salary grades are uniform throughout the public service, with some sectoral exceptions. In a municipality, remuneration is determined in line with the revenue collected by the municipality. Affordability to a large extent determines the salary level. In practice this means that there are a multiplicity of pay scales in local government.

This makes the transfer of staff very complex, given that overall conditions of service must be retained. Add to this the fact that transferring employees are likely to have to resign from their pension funds, to their detriment, and may have to join a different medical aid. Their union might not be represented in the bargaining council of the sphere to which they have moved. Two strategies must be employed. Firstly, mechanisms must be found in the short term to make the transfers easier within the existing constraints. Secondly, conditions of service must be harmonized as far as possible to ensure mobility.

The harmonization of conditions of service requires initially that local government rationalise its conditions of service. This is already happening, and there have been many positive developments. Local government is now working towards a single medical aid and a single pension fund. In the public service there is a single pension fund and a single medical aid fund. SALGA has instituted 10 categories of municipality, limiting the number of pay scales, and has instituted job evaluation systems. Despite these efforts, public service and local government conditions are still very disparate.

3.7   Information Management (IM) and Information Technology (IT)

In a comprehensive study into the management of information communication technology (ICT) systems in government, the Presidential Review Commission of 1998 recommended that there be a single ICT strategy for government as a whole. This must cover aspects of information management and technology and how these can support the organisational goals of government especially as it pertains to seamless service delivery. The Commission determined that there were several problem areas in terms of effective and efficient use of ICTs which are applicable to all spheres of government which are as follows:

- Lack of clear roles and responsibilities
- Lack of coordination
- Proliferation and duplication of systems
- Application Usability and User Perception
- Problems in Institutional Re-engineering

The recommendations of the Commission led to the establishment of the Office of the Government Chief Information Officer (OGCIO) within dpsa. Within each department and province a government CIO role, also known as Government IT Officer (GITO) was established to strategically align ICT plans and system implementation efforts with the business goals of the departments and to participate in a GITO Council (GITOC) which would act in an advisory, consultative and coordinating capacity to ensure a disciplined, standards-based approach to ICT use by government.

The State IT Agency, SITA, was established to centrally operate government systems on behalf of government departments and to act as government's procurement agent for ICTs in order to leverage considerable economies of scale. SITA was envisaged to be highly customer driven and to take direction from the dpsa and the GITOC while being self-financed

through recovery of costs from services rendered. While provision was made for provincial GITOs to establish provincial GITOCs and to have SALGA represented at the national GI-TOC, the work of OGCIO, SITA and GITOC was primarily designed to address the needs of central and provincial governments.

The process of establishing a Single Public Service must be seen as part of the journey of transformation that commenced in 1994. It is a further step in the realization of integrated service delivery that is responsive to the needs of the people.

3.8   Public entities

The recent study undertaken by government on national public entities found that the creation of public entities, in the current form, posed a threat to integrated service delivery. The aim of the study was to ascertain returns to government by these institutions, especially in the areas of governance, management, accountability and service delivery. Some of the problem areas identified include the following:

- Inadequate and inconsistent corporate governance arrangements;
- Lack of a framework to ensure effective accountability arrangements to the legislature or executive as required;
- Fragmented regulatory frameworks; and,
- Inadequacy of the current classification framework to provide a flexible institutional option to support service delivery.

The above problems necessitated a comprehensive review of public entities with a view to developing a coherent regulatory framework to enhance their governance, management, accountability and service delivery. The review was completed and, based on the findings and recommendations, a comprehensive policy framework on the governance and administration of public sector institutions was developed and is currently before Cabinet for decision.

3.9   Local Government Constraints

Government prioritized bringing services closer to the people, and bringing government closer to the people through local government. Local government is essential for service delivery of local services and for promotion of popular democracy. However, research has shown that local government is experiencing severe service delivery constraints. Some of these are identified below: -

- Poor revenue collection, which leads to increased municipal debts;
- The absence of a robust revenue base, especially in marginal rural areas;
- The paucity of municipal infrastructure;
- Poor operation and maintenance of existing infrastructure;
- Mobility of personnel;
- Effective and efficient use of resources; and,
- Lack of ICT support and application of standards to ensure interoperability and sound governance and leveraging of government's procurement muscle.

In a UNDP research study entitled "*Assessing Municipal Capacity in South Africa: Problems and Proposals (2004)*", serious capacity and service delivery challenges facing municipalities were identified. These challenges are evident in various municipalities and supported by previous government research on the capacity of local government to deliver quality services to the people. These challenges include, amongst others, the following:

- Lack of ability to deliver and function developmentally, which has the potential of discrediting and threatening the legitimacy of local government;
- A shortage of competent staff in senior positions and failure by some municipalities, especially those in rural/small towns, to attract and retain sufficiently experienced or competent staff due to low salaries;
- Cash flow problems due to poor payment levels or inadequate rate bases;
- Lack of integrated planning despite the requirement for Integrated Development Plans (IDPs). In most cases, development projects are driven by national/provincial departments;
- Some municipalities are often poorly networked with local development institutions; and
- Traditional leaders find new local government as a threat to their traditional values and norms and, as a result, thwart service delivery.

As indicated above, in pursuit of an efficient local government, the South African Local Government Association (SALGA) has embarked on a comprehensive programme to transform and restructure the local government sphere. These include, amongst others, the rationalization of conditions of service, the categorization of municipalities, the introduction of a job evaluation system, etc.

In an attempt to ensure that the Single Public Service becomes a reality, government is required to promote an inter-sphere co-ordination and co-operation approach that has a sound functional efficiency rather than direct intervention. There is a need to develop a new understanding, which will give people a shared idea of how the people's expectations can be met with co-operation by all spheres of government and by all sectors of our diverse cultures.

It is in this context that a Single Public Service has been identified as a strategic intervention to further strengthen the South African system of service delivery. This must seek to integrate the system of governance, administration, management, accountability, planning, budgeting and reporting, but with due regard to the provisions of section 41(1)(g) of the Constitution. The outcome of this initiative is aimed at increased government capacity to discharge its responsibilities to meet the objectives of the developmental state and strengthen co-operation and co-ordination between the various spheres of government.

4. OBJECTIVES OF CREATING A SINGLE PUBLIC SERVICE

The South African Constitution, 1996, pronounces in section 41(1) principles that should underpin co-operative government and intergovernmental relations thereby providing the basis for the need for seamless, integrated or "*big picture*" service delivery approach through a single window. This is a central objective of a Single Public Service.

In a Single Public Service, the distinctiveness of the spheres of government should be acknowledged. The rationale for this approach is premised on the need to create government institutions that are accessible, efficient, representative, accountable, sustainable and responsive to the service delivery needs of the South African people. Those providing services should have a clear understanding of the people, their needs and the services they require, and should be as close as possible to the people. In this regard, all spheres of government should have a minimum critical mass of capacity.

The operationalisation of the Single Public Service should be undertaken within the context of the macro-organization of the State, taking into account governance, administration, management, appropriate work organization and structures, meaningful relationships between structures, planning and budgeting processes, reporting and accountability.

The institutions that comprise the machinery of the developmental state have to be strategically aligned and harmonized to complement one another so as to operate effectively and fulfill the needs of the South African society. In this regard it is essential to have a strong centre of government that is in a position to hold all of the delivery vehicles together and to provide support, guidance and advice where needed, effectively, efficiently and speedily.

Furthermore, experience has shown that some institutions in all spheres have capacity problems, which has an impact on service delivery on the ground. To mitigate these service delivery challenges, it is important that resources must be allocated to areas where they are needed. All government institutions must systematically share knowledge, expertise, resources and best practices to preclude any weak links, and should be prepared to accept assistance where it is needed.

The Single Public Service must cover critical areas necessary for ensuring the existence of capable and sustainable service delivery institutions at all spheres of government. These areas include, amongst others, the following:

a)   Ease of mobility of senior managers and staff between and within the spheres of government and other institutions;
b)   Stability and improved intergovernmental relations;
c)   Facilitation and transformation of systems and mechanisms for service delivery to ensure that there is smooth and seamless service delivery at and between all institutions of government;
d)   Clearly defined employment practice framework, including remuneration and conditions of service, that covers all employees;
e)   Clearly defined employee relations framework and mandating arrangements;
f)   Clearly defined roles, responsibilities, accountability and funding arrangements;
g)   Alignment of legislation;
h)   Creating a shared vision and common culture of service delivery across all spheres;
i)   Integrated planning, budgeting and reporting systems across the spheres of government;
j)   Establishment of common norms and standards for services
k)   Aligned training and capacity building to ensure the transfer of knowledge and skills across spheres;
l)   Integrated performance monitoring and measurement;
m)   Interoperability of ICT transversal systems, financial and human resource systems;
n)   Information security of systems;
o)   Maximization of economies of scale in ICT goods and service;
p)   Elimination of duplication of costly efforts in ICT whilst replicating best lessons and practice; and
q)   Integrated service delivery platforms and front offices.

5.   STRATEGY TOWARD THE REALISATION OF THE SINGLE PUBLIC SERVICE AND THE DEVELOPMENT OF OVERARCHING LEGISLATION

5.1   INTERGOVERNMENTAL RELATIONS

System of Intergovernmental Relations in the South African Developmental State

Effective intergovernmental relations are a key requirement for effective and efficient service delivery. In this regard, there is a need to respect the Constitutional dictates on the distinctiveness of the three spheres of government as key instruments to ensure the provision of well co-ordinated efficient and effective services to the South African people.

Co-operative Governance

Co-operative governance between the spheres and institutions of government is a relationship which entails that each sphere is distinctive and has a specific role to play and should promote constructive relations between themselves and does not in any way undermine the distinctive nature of the three spheres of government but rather encourages constructive engagement on service delivery requirements by making use of the resources available to government.

In pursuit of a Single Public Service, a co-operative governance approach is required to enhance transparency in view of the complexity of governmental responsibilities and interdependency and interrelatedness of government functions. In these circumstances, it is imperative that no institution of government functions without co-operation with other similar institutions of government.

Section 41 of the Constitution provides for principles of co-operative government and intergovernmental relations. Further developments led to structures and institutions being established to promote co-operative governance; e.g. Forum of SA Directors-General, Budget Forum, MINMEC, President's Co-ordinating Council, etc. The linkage between these intergovernmental structures is important to ensure integrated planning, budgeting, monitoring and evaluation, reporting and efficient administration and management of all resources available to government. It calls for the national, provincial, local government and other institutions to create an interface with a view to bridging the service delivery gap and improve on government service standards and performance.

Planning and budgeting frameworks

The government budgeting system should support government institutions to best spend their limited resources and to improve service delivery and respond to challenges posed by developmental nature of the South African State. It is important that public service reform, the budgetary framework and planning be aligned across the entire sector to ensure good governance with a view to improving government accountability.

RECOMMENDATIONS:

(a) The dplg should ensure the implementation of the Intergovernmental Relations Framework Act.

(b) The application of the budget planning cycle of government (Medium-Term Expenditure Framework), as prescribed by National Treasury, must be extended to all spheres to ensure synergy in planning, monitoring and evaluation of financial viability, and spending patterns of public institutions through a single framework with effect from April 2007.

(c) Structures established to facilitate co-ordination of planning, policy priorities and options between all arms of government for optimum utilisation of human and IM & IT Resources. The Intergovernmental Relations Framework Act provides for the establishment of national intergovernmental forums that should be established in human, information management and information technology functional areas.

(d) The capacity of departments, municipalities, public entities and other institutions must be improved to ensure the development of meaningful strategic plans and IDPs.

The need to improve intergovernmental co-ordination and co-operation for improved service delivery requires an integrated national legal framework. The various spheres of government should administer their activities within this national framework.

Points of departure

The envisaged overarching legal framework should:

(a)　promote a public service that is respectful of the rule of law, faithful to the Constitution and loyal to the government of the day;

(b)　not undermine the Constitutional status of the three spheres and other institutions;

(c)　foster the integration of all spheres of government for a seamless service delivery chain;

(d)　promote the introduction and maintenance of fair labour practices for all public service employees;

(e)　foster an integrated, co-ordinated and where appropriate either a centralized or a de-centralized approach to service delivery;

(f)　be flexible in view of the need to differentiate between the different spheres;

(g)　provide for the determination of national norms and standards to guide the formulation of policies on employment practices at institutional level;

(h)　provide for the determination of national norms and standards to guide the formulation of service standards; and

(i)　improve government's capacity to deploy and optimally utilize the limited number of skilled human resources available to deliver on its mandate.

Key milestones

The development of a legal framework should facilitate the transformation of service delivery in institutions within the system of public administration through:

o　the introduction of an approach that would permit departmental/institutional managerial accountability and responsibility within generally applicable and enforceable norms and standards;

o　the adoption of an approach that promotes goal-orientation, efficiency and effective service delivery; and

o　The redefinition of administrative arrangements and the roles and functions of key players in public administration and management.

RECOMMENDATIONS:

The development and adoption of an overarching piece of legislation that establishes a Single Public Service, covering organizational arrangements, governance, human resource matters, ICT and service delivery aspects.

1.   The scope
The proposed legislation should focus on the administrative, management, governance and service delivery matters for:
(a)   National and provincial departments; and,
(b)   Municipalities.

2.   Location of the responsibility for public administration
Responsibility for management and administration for the Single Public Service be located within one central department, which should be the dpsa.

3.   Setting norms and minimum standards
The overarching framework should make provision for the establishment of national norms and standards on:
a) employment practices;
b) determination of salaries and conditions of service;
c) work organization and planning;
d) establishment and disestablishment of departments,
e) transfer/assignment of functions,
f) performance management;
g) training and development;
h) management of labour relations and mandating processes;
i) accountability arrangements;
j) reporting;
k) monitoring and evaluation;

l)   service delivery matters; and

m) information/technology management.

4.   Enforcement Authority and Sanctions
The proposed overarching framework should spell out the enforcement authority within Government and the sanctions to be imposed in the event of non-compliance with national norms and standards.

5.3   BUILDING A PROFESSIONAL MANAGEMENT CADRE FOR THE SINGLE PUBLIC SERVICE

A major challenge in all spheres of government is the inability of public sector institutions to attract, develop, retain and deploy competent managers and professionals to fulfill service delivery imperatives. This is compounded negatively by the skewed skill distribution at senior management level between the spheres.

Improved, quality service delivery remains the cornerstone and fundamental priority of government. This cannot be achieved without capable, committed, loyal and strong leadership at management. Modern public administration requires leaders with an array of dynamic skills in order to manage and drive the implementation of government policy priorities and options. It is the responsibility of senior managers to ensure optimal utilisation of state resources in pursuit of optimum service delivery.

The Public Service has established the Senior Management Services (SMS) to recognize and enhance the role of managers and professionals in the execution of public functions at national and provincial departments. Against this background, it is therefore of critical importance that a distinct management dispensation for all managers, including professionals, be developed using a common framework.

The overall objective of the establishment of a distinct management cadre for the Single Public Service is to promote a notion whereby members will not simply be attached to fixed posts within a specific institution of government but rather recognized as members of an overarching body of competent senior managers available to the State for optimal utilisation.

RECOMMENDATIONS:

(a) *Senior managers in the three spheres of government are to constitute the senior management service under the overarching legislation.*

(b) *Uniformity on the following areas should be achieved for the senior management service:-*

    (i) *Recruitment and selection*
    (ii) *Remuneration and conditions of service*
    (iii) *Performance management and development*
    (iv) *Competency framework*
    (v) *Ethics and conduct*
    (vi) *Misconduct and incapacity*
    (vii) *Financial disclosure*
    (viii) *Transfer/Secondment/Deployment*

5.4 TRANSFER OF FUNCTIONS AND STAFF MOBILITY BETWEEN SPHERES OF GOVERNMENT

The current sector/sphere specific pieces of legislation do not facilitate the smooth transfer of functions or personnel between the spheres of government as there are no common norms and standards to facilitate such mobility. This impedes the efficient and effective functioning of service delivery institutions of government and therefore has to be addressed.

RECOMMENDATIONS:

(a) *The overarching legislation should define all spheres of government as being part of a single employer for the purposes of transfer of functions and personnel. The overarching legislation should also enable the transfer of staff to and from the national, provincial and level from other organs of state.*

(b) *It should make provision for the development of a regulatory framework to deal with process and procedure.*

5.5 PLANNING, WORK ORGANISATION AND ORGANISATIONAL STRUCTURES

Noting the differing service delivery imperatives in respect of each department and the lowest possible levels for the delegation of relevant authority, depending on the capacity to discharge on the given mandates, there is a need to adopt an approach, within approved national norms and standards, that will ensure a responsive public service.

RECOMMENDATIONS:

(a) The envisaged overarching legislation should enable the delegation of work organization, strategic planning and the determination of appropriate organizational structures to appropriate levels to be performed within national norms and standards.

(b) The overarching legislation should, taking into consideration service delivery imperatives, provide for the delegation of relevant authority to the lowest levels possible in respect of such service delivery institutions as hospitals and/or clinics and regional offices.

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5.6 JOB EVALUATION AND GRADING OF JOBS

To ensure optimum transparency and credibility of systems used in the grading of jobs, institutions within the unified system of public administration must adopt job evaluation systems that will assist in ensuring internal consistency in the evaluation of jobs and allow for comparisons of jobs of equal value.

RECOMMENDATIONS:

(a) The overarching legislative framework should make provision for the identification and adoption of (a) credible system(s) to be used to evaluate and grade jobs.

(b) Institutions at national and provincial spheres of government should continue using the EQUATE job evaluation system while institutions within the local government sphere continue to use the TASK job evaluation system until there is a new determination in this regard.

(c) The responsibility to determine (a) system(s) for job evaluation should be vested at the level of dpsa.

5.7 DETERMINATION OF HUMAN RESOURCE REQUIREMENTS

Noting that institutions may differ in terms of their human resource requirements as driven by service delivery imperatives, the responsibility for the determination of these resource needs should be devolved to institutional level, depending on the capacity of these different institutions. These initiatives should be guided by the needs and the nature of different institutions that fall within the scope of the Single Public Service.

> **RECOMMENDATIONS:**
>
> *The overarching legislation should make provision for the development of a regulatory framework to foster the institution of appropriate human resource management systems and the development of relevant policies to facilitate:*
>
> *a)* *The identification and adoption of a common HR information system in all institutions falling within the scope of the legislation to ensure compatibility;*
>
> *b)* *The development of a comprehensive human resource strategy;*
>
> *c)* *The determination of recruitment and selection procedures to facilitate the attraction and recruitment of staff with appropriate skills. These should be informed by common norms and minimum standards provided for in the envisaged overarching legislation; and,*
>
> *d)* *The development and implementation of career planning, development and advancement programmes.*

5.8 HARMONISATION AND/OR ALIGNMENT OF REMUNERATION AND CONDITIONS OF SERVICE

The conditions of service, remuneration and fringe benefits in the public service and local government are significantly different. In public service, a salary level is determined in terms of job weight whilst in municipalities affordability determines the salary level.

There are also glaring disparities within municipalities in the provision of benefits, which also make transfers within local government level even more difficult and thus fail to support service delivery. It is therefore imperative that urgent attention be paid to the harmonization of remuneration, conditions of service and benefits in all spheres of government. The harmonization of conditions of service requires initially that local government rationalize their conditions of service. This process has already commenced and there have been positive developments in this regard, particularly in the local government sphere.

The rationalization process should be co-ordinated by the national authority (the Minister for the Public Service and Administration) who will be responsible for employment practices, remuneration and conditions of service, etc. for all employees within the Single Public Service.

> **RECOMMENDATIONS:**
>
> *(a)* *The envisaged overarching legislation should provide for a national framework to set norms and standards in respect of conditions of service of a transverse nature including remuneration issues.*
>
> *(b)* *SALGA must continue with the process of rationalization of terms and conditions of employment of local government employees.*

5.9 REMUNERATION AND RELATED ISSUES

Noting that there are different approaches currently adopted by institutions within the three spheres of government and the need to ensure there is ease of staff mobility between the spheres, there is a need for a clear policy on remuneration that allows for the determination of a key salary scale/structure and flexibility in respect of major occupational groups in the three spheres of government.

RECOMMENDATIONS:

(a)   The envisaged overarching framework should make provision for the development of a common remuneration policy framework to apply across all departments/institutions and entities.

(b)   The remuneration policy framework should promote the adoption of common principles and values encapsulated in the Constitution.

(c)   There is an urgent need for a decision in relation to funding for personnel expenditure at local government so as to channel the self-generated revenue to facilitate infrastructural and developments relating to the improvement in local economies and to benefit communities at local level.

5.10   A COMMON SET OF BASIC CONDITIONS OF SERVICE AND COMPENSATORY PRACTICES

In the quest for setting up norms and standards, improved and sustainable service delivery through healthy labour relations, it is imperative to ensure that all are treated fairly.

RECOMMENDATIONS:

The envisaged overarching legislation should make provision for the development and the determination of a common set of basic conditions of service to be contained in a national framework:

a)   Setting norms and standards for the provision of macro benefits (e.g. housing, Unemployment Insurance Fund and leave arrangements); and,

b)   Setting upper limits for compensatory practices.

5.11   PENSION AND MEDICAL AID ARRANGEMENTS

The creation of a Single Public Service will require alignment of macro benefits applicable to personnel in the employ of the various spheres of government**.** This area is one of the major obstacles to the deployment of personnel between spheres.

RECOMMENDATIONS:

(a)   To ensure fair labour practice and common norms and standards, the envisaged overarching legislation should provide for a mandatory pension and medical aid arrangement for public servants that fall within the scope of the legislation.

(b)   Legislation should provide for the alignment of employer contributions to pension funds and medical schemes.

(c)   The current arrangement (on one pension fund and the establishment of a single medical aid scheme) in the national and provincial spheres should be maintained.

(d)   The current pension and medical aid arrangements at the local government sphere should also be maintained until the rationalization process towards one pension fund and one medical aid scheme is finalized.

5.12 WORK ETHICS AND PROFESSIONAL CONDUCT FOR EMPLOYEES FALLING WITHIN THE SINGLE PUBLIC SERVICE

Service delivery challenges relating to work ethics, low morale, corruption and other unbecoming conduct have the potential of destroying the image of government and reducing public confidence in government's ability to deliver quality services. It is therefore important that necessary measures are taken to ensure that levels of unethical behavior is reduced and/or eliminated.

RECOMMENDATIONS:

(a)   A Single Public Service Code of Conduct and the Anti-corruption strategy and structures should cover all employees that fall within the scope of the overarching legislation.

(b)   As part of this process a very clear orientation and induction programme to be developed and rolled out, ensuring that all newly recruited employees into the public service are orientated and inducted into the developmental ethos of the State.

5.13 STRENGTHENING GOVERNMENT'S CAPACITY TO DELIVER

In realizing the Single Public Service, there is a need for an integrated, comprehensive capacity building program focusing on fundamental issues such as skills audit, creation of competent public sector management cadre and a clearly defined implementation plan of government's human resource strategy.

The primary goal should be to increase capacity where resources are required with a specific focus on scarce skills, especially professionals, and broad-based empowerment of women. The training and development programmes should be customized to meet service delivery requirements of government and should be implementable across all spheres of government.

RECOMMENDATIONS:

The envisaged legislation should provide for:

(a)   The development and implementation of mechanisms to support the flow of required skills into the Single Public Service..

(b)   The development, implementation and maintenance of a government wide database on skills training/development initiatives for the purpose of planning, modeling and forecasting on skills needs and deployment thereof.

5.14 BACK-END INTEGRATION - E-GOVERNMENT

Electronic government consists of a two-pronged effort of the improvement of the front office and the integration of the back office or the improvement of information systems and the

business processes of government departments' delivery. These simultaneous improvements will ensure seamless service delivery to citizens.

RECOMMENDATIONS:

In ensuring that e-government is applicable in all institutions within the Single Public Service, the following is recommended:

a) *The dpsa, dplg, Government Information Technology Officers Council (GITOC), SITA and other key stakeholders work together to develop a strategy of ensuring that the e-government framework is applicable to spheres of government;*

b) *That e-government advisory note be submitted by the dpsa to the dplg with a view to assisting them in assessing capacity of municipalities in responding to this challenge;*

c) *That the dpsa will ensure that the GITOC includes representation from all spheres of government;*

d) *That the e-Government Framework is adopted by all spheres of government;*

e) *That the SITA Act be amended to include services to all spheres of government;*

f) *That access channels should be agreed upon by the dpsa, gcis, Communications and dplg.*

5.15   FRONT-END INTEGRATION – ACCESS TO SERVICES

It is imperative to enable the acceleration of access to services to citizens to allow for greater convenience and improve government's responsiveness to citizen's needs.

RECOMMENDATIONS:

a) *That the focus of service delivery should be on grouping types of services that are imperative to citizens' well-being, e.g. birth certificates (Home Affairs) and social grants (Social Development);*

b) *That all access channels of service delivery need to be appropriate and support citizen needs and address the government priorities in terms of the Accelerated and Shared Growth Initiative and poverty eradication;*

c) *That access channels should be driven by the responsible service owners, i.e. Home Affairs for distribution of Identity Documents;*

d) *That the dpsa together with necessary stakeholders identify key services and service owners; and,*

e) *That the dpsa together with gcis, Communications, and dplg identify suitable channels of service delivery, e.g. CDWs, MPCCs, SAPO, Urban Malls and other channels which are capable of offering integrated services.*

5.16   COLLECTIVE BARGAINING AND LABOUR RELATIONS

The spheres of government currently have separate collective bargaining systems and labour relations arrangements. A move towards the realisation of the Single Public Service calls for the integration and alignment of relevant arrangements and procedures of the existing collective bargaining arrangements between the three spheres of government.

RECOMMENDATIONS:

(a) *That the overarching legislation should clearly define levels and arrangements for collective bargaining on matters of a transversal nature (e.g. setting norms and standards on such issues as thresholds and parameters on salaries and other conditions of service).*

(b) *Collective bargaining should follow an agreed upon mandating process carried within parameters of a remuneration policy framework applicable to institutions in the Single Public Service.*

(c) *Issues specific to categories in institutions in the Single Public Service should be negotiated in duly authorised sectoral bargaining structures and should be informed by an approved mandating process.*

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6.   CONCLUSION

Integrated service delivery, especially delivery aimed at bringing services closer to the people, is an undisputed goal for government. Innovative modes of service delivery, especially at integrated service delivery sites, are creating an impetus for institutional integration. At the same time the need for services to be delivered at the most appropriate level requires that functions and staff be transferred from one sphere to another. The harmonisation of conditions of service, systems and norms will facilitate these transfers. Government's broad vision of a Single Public Service seeks to respond to these practical needs.

A Single Public Service does not seek to undermine the distinctiveness of local government. Achieving greater harmony between the spheres of government will enable the South African developmental state to increase the effectiveness and impact of its service delivery. While it is necessary to spend time on technical work relating to conditions of service, it is important not to lose of sight of the ultimate goal, which is the attainment of seamless and convenient delivery of public services to the people of this country in support of our social and economic development objectives.

In seeking to achieve our developmental goals we will need to ensure that public administration remains coordinated and planned. This will require a better balance between centralised and decentralised modes of internal and external service delivery in order to optimise the use and deployment of resources.

APPENDIX 1:

PROPOSED TIME FRAMES FOR THE OVERARCHING LEGISLATION FOR THE SINGLE PUBLIC SERVICE

1.	Submit draft Bill to Cabinet for approval to publish for comment	November 2006
2.	Publish draft Bill for public comment & comment period	January 2007 - March 2007
3.	Consult, consider comment & incorporate amendments to Bill	April 2007 – June 2007
4.	Submit revised draft Bill to Cabinet for approval for tabling in Parliament	July 2007
5.	Certification by State Law Advisers	September 2007
6.	Tabling in Parliament	October 2007