



## MINISTRY OF PUBLIC SERVICE AND ADMINISTRATION

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### **MEDIA BRIEFING BY THE ACTING MINISTER FOR THE PUBLIC SERVICE AND ADMINISTRATION, MR TW NXESI, MP ON THE CABINET APPROVAL OF THE NATIONAL FRAMEWORK TOWARDS PROFESSIONALISATION OF THE PUBLIC SECTOR**

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Senior officials from the portfolio of institutions.

**Prof. Maserumule**, Chairperson of the Ministerial Advisory Panel – Responsible for the Review of the Draft Professionalisation Framework.

Members of the media.

Ladies and Gentlemen.

Thank you for joining us today, your presence is appreciated.

### **INTRODUCTION**

Today we are releasing the National Framework Towards Professionalisation of the Public Sector as approved by Cabinet on 19 October 2022.

Building state capacity towards a capable, ethical and developmental state remains the foremost priority of the 6<sup>th</sup> administration.

The release of the Professionalisation Framework coincides with the response by President Cyril Ramaphosa to the recommendations of the Judicial Commission of

Inquiry into Allegations of State Capture, Corruption and Fraud. These are essential as, in many respects, cross-reference the work and the recommendations.

## **1. NATIONAL FRAMEWORK TOWARDS PROFESSIONALISATION OF THE PUBLIC SECTOR**

The Professionalisation Framework is introduced to ensure that only qualified and competent individuals are appointed into positions of authority, in pursuit of a transformed, professional, ethical, capable and developmental public sector. Public officials should have the right qualifications and technical skills, and be inducted into Batho Pele principles. They must live the values of chapter 10 of the Constitution.

The National Framework Towards Professionalisation of the Public Sector aims to achieve the following:

1. The tightening of pre-entry requirements as well as effective recruitment and selection processes that inform meritocratic appointments across all levels.
2. Undertaking workplace orientation and induction programmes that are linked to on-boarding and mainstreamed as an intervention for organisational development.
3. Effective HR 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.
4. Public servants returning to the simulator by undertaking continuous learning and professional development. This will include public sector officials being encouraged register with Professional Councils, starting with specific categories of occupations in the public sector which I will mention later.
5. Managing the career progression and career incidents of public servants and heads of department respectively.

The Professionalisation Framework has been extended to the national, provincial and local spheres of government, organs of state and the legislative sector. Therefore, recommendations made in the National Framework Towards Professionalisation of the Public Sector shall be consistently applied across the public sector including the Military, State Security, Police and Correctional Services.

## **2. CONDITIONS OF EMPLOYMENT FOR DIRECTORS-GENERAL AND HEADS OF DEPARTMENT**

The Professionalisation Framework also seeks to address the issue of the political-administrative interface as conceptualised in the National Development Plan. In this regard, I am pleased to confirm Cabinet's decision that the Director-General in the Presidency will be designated as the Head of Public Administration (HOPA). In the provinces, this function will be designated to the Directors-General in the Office of the Premier. The HOPA will assist the President and Premiers in the management of career incidents of Heads of Departments (HoDs) and also serve as a mediation mechanism in order to stabilise the political-administration interface. This is part of overall efforts to improve the retention of HODs and create stability at the HOD level, with the objective of improving capacity of government to deliver on public goods and services as mandated by citizens.

Furthermore, on the employment conditions of Directors-General and Heads of Department, I wish to confirm the following:

1. The contracts of all Directors-General and Provincial Heads of Department shall be extended for 5 years subject to robust performance reviews and the incumbent meeting requirements of being fit and proper as stipulated in Section 195 of the Constitution, in respect of basic values and principles governing public administration. The Acting Minister for the Public Service and Administration will issue a directive within 30 days to guide implementation. This will include measures to de-link the appointment and extension of contracts from the political term of the executive authority to institutionalise seamless transition during the change of power and to ensure continuity of the administration.
2. With regard to the performance assessments of Directors-General and Heads of Department, Cabinet resolved that the Public Service Commission should play a role in performance evaluation of all HODs to improve objectivity and introduce a comprehensive approach that should link the performance of the individual to that of the institution they lead. A revised performance management framework for HODs will be presented by MPSA to Cabinet by end of November 2022.
3. The tenure of Heads of Department is increased up to ten (10) years, subject to rigorous processes for recruitment, selection, training and development, performance management and reviews, and consequence management for non-compliance or non-performance. This is aimed at ensuring administrative stability in public sector institutions which is critical to service delivery.

The extension to the ten-year tenure, will be governed through a thorough review of performance, with clear exit clauses for poor performance. Clear 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. After ten years there should be thorough reviews 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/her department, be rotated to another government department as Head of Department or play a technical role in a special project or specialist service delivery unit.

The DPSA will introduce measures to guide departments on the management of the employment contracts of Heads of Departments who are already serving at the time of approval of this Professionalisation Framework. Furthermore, the Minister for the Public Service and Administration will issue directives regulating extensions for incumbents, including how any required legislative amendments will be expeditiously processed using the current amendments processes to ensure the speedy implementation of this resolution including the transitional measures.

### **3. 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 all levels of the public sector. The Professionalisation Framework contains a range of proposals, which will be implemented by relevant implementing departments and entities.

The pre-entry to senior management course (*Nyukela*) will be reviewed and extended to employees in the Defence Services, State Security, Police and Correctional Services, Local Government and to prospective Boards of SOEs. The *Nyukela* course will also now be extended to middle management in the public sector. Staff appointed into Political Offices (including Advisors) must also complete *Nyukela*, pre-entry competency and integrity assessments within 60 days of appointment into office. This compulsory Government Exam, as it is called in other countries, will help to prepare officials for middle and senior management responsibilities prior to their appointment. I am glad that the pilot has been successful with full compliance in national and provincial departments. Subject to finalising the arrangements with SALGA and the Legislative Sector, the pre-entry course will be extended to them.

By 2025, 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). This includes the appointment of CEOs of SOEs, Municipal Managers and staff that directly report to them.

Executive Authorities will remain responsible for the recruitment of HoDs, DGs and DDGs. The Public Service Commission (PSC) will not be part of the selection panel. However, the PSC will develop a database consisting of a pool of experts where the Executive Authorities and Municipal Councils could source out experts with relevant technical expertise or knowledge of the sector, department or institution to form part of their selection panel. 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. There will also be a review and tightening of legislation and institutional arrangements to insulate recruitment from political interference.

Furthermore, the guide for the appointment of persons to boards will be enhanced to address ethical behaviour at the top, while stressing meritocracy and a culture of courageous leaders.

#### **4. INTEGRITY ASSESSMENT**

We are going to formalise the integrity assessment as mandatory in the public sector and tighten occupation-based competency assessments and pre-service entry exams for entry into the public sector. This will include the review of 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. We will review the current pre-employment competency assessment to include occupation specific assessment to determine technical challenges competencies of shortlisted candidates.

#### **5. INDUCTION AND ON-BOARDING**

Compulsory participation in public sector re-orientation programmes for all serving public servants must be undertaken. Induction into the Public Sector and Workplace Orientation must take place simultaneously. The Professionalisation Framework introduces participation in induction programmes before assuming duty, including in Local Government, Boards of State Owned Enterprises (SOEs), the Defence, State Security, Police and Correctional Services. Officials employed to support the Institution of Traditional Leadership, staff appointed into Political Offices and Special Advisors must also participate in induction programmes as soon as they are appointed.

#### **6. PLANNING AND PERFORMANCE MANAGEMENT**

Key aspects of professionalisation are emphasised in the planning, performance management and appraisal systems, including performance standards and assessment instruments for different categories of employees. We are working

towards aligning performance management with professional body or association registration. It is important for the state to ensure greater alignment across the public sector and to optimise the nexus between planning and performance management. Cabinet resolved that the new Performance Management System should be tabled for consideration before the end of November 2022. This system should provide objective mechanisms to:

1. Link the performance of the HOD and DDGs to that of the institution;
2. Introduce a system that will objectively determine performance;
3. Introduce independent triggers for the exit of non-performing HODs;
4. Improving the competency of members of the executive across the public sector to manage performance; and
5. Address the systematic challenges that results in instability and poor relations between Executive Authorities and senior officials.

The Department of Public Service and Administration (DPSA) is therefore reviewing the performance management systems of all levels to make them fit for purpose. The Ministry of Cooperative Governance and Traditional Affairs (CoGTA) will lead same initiative for Local Government.

## **7. CONTINUING LEARNING AND PROFESSIONAL DEVELOPMENT**

To build state capacity, continuing learning and professional development must become a norm in the public sector. The National School of Government will determine appropriate training and learning pathways to assist in the professionalisation of employees, including the launch of the executive education portfolio of programmes to support the professionalisation of the executives within institutions. We are going to professionalise various categories of public servants (which include specialist, technical and administrative employees) in the following key occupations:

- Finance and Supply Chain Management – The National Treasury will establish the SCM Council as per Cabinet Resolution of 2014, further recommended by the State Capture Commission.
- Human Resources Management and Development – CoGTA and the DPSA will lead this process and collaborate with existing professional bodies.
- Policy Development and Planning Occupation - The Department of Planning, Monitoring and Evaluation will establish a Council similar to the SCM Council.
- Built Environment and Project Management – The Council for the Built Environment and Department of Public Works and Infrastructure will be leading in this regard.
- Legal Occupation – The Department of Justice and Constitutional Development
- Information Communication Technology - DPSA

- Internal Audit and Risk – The Auditor-General of South Africa will lead in the professionalisation of this occupation.

Employees within these occupations will be professionalised and gain certification with statutory professional bodies or non-statutory professional bodies. The National School of Government will determine appropriate training and learning pathways to assist in the professionalisation of these categories of employees. The National School of Government has also launched the executive education portfolio of programmes to support the professionalisation of the executives within institutions to replenish and augment existing knowledge and skills through lifelong learning interventions.

We are also going to develop and implement a Continuing Learning and Professional Development Framework and establish partnerships with HEIs and professional bodies to develop the CLPD programme aimed at optimising its value as a capacity development intervention for all levels of employees.

Ladies and gentlemen, the Commission of Inquiry also made recommendations with respect to alleged violation of relevant statutory or professional prescripts, and recommendations are directed to bodies such the Legal Practice Council (LPC), South African Institute of Chartered Accountants (SAICA), Independent Regulatory Board for Auditors (IRBA). In this regard, I am pleased that these bodies had already been identified as critical for the professionalisation agenda and have been integrally involved in the development and finalisation of the Framework.

We also welcome the recommendations to establish an independent Public Procurement Anti-Corruption Agency (PPACA) and a Permanent Anti-Corruption Commission. Structures like these will work closely with the National School of Government in building anti-corruption capacity as well as with the Public Administration Ethics, Integrity and Disciplinary Technical Assistance Unit commonly known as TAU within the DPSA on norms and standards.

The Auditor-General South Africa has also been integrally involved in the development of the Professionalisation Framework and therefore the Commission of Inquiry recommendations with regard to strengthening the auditing of organs of state and state-owned entities should be in alignment.

## **8. CAREER PROGRESSION OF PUBLIC SERVANTS**

In line with the National Policy for an Integrated Career Development System for South Africa, a more structured approach towards career progression will be introduced to ensure that the Public Sector remains an employer of choice.

## **9. LOCAL GOVERNMENT**

The tenure of municipal managers should also be de-linked from a political term for continuity of administration and improved service delivery. COGTA will facilitate the transitional measures towards the employment contracts of 10 years for Municipal Managers and their deputies to be adopted by SALGA. Again, 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.

## **10. STATE-OWNED ENTITIES (SOEs)**

State-owned enterprises are at the forefront of economic and social transformation. They are responsible for providing the infrastructure and the services on which our 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, but 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. 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.

The Commission of Inquiry found that the appointment and removal of board members and Senior Executives in SOEs were one of the key causes of state capture. The President accepted the State Capture Commission recommendations on the need for a process for the appointment of SOE boards that is not open to manipulation, including the involvement of independent panels with appropriate technical expertise to recommend suitable candidates to the relevant executive authority.

In line with these recommendations, the Professionalisation Framework proposes the following, across the 3 spheres and regardless of their schedule:

1. The appointment to the Boards and Executives 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.
2. All newly appointed Board Members must receive training (Induction Programme for Boards of Public Entities) through the National School of Government,

including participation in continuous professional programmes. They should further take steps to register with relevant institutes or professional bodies that certify directors and manage continuous development.

3. There must be clear role segregation between boards and executives. The boards of SOEs, across the three spheres and regardless of their schedule, 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. In this regard, the DPSA will lead in the development and/or revision of the necessary policy frameworks to support implementation.

## **11.ADHERENCE TO THE DIRECTIVE ON PUBLIC ADMINISTRATION AND MANAGEMENT DELEGATIONS**

Cabinet noted the insufficient levels of delegations and non-adherence to the Directive on Minimum Levels of Delegations that exists across the Public Service. Cabinet has resolved that all Executive Authorities should adhere to the Directive as part of efforts to improve the alignment between Accounting Officer responsibilities in terms of the Public Finance Management Act and the Public Service Act.

## **CONFERENCE ON STATE CAPACITY**

The DPSA, in partnership with the KwaZulu-Natal Office of the Premier and the University of KwaZulu-Natal, will host a Conference to review State Capacity from the 7<sup>th</sup> to the 9<sup>th</sup> November 2022. The Review Conference is part of the DPSA's State Capacity Project, which began at the start of 2022. The purpose of the project is to build and sustain the capacity of government to perform maximally and deliver on its mandate in a manner that is effective, efficient, responsive and timeous.

A series of government interventions and strategies including the National Development Plan (NDP); South Africa 25-Year Review; The Paradox of State Capability; Discussion Document on "Building a Capable, Career-Oriented and Professional Public Service to Underpin a Capable and Developmental State in South Africa", among others, highlight the state's vulnerability on matters of capacity and performance. The Conference is about ensuring that these are synthesised and that a clear programme of action is developed to arrest any decline.

## **12.PUBLIC SERVICE COMMISSION ACT AMENDMENT BILL**

The Public Service Commission Act Amendment Bill is being introduced as part of ensuring that the Public Service Commission (PSC) delivers on its Constitutional

mandate to ensure the maintenance of an effective and efficient public administration and high standard of professional ethics in the public service. Given its constitutional mandate, the PSC has an invaluable role to play in any revised governance framework. The PSC is therefore central to the professionalisation of the public sector, introducing a meritocratic recruitment system, embedding a Constitutional based value system in the public service and to hold the public administration accountable.

The PSC has a mandate to monitor, evaluate and make recommendations about the: organisation, administration, as well as the effective, efficient and economic performance of the public service. The PSC Bill will enable the PSC to strengthen its oversight monitoring, resulting in more effective service delivery to citizens.

*NB: Kindly visit the National School of Government website to access the summarised version of the National Framework Towards The Professionalisation Of The Public Sector <https://www.thensg.gov.za/wp-content/uploads/2022/10/NATIONAL-FRAMEWORK-BOOKLET.pdf>*

### **13. IMPLEMENTATION OF THE FINAL WAGE OFFER**

Lastly, I would like to report that all parties to the Public Service Coordinating Bargaining Council (PSCBC) have been advised of the need to engage and settle the matter of wages. A final offer has been presented by the employer to the parties at PSCBC on 30 August 2022. The Advice Note is the final effort by government to assist in resolving the current deadlock at the PSCBC on the Wage Negotiations.

The current round of negotiations commenced with pre-negotiations session at the PSCBC, where the Employer shared with Labour, the economic outlook and government fiscal framework. It was in that session where the timetable for negotiations was adopted in an attempt to fast track the 2022/23 round of negotiations to conclude earlier and commence immediately with the 2023/24 negotiations so as to align the negotiations with the planning cycle of government. It is important to align the wage negotiations so as to ensure that any risk to the integrity of the fiscus is managed and that agreements are incorporated into the public finance framework.

In the Draft Collective Agreement on the Payment of a Salary Adjustment in the Public Service for the Financial Year 2022/2023 government made a final offer of 7.5%. The 7.5% includes a 3% across the board pensionable increase and a non-pensionable cash allowance of 4,5%.

On 17<sup>th</sup> October I received a letter from the Minister of Finance stating that and I quote:

*“I wish to inform you that it is my view that government should allocate the additional funding towards the implementation of the proposed pensionable salary increases for 2022/23, as well as the carry-through*

*costs over the 2023 MTEF. This is because there will not be another opportunity to implement funding for wage increases in the current year once the MTBPS is tabled.... It should be noted that my decision does not seek to undermine the current wage negotiations process which I have noted is still ongoing. However, the credibility of the Budget is impugned by a failure to at least take into account the current offer from the facilitation process, which has financial implications. Nevertheless, urgent action from all parties to finalise this matter will significantly reduce uncertainty including both for the fiscal outlook and public service in general.”*

It is therefore clear that to ensure that public servants are not disadvantaged and to safeguard the fiscal health of the country, the draft agreement has to be implemented before the tabling of the 2022 Medium Term Budget Policy Statement (MTBPS) tomorrow by the Minister of Finance.

As a last resort, DPSA has requested facilitation by the CCMA in order to break the deadlock and safeguard the collective bargaining process. We hope to receive feedback from PSCBC General Secretary and CCMA Director on progress by end of today. As government, we remain committed to respecting organised labour, safeguarding the collective bargaining processes and promoting labour peace. All action will be taken to ensure that the bargaining process is protected.

## **14. CONCLUSION**

Ladies and gentlemen, we once again re-iterate that the National Framework Towards Professionalisation of the Public Sector represents significant public sector reforms that position us towards the achievement of Vision 2030 as articulated in the National Development Plan. The President has consistently conveyed the message about the significance of professionalising the public sector.

As elected and appointed officials, we wish to commit that implementation plans and change management strategy will be developed for full implementation by the coming financial year (i.e. April 2023) in partnership with South African Local Government Association (SALGA), organised labour and the leadership of the legislative sector. The relevant departments, such as DPSA and COGTA will also commence with bargaining council engagements to secure mandates with organised labour.

The Department of Planning, Monitoring and Evaluation is working with us to develop performance indicators aimed at measuring the outcomes and impact of the Framework as adopted by Cabinet. Furthermore, National Treasury will also engage with the relevant implementing institutions to manage the cost implications and modalities. Working through the Governance, State Capacity & Institutional

Development (GSCID) Cluster and the Cabinet Committee, reporting will also be undertaken to Cabinet on the implementation of the Framework.

I thank you.