



Writer: Professor Lekoa Solly Mollo

Building the developmental state

Training and development is critical to government's objective of building and implementing a democratic, developmental state. The Public Administration Leadership and Management Academy (Palama), as the Government's training academy, is working across the public sector towards achieving the outcome of a skilled and capable public service workforce.

Palama contributes to the development of an effective public service through the provision of relevant programmes that inculcate the attributes, values and service culture that support the implementation of the Government's development agenda. This requires the development of cadres, from frontline workers to executives, who do what needs to be done, with care and consideration, in the service of the citizens of South Africa.

Despite the achievements of our democratic government, there remain serious challenges for improving service delivery in the current economic context. Unemployment has increased

and our government faces the mammoth task of providing services to citizens with less resources. Despite the progress made in providing greater access to healthcare, education, clean water and sanitation, electricity, housing and social grants, we continue to face protests from communities over poor delivery, corruption and inadequate provision.

The Public Service Commission, in documenting the performance of the Public Service, has noted challenges in terms of service, management, performance and compliance. Communities are demanding more of public officials. To ensure that the developmental state is able to deliver on its mandate and achieve its set outcomes, it needs a focused strategy to build capacity across the Public Service. The development of professional administrative, management and leadership skills is critical to the effective functioning of government and ensuring that services are delivered to the citizens of South Africa.

Palama has a key role to play in enabling the achievement of a number of these outcomes, but in particular the creation of an efficient, effective and development-oriented public service. This implies the development of a team of public servants who have the requisite skills, knowledge and attitudes to control the resources of the State and apply them to strategic tasks to achieve the goals of government.

Capacity development

Training and development is only one aspect of successful capacity development. Improving the performance of individuals and organisations requires an integrated institutional focus. The impact of training is limited if it focuses solely on the development of individual competencies. This is due to incongruence between the learning and workplace conditions, as well as an inability, or unwillingness, to practise new skills.

Capacity development requires, in addition, the institutionalisation of appropriate working practices and norms of behaviour. There is a need then to define the training programmes, as well as the institutional structures, systems and processes which provide support. The objective is that such development will help shape and transform the institution of the State.

Part of building this capacity means envisioning the ideal type of public service required to drive the development agenda of government. Specifically, the Public Service needs cadres, specially trained and deployed to engage in the "war" on poverty and poor service delivery. This implies:

n equipping all public servants with the necessary knowl-



- edge, skills and competencies to carry out their jobs
- n addressing equity, race, disability and gender
- n enabling public servants to acquire a new, development-oriented professionalism
- n facilitating the introduction of institutional changes
- n assisting public servants to understand the needs of their communities
- n listening to citizens – and meeting their expectations.

Palama provides, in line with its current mandate, training in leadership and management for junior, middle and senior managers in government.

However, more recently it has introduced a number of development programmes to address the broader needs of government, specifically in the area of frontline service delivery and building administrative capacity.

Palama is being transformed into an academy whose task will be to develop leaders, managers and administrators who have the capacity to shape government's strategic orientation.

Did you know?

- n The Sesotho word "Palama", which represents the academy's full name, means "arise" or "get on board". This is a call to all public servants to use Palama to gain better skills, in the interest of the effective, consultative and courteous rendering of public services to achieve better service delivery to all South Africans.
- n Palama offers training programmes tailored to the work context and skills needs of public servants in the following broad categories:
 - financial management
 - leadership development
 - good governance
 - human-resource management and development
 - service delivery and frontline services.
- n For registration and other training-related information, call the Contact Centre on 012 441 6777, send an e-mail to contactcentre@palama.gov.za or visit www.palama.gov.za

Palama's role is to:

- n train and develop public sector cadres across the three spheres of government who care, lead, serve and deliver
- n professionalise the Public Service by building the values, ethos and service culture that support the implementation of government's development agenda
- n lead the provision of high-quality training and development programmes.

Given the challenges of building a developmental state, we need to initiate more responsive training and development systems, which meet individual needs but also the broader organisational requirements of government. Government's emphasis on performance and outcomes will reorient and focus development initiatives in the

public sector to the strategic goals of government. This will enable innovations that build the individual and organisational skills and capacity we need to ensure that we are able to deliver services to all citizens efficiently and effectively.

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Enforcing discipline for effectiveness

Writer: Koos Shabangu

All managers encounter challenges with human-resource management (HRM) at some stage in their careers. Although there is a tendency to view disciplinary issues as secondary to line-function operations, the link between the two is crucial and where ill-discipline goes unmanaged, it can cause disruption, unhappiness and at times, even complete dysfunctioning of a work unit.

Poor HRM in the Public Service is one of the main factors contributing to inadequate service delivery. The quality of HR is a critical factor in the capacity of government to deliver on its mandate. Human capital of the desired quality and standards is critical to ensure the achievement of the required service delivery as expected. Some of the main challenges being experienced with regard to HRM and development in the Public Service is poor management of performance and discipline.

In some cases, previous attempts to address these challenges have had limited success. One of the reasons for this may be that the root causes of the challenges were not properly identified and understood. In other instances, employees are suspended for extended periods where the provisions clearly prescribe the duration of the precautionary suspensions.

There is a need for a coordinated approach to ensure that various steps are taken to improve the quality of managing discipline in the Public Service.

Discipline management demonstrates commitment to create an organisational culture and environment which is conducive to effective people management, and ensures fair procedures under the Labour Relations Act, 1995 (Act 66 of 1995).

There is a notion in the Public Service that discipline is the responsibility of management. It therefore follows that effective discipline is the result of constructive leadership exercised within the framework of a clear and consistent policy.

Effective discipline management is inseparable from other aspects of supervision and HR. Therefore, the successful handling of disciplinary problems becomes a matter of using good judgement and common sense within the context of organisational policy, government labour legislation and regulations, accepted labour relations practices and collective bargaining agreements. Except for the key legislative framework, which provides and creates the broad overarching labour space in the form of the Constitution and the Labour Relations Act, 1995, the management of discipline in the Public Service is informed by subordinate legislation:

n Administrative justice

Section 33 of the Constitution states that everyone has a right to administrative action that is lawful, reasonable and procedurally fair. Written reasons must be given for administrative action. National legislation must be enacted to give effect to this right. The Promotion of Administrative Justice Act, 2000 (Act 3 of 2000), has been enacted to give effect to Section 33 of the Constitution.



n Discipline (Public Service)

The Public Service Amendment Act, 1999 (Act 5 of 1999), refers to the head of a department as being responsible for the management of discipline. Public Service Coordinating Bargaining Council Resolution 1 of 2003 deals with the disciplinary procedure for employees on levels one to 12 and Chapter Seven of the *Senior Management Service (SMS) Handbook* deals with the disciplinary procedure for SMS members.

n Financial misconduct

The Public Finance Management Act, 1999 (Act 1 of 1999), introduces the offence of financial misconduct, and defines specific sanctions. Financial misconduct must be seen in the context of other disciplinary measures, for example, misconduct or incompetence, which are intended to assist accounting officers in improving departmental efficiency.

Discipline trends in the Public Service have revealed that it takes too long for disciplinary cases to be finalised. Cases of suspension of employees as a precautionary measure are extended for too long, contrary to the provisions of the Disciplinary Code and Procedure and Chapter Seven of the *SMS Handbook*.

It has been established through case law that the courts have no sympathy if a disciplinary process is mismanaged. The *SMS Handbook/Collective Agreement* requires a disciplinary hearing to be held within 60 days of the date of suspension. The employer is obliged to conduct a hearing within a month, or where

the complexity of the matter and length of the investigation so requires, not later than 60 days.

The disciplinary process is an in-house employer-employee affair, and parties should not consider involving legal representatives at this stage.

Legal representation should be considered where a request is made to utilise Section 188A of the Labour Relations Act, 1995 and the decision thereof is an award that is final and binding.

There is a need for departments to develop labour relations delegations, especially in relation to the handling of disciplinary processes and administrative pronouncement of sanctions by the delegated authorities. The executive authorities should consider delegating their appeal authority.

There is no legal requirement for the disciplinary proceedings to be recorded and this should therefore remain non-mandatory.

Financial misconduct should be reported to the police and also further be referred for criminal prosecution, however, internal processes must still prevail and be observed.

An accounting officer commits an act of financial misconduct by wilfully or negligently failing to comply with his/her general responsibilities. An official commits financial misconduct by wilfully or negligently failing to exercise a power or perform duties assigned to him or her by the accounting officer.

An accounting officer is required to take effective and appropriate disciplinary steps against any official who makes or permits unauthorised, irregular or fruitless and wasteful expenditure.

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