PUBLIC SERVICE CONDUCT AND SERVICE DELIVERY

1. INTRODUCTION

The state of success in Government policy implementation depends on the impact made by the public servants of any given State, developing, underdeveloped or developed.

Like any other State, South Africa will succeed in the realisation of its historic vision of creating a better life for all, only to the extent determined by the performance profile of the public servants in as far as the prevalence and the internalization of the will to serve. This will to serve is not always given. It is influenced by such factors as the enabling environment, including capacity and workplace stability.

This Learning Network on Batho Pele gives us an opportunity to do a reflection as to how far we have gone as a Public Service and as a Nation, to take on board the expectations of the people as we execute our daily duties, all for effective service delivery.

It is that moment during which, as we reflect, we should all look at ourselves and say: “As I should have been the first one to comply or facilitate compliance, how far did I go, and what are the impacts of my moves?” It is that moment that we should ask ourselves as to whether we think that the Nation is on course in meeting the objectives of the Batho Pele Policy.
In sharing my experience through this Paper, I am focusing on the public service conduct and the resultant impact on service delivery.

It is a contribution in a literal sense, and, of course, one will keep on asking questions so that together at this Network and beyond, we may go searching for the answers.

As they say that it matters how we do things, the main question that we have to answer is as to whether the conduct of our public service is as expected, above or below expectations, and whether there are success indicators perfectly translating into practical records of service delivery.

Maybe it is time also that we do an introspection of the relevance of the policy itself.

2. LEGISLATIVE AND POLICY PROVISIONS ON THE CHARACTER OF OUR PUBLIC SERVICE AND THE PRACTICAL EXPERIENCE

I had an opportunity to address the Public Service Learning Academy in August this year and I said the following in providing a character of our public service:

“Our Constitution and subsequent legislative and policy developments direct that the Public Service of South Africa is expected to be that vehicle through which our transformation laws and good policies have to be implemented. It has to drive the agenda to implement the basic values and principles governing our
Public Administration, as spelled out in the Constitution, including the following:

- Promoting the high standards of professional ethics;
- Promoting efficient, economic and effective use of resources;
- Ensure a development-oriented Public administration;
- Providing services impartially, fairly, equitably and without bias,
- Responsive to peoples’ needs;
- Ensure Public Administration accountability;
- Fostering transparency;
- Cultivating good human resource management and career development practices;
- Ensure that public administration is broadly representative.

As we all know, the Constitution prescribes that these values and principles of Public Administration are applicable to all the spheres of Government, organs of State and public enterprises.

One of the good policies that our Government has developed is the Transformation of Public Service Delivery, commonly referred to as “Batho Pele” policy, which provides a framework and practical implementation strategy to put people first as we see the rollout of services provided to the public that we all have to serve”.

As of today, Batho Pele has become part of our Public Service features. We have seen standards introduced. We have seen Departments and Offices displaying the Batho Pele Principles on
their notice boards. We have seen choirs singing and confirming that the message of Batho Pele has reached our public servants. We have seen awareness campaigns informing the public as to what to expect from our Public Service, informed by the Batho Pele policy.

But I am not sure if we have reached a state where Public Service compliance with these principles is at the level of our expectation.

The feedback that we receive from the people is that there is room for improvement in dealing with Batho Pele compliance, at least on average. The Public Service Commission recently conducted a study on the state of compliance with the Batho Pele principles and they found that the rate of compliance is very low.

At a forum like this, we need to share our understanding and experience as to answer some questions. But what is missing in our Public service to make sure that we live up to our expectation? Is it a question of capacity? Is it due to limited resources? Are there immovable and fixed blockages? What do we need to do turn the situation around? Do we need to include Batho Pele compliance as one of the performance assessment tools against which to measure and merit the Public servants? Is compliance at all times measurable?

During my address to the Learning Academy as referred to earlier in this Paper, I argued that for our policies to be implemented and our Public Service to remain competent, we should have Public Servants who have high command of the following attributes:
• Breaking new ground:
• Inspiring success:
• Raising the Standard
• Determined that nothing is impossible.
• Making a difference to people
• Collective responsibility and teamwork
• On board
• International activism

After making reference to these attributes, I asked the attendants to assess themselves as to whether they considered themselves as best performers or failures, and the claim was that they were all examples of success stories.

Before repeating those questions I raised then and which are still relevant today, in an argument to the contrary, let me make a contribution that the way public servants conduct themselves has an impact on service delivery.

It matters how we do things, irrespective of the claim to the attributes of an ideal public servant.

A Code of Conduct has been developed for our Public servants, to act as a guideline as to what is expected of them from an ethical point of view, both in their individual conduct and in their relationship with others.
The Code of Conduct provides guidelines in the following areas, among others.

**Relationship with the Legislature and the Executive**

This aspect of the Code provides that a public servant:

- Shall be faithful to the Republic and honour the Constitution;
- Shall put the public interest first in the execution of his/her duties;
- Shall loyally executes the policies of the Government of the Day’
- Shall strive to be familiar with and abide by all statutory provisions
- Shall co-operate with public institutions established under legislation and otherwise.

As this Learning Network is all about experience-sharing, we may want to pause and check as to whether the conduct of our Public Servants is compliant with this expectation of the Code of Conduct and thus the broader Public.

What exactly does it mean when we say that a person has to be faithful to the Republic and honour the Constitution?

The Nation expects to be served in no less than Public Servants conducting themselves in their call of duty to guarantee the people’s rights, to be responsive to their needs, and for the public
servants to be accountable for their actions. This high state of responsiveness and accountability has to be in accordance with the National Agenda as enshrined in the Constitution, which looks at access to services as a right. So, people have rights to access to water, electricity, housing, retributive and restorative justice system, Education, Safety and Security, Health services, Social Security provision, and many others. Denying them access to any of the items of the National Agenda enshrined in the Constitution is thus violating their Constitutional rights and entitlements.

One of the questions that we have to answer is as to who amongst us here, or those that we know even if they are not here, can say yes, here I am compliant, or he or she is compliant. I think compliance is easier said than internalised, lived and proven both qualitatively and quantitatively.

Of course it will be wrong to suggest that there is no compliant with this aspect of the Code of Conduct. We have men and women who are best examples. The unfortunate part is that it would be wrong to suggest that we do not have failures amongst the Public Servants. My prayer is that these people should be in the minority of our Public Servants.

We should look for the answers from the practical record of service delivery and associated events.

I will be convinced that all is well when we no longer see and hear of poor water delivery such as it is happening in our so-called rural Provinces.
I will be convinced that all is well as soon as a report will be published to say that it is simply media negative propaganda that we used cardboard boxes for baby cubicles at some of our hospitals, or at least contextualize the reality to suggest no human element.

I will be convinced that there is no need to lament as soon as our public schools will have reached a state where they attract all learners across racial and economic profile divide.

It should be noted as we deal with all aspects of the Code of Conduct that, whereas more emphasis is put on the conduct of employees, the employers have a responsibility to create conducive conditions for the public servants to discharge of their best. It should be stressed that complying with the Code of conduct and the Batho Pele principles is possible only with a supportive environment. Before you talk of people that you have to serve outside your Department, you should first start by doing a self criticism and check your conduct, all of you, public servants and political principals. Do you think that your conduct is compliant? Do you think that there is Batho Pele in your Department?

I know that someone will say that the Code of Conduct that I am talking about are binding only to the Public Servants and not the political principals, but remember that there is a Code of Conduct for elected Public Representatives, and when you compare them with those of Public servants, you will realize that it is like two
sides of the same coin. In fact public service conduct is far broader than the provision of the Code of Conduct.

This is a moment of reflections and not finger printing, and if we are to get the best inputs from each one of us, we should agree that there are no holy cows.

Another point of this aspect of the Code of Conduct that need emphasis is the one that says that public servants must put public interests first in the performance of their duties. This is the underlying pillar for Batho Pele Principles. In this instance, it should be noted that, in whatever they do, and irrespective of whether they are frontline staff, managers, elected public officials, and irrespective of the nature of work, all public service officials must always think of public interests when they do their work. Politicians must think of public interests as they legislate and do oversight. The Executive must consider the interests of the people as they deal with their share of responsibility. The employed public servants must put people first as they deal with policy implementation. All should always ask themselves as they do their work, as to what would be the opinion of the people if they were to know about those actions, and to what extent they are in compliant with the peoples’ expectations.

If we take, by way of an example, the ups and downs that we saw during the public sector strike in the recent past, we would argue that the public interest was not put first when a complete shutdown was made possible. As a Portfolio Committee on Public Service and Administration, we watched with interests all the
developments during the said strike, and we developed a programme unveiled to the National Assembly by the Chairperson of the Portfolio Committee on Public Service and Administration when he said the following:

“The Nation is debating issues of Public Service and Administration, guided by what is happening at the moment in the country and the impact thereof on service delivery.

The strike is on and its effects are visible, even in those areas that we all agree are essential services, and by all, including those workers we all agree should approach their work like a calling.

Acting in the spirit of respecting the separation of powers between Parliament and the Executive, I will urge the Portfolio Committee on Public Service and Administration to reflect on this wage negotiations at an appropriate time and we will come back to this House with a considered opinion on the matter.

We do not want to be seen to be meddling into the affairs of the Executive in this matter now (sic), hence we want to allow the process to run its course without making possible unguided calls beyond just talking about the process itself and the parties to be responsible in their conduct.

But we want to stress that we cannot afford to be silent forever in dealing with questions of content on this matter as if to suggest that our oversight role over the Executive is barred from attending to issues of negotiations on conditions of service”.

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This is a clear programme of Action to examine the conduct of all parties, the history of negotiations and compliant with the collective resolutions taken from time to time.

We believe that it is possible in the current political dispensation to find one another through dialogue to be able to address our competing mandates amicably, because, in whatever we do, we have to think of the best interests of the people, including those that we call colleagues or subordinates.

Maybe we need to further explain as to why we say that the employer has a duty to create an enabling environment for public servants to live up to what is expected of them in terms of the Code of Conduct. They should provide the necessary resources, facilities and sound conditions of service.

In the management of the after-effects of the strike action for instance, one should be mindful that as you apply the no-work-no-pay principle, you should know that it will not be in the interest of the public if what remains as a net income for some public servants become negative figures, thus making it impossible for them to report for work. I interacted with some Principals, and what I am saying is not a fabrication.

**Relationship with the Public**

The code of Conduct provides that a Public Servant:
• Shall promote the Unity and wellbeing of the Nation
• Shall serve the Public in an unbiased and impartial manner
• Shall be polite, helpful and generally accessible
• Shall have regard of the circumstances and concerns of the public
• Shall be committed and provide timely services
• Shall not unfairly discriminate against any member of the public
• Shall not abuse his/her position
• Shall respect and protect every person’s dignity
• Shall recognise the public’s right of access to information, unless specifically protected by law.

I interacted with a group of people who raised an issue that they approached their Local Municipal Manager to raise the concerns of the Community on issues of water supply. During their interaction with the said Manager, they allegedly made a proposal motivated by the situation which they explained to him, to the effect that they should be allowed to pay a flat rate as the Municipality addresses the identified problems. According to them, this Manager stated that there would be cost implications if that move was entertained, and he arrogantly handed over to them a Budget of the Municipality and told them to go and study it and to come back to him later with a suggestion as to how, from the Budget point of view, they think that he should attend to the matter. Unaware that it was just a mockery, the poor Community took the Budget up for consideration, and had to source skills at a cost to assist them
develop their case, and only to be surprised and humiliated when
the said Manager just laughed at them when they later came with
a proposal.

This is just one case, and I know that each one of us may have a
story to tell in this aspect of the Code of Conduct.

Of course we may argue that we are all clean in this regard,
except, perhaps, the Manager I have just referred to his case, but
you will be surprised to note that there are more cases of a clear
display of arrogance and stubbornness in our public service that
does not comply with the character we should display.

**Relationship among employees**

The Code of Conduct provides that the Public Servant:

- Shall cooperate fully with other employees to serve the
  public interests.
- Shall execute all reasonable instructions
- Shall not practice nepotism
- Shall use the appropriate channels to air his/her views
- Shall be committed to sound labour and interpersonal
  relations
- Shall deal fairly, professionally and equitably with all other
  employees
- Shall refrain from party political activities in the workplace.
Performance of duties

The Code of Conduct provides that the Public servant shall be diligent in the performance of duties, and that:

Personal Conduct and Private interest

The public servant shall be the public face of the Government.

3. CONCLUSION

This Learning Network is a useful intervention to share experience, build on those experience shared to perfect our practices and systems and contribute in the review of the policies we developed for ourselves.

We commend the Department of Public Service and Administration for this initiative and all for the participation of all stakeholders.

We Belong, We Care and We Serve.

Thank you very much.

*Paper developed and presented by M R Baloyi, MP, at the occasion of the Sixth Batho Pele Learning Network, organised by the Department of Public Service and Administration, and held at the Klein Kariba Resort in Belabela in the Province of Limpopo, on the 9th to the 11th of October 2007.*