

# GREATER ACCOUNTABILITY IS IMPERATIVE

Accountability in the public service must be a human capital imperative if South Africa is to rebuild the public sector adequately, write **IMRAAN MAHOMED** and **PHETHENI NKUNA**, directors in the Employment Law practice at Cliffe Dekker Hofmeyr

**C**ivil servants are meant to be the engine room of Batho Pele. However, the passage of time has shown that the lack of accountability has seen this principle become a platitude.

The Auditor-General's 2022/2023 Annual Integrated Report highlights the need for the public service to deliver on its constitutional promise by embracing a culture of performance, transparency, accountability and integrity. The Auditor-General (AG) emphasised the need to instil accountability across all disciplines. The AG intends to implement a culture shift charter and develop an accountability ecosystem to drive appropriate behaviours and actions. One of the benefits of an ecosystem is the widening of the currently narrow lens.

Post-apartheid, South Africa's bureaucracy grew exponentially but the expansion did not translate to efficiencies. In some areas of the economy, there has been total collapse. The state urgently needs to focus on accountability.

The National Development Plan: Vision 2030 acknowledges that a capable, ethical, and developmental state is realisable only with a professionalised public service workforce and improved leadership, governance and accountability. Professional capability implicates both qualified employees and robust systems and processes. The public service must now get to a point of existence as a service and not be beholden to the political head. There has been conflation at all levels of government and in most state-owned entities (SOEs) between the political head and the operations. While the political heads would be responsible for policy development, the implementation must be left to the technocrats and professionals employed. This calls for a level of autonomy that will enable professionals to deploy their technical and business proficiency.

## WHAT IS NEEDED?

Effective human resources management is a prerequisite for the overall success of

our public institutions. It demands political, line management and HR specialist co-operation, anchored by strategic and general management. Accountability calls for public servants to be answerable for their actions and responsible for the consequences when duties and commitments are not met. Addressing professionalisation alone is insufficient – professionals must also be accountable. This is what drives the private sector and its success globally.

Accountability should not be restricted to reporting mechanisms and investigation procedures but must encompass the obligation that public servants and institutions provide reasons for their actions (or inactions).

Sanctions and enforceability are imperative. Public servants cannot be answerable without consequences where they fall short. There must also be institutional reform that will insulate consequence management from political interference. Consequence management must be decisive, swift and, of course, within the law.

The Zondo Commission identified the "improper influence over appointments and removals" as a key element in state capture. Meaning that accountability in the space of human capital was stripped out with palpable effects.

Further education is also key in ensuring improvement in public sector performance and ensuring existing civil servants meet basic requirements and continue to do so throughout their careers.

The Zondo Commission recommended the establishment of a body tasked with the



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identification, recruitment and selection of SOE board members, CEOs and CFOs. Should this recommendation carry as government forges ahead with establishing a holding company for SOEs, which will be responsible for governance, financial management and remuneration standards, there must also be a right-sizing of the public service. There is a need to review existing and develop fit-for-purpose performance management systems. Reforming the approach to disciplinary processes is also paramount. The public sector must exit restrictive collective agreements with organised labour that tie it to unnecessary lengthy and formalistic disciplinary and poor performance management processes.

It is high time the state embraces the spirit of the Labour Relations Act (LRA), 1995 to "decriminalise" internal processes to achieve the intent of the law and consequently save taxpayer money. Part of the broader conversation involves tough decisions around automating standard civil tasks and embracing the fourth industrial revolution.

The reality is that we have already been thrust into an evolving technological economy and must adapt the public service so that it truly achieves Batho Pele and nothing less. ■



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