

The Public Service Commission

(1) Brief Presentation on its Purpose, Functions, and Structure

Purpose: The Public Service Commission is the Constitution body that has oversight of Civil Servants only within the Public Service.

Functions: The Commission is responsible for movement of Civil Servants, i.e. recruiting, appointing persons to act, promoting individuals, transferring individuals, granting duty, study and special leave, granting leave without pay in excess of three months, medically boarding officers, demoting, conducting disciplinary hearings, terminating/dismissing or disciplining, approving retirement (in some cases), etc.

Structure: The Commission consists of the Chairman (currently Mrs. Victorine George-Alexander) and six other members.

According to the Constitution, there can be a minimum of two (2) members or a maximum of six (6). Members are appointed for a term of two (2) years at a time.

The Chief Establishment Officer is mandated to be present at the Commission's meetings to give guidance/advice where necessary, but has no authority to vote or decide on any matter before the Commission.

Administrative staff consists of a Secretary, an Executive Officer, a Senior Clerk, a Junior Clerk, and a Petty Officer Class III.

(2) Rules Governing Spheres of Competence and Inter-institutional Coordination mechanisms

Autonomy: The Commission is a creature of the Constitution. Section 99 (11) states "The Commission shall, in the exercise of its functions under this Constitution, not be subject to the direction or control of any other person or authority."

The Chairman of the Commission does hold consultations with the Honourable Prime Minister in relation to appointing officers to act or to be confirmed into certain senior positions within the Civil Service. (Please see Sections 100 to 102 of the Constitution).

The Commission regulates its own procedure (see Section 99 (12) of the Constitution).

Scope of functions: The Commission is responsible for general oversight of the Civil Service. It has the power to appoint an officer to hold or act in offices in the public service (including the power to make appointments on promotion and transfer and to confirm appointments), the power to exercise disciplinary control over persons holding or acting in such offices and the power to remove such persons from office (Section 100 (1) of the Constitution).

Exceptions to its Functions:

Persons cannot be appointed to act or be appointed in the Office of the Governor General's personal staff except with the concurrence of the Governor General, acting in his discretion (Section 100 (4) of the Constitution).

Section 16 of the Public Service Commission Regulations 1967 No. 12 and No. 13 also states that persons cannot be appointed or appointed to act in the following cases:-

- (a) Members of the Governor General's personal staff;
- (b) Judges of the Supreme Court or to the Attorney General if that office cease to be an office in the Public Service
- (c) Any office in which the Judicial and Legal Services Commission has powers of appointment
- (d) Any office or rank in a naval, military or air force constituted by or raised under any law
- (e) Affect the powers and responsibilities conferred upon the Police Service Commission by the Constitution or by the Police Act, and any regulations made there under, in respect of appointments, promotion and discipline of all ranks of the Police Force below the rank of Inspector, or the powers and responsibilities conferred upon the Superintendent or the Visiting Committee by the Prison Rules, or any Rules, amending, repealing or substituted for the same, in respect of discipline of subordinate officers.

Mechanism for resolving possible disputes as to competence and coordination mechanisms for harmonizing functions with those of other oversight bodies or government authorities and for eliciting the support of other authorities and citizens in the exercise of its functions

The Commission functions independently of any oversight body or Government authorities.

Procedure for Disciplinary Investigations

Section 9 of the Second Schedule of the Public Service Commission Regulations 1967 Nos. 12 and 13 grants the Permanent Secretary the authority to institute disciplinary proceedings against an officer on the grounds of misconduct which if proved would justify his dismissal from the public service. The Permanent Secretary causes a preliminary investigation, after which and based on the results of the investigation, shall consult with the Chief Establishment Officer.

The Chief Establishment Officer, if he considers charges to be framed against the officer, and after consulting the Attorney General as to the terms of the charge(s) shall forward to the officer a statement of the charge(s) framed against him with a brief statement of the allegations, if the charges are not clear. The accused officer is to then state in writing before a day to be specified any grounds on which he relies to exculpate himself.

The Commission then holds a hearing, giving the accused officer the opportunity to have legal representation and to present evidence/witnesses to support his case. The Ministry of Legal Affairs would represent the respective Permanent Secretary/Head of Department during the hearing and would also present evidence/witnesses in support of the charges levied against the accused officer.

The Commission then makes a decision based on what is presented. The Commission may decide to terminate or demote the officer, or decide on some other form of punishment.

(3) Adoption of Decisions

The Way Decisions are made

The Commission meets once weekly on Wednesdays. Submissions to the Commission, in a minute form, are sent from the Chief Establishment Officer. Attached would be any correspondence from the Permanent Secretary and or Head of Department supporting the facts outlined in the submission. Based on what is presented, the Commission makes its decision.

Should there be a situation where enough information is not presented or clarification needs to be made, the Commission defers its decision until such information is provided.

Review Remedies against Decisions taken both internally and before other bodies or outside authority

The Commission has the authority to revisit its previous decisions in situations where additional information may be provided.

Officers have the opportunity to appeal decisions of the Public Service Commission through the Public Service Board of Appeal, or through the Court system.

Action needed to implement or enforce decisions

Decisions of the Commission are forwarded to the Chief Establishment Officer only for implementation.

The Chief Establishment Officer acts as the intermediary between Permanent Secretaries/Heads of Departments and the Commission, therefore any matter coming before the Commission has to be forwarded through the Chief Establishment Officer who then makes a submission to the Commission. Decisions of the Commission are also relayed to the Permanent Secretaries through the Chief Establishment Officer.

Correspondence sent from the Chief Establishment Officer to the Permanent Secretaries/Heads of Departments regarding decisions made by the Commission are carbon copied to the Commission.

(4) Legal and Administrative Human Resources Regime and Training Activities

The way in which human resource requirements are determined and how those positions are filled

Human resource requirements have been limited to administrative responsibilities. These positions are filled as obtains in the whole Service, i.e. through the Chief Establishment Officer appointing an officer to act in the post. The officer is eventually assessed, using the Confidential Report Form, and if the assessment is favourable, then the officer is appointed into the post.

The insistence on meeting certain requirements to access positions

Given the sensitive information that may pass through the Commission, staff is carefully selected through the Chief Establishment Officer.

The requirement that personnel be subject to disqualification and incompatibility rules and be accountable for their actions

???

The existence of manuals or other documents describing the functions to be performed by the office's personnel and whether, in addition, periodic training is provided with respect to said functions.

The functions to be performed by the office's personnel are contained in the Job Descriptions which are given to each staff member on their arrival (whether temporarily or permanently).

The Training Department is responsible for all training in the Public Service. There is no specialized training for the Commission's personnel.

A recent procedure implemented is that a circular is sent out from the Training Division at least once yearly to ascertain training needs of departments. Courses are then formulated based on that.

Detailed information on training activities conducted by the Public Service Commission (if any) and on training activities in which its staff has participated in the past three (3) years, providing details on dates, duration, number of participants and topic of the training.

Training activities are not conducted by the Commission.

Staff has participated only in training offered by the Training Division. Junior officers have been trained in Orientation, Registry Work, Customer Service, Government Accounting, Computer IT Applications and on issues such as Aids in the Workplace, Human Trafficking, Domestic Violence, Fire in the Workplace etc. These courses length varies. They run for half a day, two half-days, sometimes 9:00 a.m. to 4:00 p.m., or for a two or three days. Certificates are issued to participants who successfully complete the course.

There are courses offered by the Training Division geared specifically to senior officer; however, most of the courses are unavailable to the Secretary because it clashes with preparation time for meetings (Tuesdays) or meeting days (Wednesdays) for the Commission.

(5) In-house Rules Regarding Fulfillment of Responsibilities and Institutional Strengthening

The existence of documented procedures for carrying out tasks, or of manuals or guides regarding them

Procedures for carrying out tasks are guided by the Public Service Commission Regulations, the Civil Service Regulations or any other law(s).

There are no manuals or guides regarding how procedures are carried out. Some ministries had started the process of creating manuals for officers to follow.

Actions undertaken to strengthen the institution; and the implementation of modern systems or technologies to facilitate the institution's work.

The Commission, in 2006, worked on a paper for changes to be made to the laws, through CARICAD. Nothing has returned officially.

The office has been computerized with access to internet in order to facilitate the Commission's work. Documents, however, are still recorded and filed manually.

(6) Dissemination of its Objectives and Functions

The way in which citizens are informed about its objectives and functions

Citizens are informed about the objectives and functions of the Commission through the laws and regulations which are available to the public via the National Printery or electronically on the Government's website www.ab.gov.ag.

In addition, citizens may visit the office or call to seek information about the Commission.

Due to the fact that the functions of the Commission are limited to the Civil Service, there is not much involvement of or inquiry from the wider public.

The way in which established procedures for the fulfillment of its functions are publicized

Procedures of the Commission are not publicized since the functions of the Commission is limited to the Civil Service.

How procedures for dealing with the Public Service Commission are disseminated

Information on procedures for dealing with the Commission are found in the laws and regulations or through word of mouth.

(7) Internal Control and Accountability Mechanisms

Internal control mechanisms and the mechanisms for attending to claims, complaints, or denunciations relating to the fulfillment of its objectives and the performance of its staff

???

Mechanisms to ensure accountability for the performance of its functions; the matter in which the information needed for accountability is compiled and processed; and the way in which accountability information is made public, so that citizens have access to it.

The Chairman of the Commission interacts with the Honourable Prime Minister whenever there is need to discuss any matter that is of concern to the Commission or to the Honourable Prime Minister. There is also an annual report that is prepared regarding decisions made by the Commission. This report is submitted to the Office of the Governor General to be distributed to the Senate and the Parliament.

(8) Budgetary Regime

The way in which the budgetary resources needed for the Commission's operations are assured.

Budgetary resources needed by the Commission are assured through the submission of Annual Estimates to the Budget Office, Ministry of Finance. The amount of funds allocated is determined by budgetary allocations made by the Ministry of Finance which is determined by the Government's fiscal situation and also by expenditure trends of the office over the years. Offices are expected to stay within the budgetary allocations. The final amount allocated is determined by the Ministry of Finance.

The Annual Estimates are submitted by October of the previous year, to be implemented when the Budget is passed for the following year.

In the event that additional funds are needed, funds would have to be taken from one head and added to the depleted head (a process of using Virement Warrant). Should the expense be a new expense then a Special Warrant would have to be prepared, which would be subject to approval by the Financial Secretary/Minister of Finance.

Year	Approved Annual Budget of the Public Service Commission	Total Recurrent Expenditure	Percentage Ratio
2014	419,499	874,824,842	0.048%
2013	423,591	786,992,836	0.054%
2012	409,583	752,591,253	0.054%
2011	406,846	793,620,235	0.051%
2010	390,793	886,478,273	0.044%

(9) Results in Relation to the Fulfillment of its Responsibilities and the Dissemination of those Findings

Findings reached as to the performance of the Commission's functions (especially regarding disciplinary measures)

Any disciplinary matter which is brought before the Commission is dealt with. The decision of the Commission is conveyed to the parties involved in a face to face setting and then the decision is forwarded to the parties in writing. Should the officer involved be not satisfied with the decision given, then the option is there to appeal the decision through the Board of Appeal or through the court.

The application of disciplinary actions in light of Regulation 143 (1) and (2) of the Civil Service Regulations 1993 in the past five (5) years regarding the contravention of Part VI of the Civil Service Regulations (including conflict of interest provisions)

(Part VI refers to Sections 42 to 54 of the Civil Service Regulations)

Most of these matters rarely, if ever, come to the Commission's attention.

Permission to work, most of the time, is granted to work privately as long as it is outside of working hours for the Government and there are no conflict of interest.

Officers are required to resign or are terminated if they hold office in a political party or is nominated or accept nomination as a candidate for a political party.

(10) Difficulties with Fulfilling Obligations and Needs for Technical Cooperation

Possible difficulties encountered in achieving its purpose of preventing, detecting, and punishing corrupt practices that are relevant in light of its functions and, where applicable, identify specific technical cooperation needed:-

The Commission is faced with situations where officers have been accused of wrongdoing and have been placed on interdiction by the Permanent Secretary. The process from conducting a preliminary investigation to having charges being framed against the officer (if warranted) can be extremely long and drawn out. The Commission's hands are tied until those charges can be framed. Sometimes officers are interdicted for years before the matter is concluded.

In addition, situations where the Police have been brought in by the Permanent Secretary and a criminal case is before the Courts involving an officer, the Commission is unable to take any action until the criminal case is complete, which may take years.

The Commission has found that Permanent Secretaries are not following procedure in terms of officers who have been accused of stealing, i.e. some Permanent Secretaries are allowing officers to repay monies instead of either calling in the police or reporting the matter to the Chief Establishment Officer who is to then contact the legal department in order to frame charges.