

# **Functional and Organisational Review of the Civil Service Commission in Timor-Leste**

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None of them, of course, are responsible for any of the views in this report. They are mine alone.

**Abbreviations used in this report**

AusAID	Australian Agency for International Development
CSC	Civil Service Commission
GoTL	Government of Timor-Leste
HRM	Human Resource Management
GJPRU	Human Resources Professional Management Group
MoF	Ministry of Finance
NDPS	National Directorate of the Public Service
PMIS	Personnel Management Information System
PSCDP	Public Sector Capacity Development Program
SECSC	Secretariat for the Establishment of the Civil Service Commission
SoSAR	Secretary of State for Administrative Reform
UNIT	United Nations Mission in East Timor
UNTAET	United Nations Transitional Administration in East Timor

## 1. Executive Summary

This is the report of a review of the Civil Service Commission (CSC) in the Government of Timor-Leste. It looks broadly at the CSC and makes recommendations designed to assist it focus on the immediate future. The review is underpinned by the view that the CSC, like any central agency, must see its role as facilitating line ministries' delivery of services to the Government and citizens of Timor-Leste.

The review has found that, in the period since it came into existence in 2009, the CSC has successfully built on the work of its predecessors. It can be proud of the following achievements:

- there is a reasonably comprehensive legislative framework;
- laws have been amended on the basis of experience with them;
- understanding of the legal framework is growing because the CSC has embraced its responsibility to communicate;
- the CSC has established a Secretariat and developed systems of work;
- it meets regularly and makes decisions which are implemented;
- it has conducted a major exercise to convert temporary employees to permanent;
- it has a strategic plan and has produced regular annual reports; and
- it has established solid consultative forums, one for DGs, the other for HRM practitioners.

As can be expected, the review has discovered areas where the CSC has not been as successful as it planned and has made recommendations for consideration. These areas are:

- Job analysis and design or translating an organisation's role into the tasks to be performed by an individual. Doing this well underpins all the important human resource management functions of an organisation—recruitment, performance, training and management.
- The civil service is growing too quickly and at an unsustainable rate. The CSC must act to persuade Government of the need for restraint.
- Recruitment is not being done well. The process is complex and the time taken to recruit is excessive. Agencies bear some of the blame, but it is the CSC's responsibility to provide leadership to improve.
- The system of staffing profiles is not succeeding as a predictive tool. It should be limited to point-in-time snapshots of numbers of the workforce.
- The CSC must continue to make strenuous efforts to disseminate information in order to increase understanding of the rules governing the civil service and the reasons for them.

- There is insufficient training in the practical tasks that people have to undertake at work. General administrative training and scholarships are less helpful for people do their work as well as they could. This is another area underpinned by good job analysis and design.
- The CSC has enjoyed good support from donors, but must now think carefully about what support it requires in the future and be prepared to negotiate for it.

Of lesser importance, the review found:

- The CSC's strategic plan and structure are ambitious and not likely to be able to deliver on their promise.
- An inspector-general should either be appointed or other arrangements made.
- The presence of a full-time President and three full-time Commissioners has an effect on the role and performance of senior managers.
- Too many of the functions critical to the CSC's success are the responsibility of one National Directorate.
- Investigations into matters that are not properly the CSC's responsibility are being undertaken.
- There is a need for a comprehensive review of the PMIS to see how it can be successfully completed and implemented and be integrated with the MoF payroll system.
- More work needs to be done by the CSC and MoF to persuade the Government not to agree to special career regimes without consultation and advice on their consequences.
- Written reports from the Secretariat to the Commission must become a regular feature of the CSC's operations.
- Inter-agency coordination is poor resulting in poor training outcomes, insufficient advice to the Council of Ministers and too much time being taken to resolve payroll information flows between CSC and MoF. The review finds the value of consultation has not become apparent within the GoTL.

The review recommends the CSC give thought to these matters as it reviews its strategic plan and its role within a new government.

## 2. Recommendations

The numbers following each recommendation refer to the section of the report in which the recommendation is located.

**Recommendation:** that PSCDP supply the CSC with a copy of at least the Executive Summary to the Wilson Report as a reminder of some of the difficulties they face. (3.5)

**Recommendation:** That a review the *Statute of the Civil Service* be conducted. (4.1)

**Recommendation:** That the CSC's Annual Action Plan and Annual Report be prepared with reference to its Strategic Plan. (4.5)

**Recommendation:** That the CSC develop a system to monitor whether information provided to GJPRU is subsequently disseminated to ministries. (5.1)

**Recommendation:** That, as a matter of urgency, the CSC:

- (a) develop an effective system of job analysis and design for Timor-Leste.
- (b) apply the system in the Secretariat before training other agencies in its use. (7.1)

**Recommendation:** That the CSC:

- (a) Recommend to Government that there be a freeze on recruitment beyond the staff levels set for 2011 unless agencies can justify to the MoF, the CSC and the Council of Ministers that there is a genuine need for new positions or appointments.
- (b) Develop a strategy to persuade the Government to cap the size of the civil service until agencies can demonstrate that all existing staff are being utilised effectively.
- (b) In collaboration with the MoF, develop a system for agencies to make submissions to the Council of Ministers for additional staff. (7.2)

**Recommendation:** That the CSC stop using staffing profiles to gather requests for additional staffing and restrict them to providing a snapshot of actual staff and vacancies at a point in time. (7.3)

**Recommendations:** That the CSC:

- (a) Initiate an immediate review of the recruitment process to be led by a senior member of the CSC staff who can devote all their attention to it. It should not be done by staff involved in actual recruitment as they will have insufficient time to devote to it.
- (b) Immediately abandon the plan to pay civil servants for sitting on selection panels.

- (c) Insist that agencies supply staff from the work area for which recruitment is occurring to sit on selection panels and make them aware that they are responsible for the timeliness of recruitments.
- (d) Develop routine reports on each recruitment exercise to highlight any reasons for delay.
- (e) Continue to work with agencies to increase the level of understanding of the importance of the political independence of the civil service, particularly amongst senior staff, so that Directors-General start to provide a buffer against any political pressure from ministers for involvement in recruitment.
- (f) Consider reducing the number of members of selection panels, noting that three people is a standard panel size in Australia.
- (g) Work with INAP to develop an effective training module for recruitment that can be delivered to the CSC's staff as well as to agency supervisors and HR practitioners.
- (i) Immediately review the staffing profile for the National Directorate of Policy and Practice in Human Resources and, if possible, recruit experienced additional senior staff (Grades B or C) to increase the resources it can apply to selection processes. (7.4)

**Recommendation:** That the CSC develop training to help train its staff (and then those of agencies) in recruitment, job analysis and design and investigations. (7.5)

**Recommendation:** That the CSC builds on the successful work it has done on disseminating information and, in doing so be mindful of the need to ensure it explains the principles underpinning its decisions and the law. (7.6)

**Recommendation:** That, if the CSC decides to request further donor assistance, it ensures:

- (a) it is clear about exactly what tasks it wants assistance with (this is the same process as job analysis and design);
- (b) how long it will take, so the term of any adviser is sufficient to complete the work to a stage where it can be handed over in a sustainable form;
- (c) it works with donors to ensure the appointment of advisers able to develop basic and effective systems that will function in the Timor context; and
- (d) it considers all possible forms of available assistance, not only technical advisers. (7.7)

**Recommendation:** That the CSC review its Strategic Plan and structure to make sure it is not creating expectations which it is unable to meet. (8.1)

**Recommendation:** That the CSC as exemplar of behaviour in the Timor-Leste Civil Service either appoint an Inspector-General or make a case to the Government that it should be treated differently to other agencies. If this case is successful, the CSC should amend its structure to remove mention of the office. (8.2)

**Recommendations:** That the CSC:

(a) carefully review the roles of Commissioners and senior staff to ensure that there is no overlap of functions; and

(b) review whether there is likely to be sufficient work to justify an additional National Directorate to support the pension law. (8.3)

**Recommendation:** That the CSC act immediately to limit the scope of investigations conducted by the Secretariat to matters that relate directly to peoples' employment in the civil service noting that failure to do so will create a long-term cost for the CSC, both as a result of the number of staff required to conduct the investigations and because of the range of skills needed for such a wide scope of investigations. (8.4)

**Recommendation:** That the CSC commission a comprehensive and honest review of whether the PMIS as it is currently configured and planned will be able to provide an effective human resource management information system for the GoTL. Any such review should be conducted in collaboration with the MoF with payroll integration being a key priority and should be undertaken before the GoTL is asked for the funds to continue to support it. (8.5)

**Recommendation:** That the CSC require its Secretariat to develop and maintain processes to provide regular written progress reports on the implementation of the goals in the strategic plan and the annual action plan. (8.7)

### 3. Background Matters

#### 3.1 Introduction

Civil services exist to support elected governments in the business of government. That business includes giving advice to government and, importantly, delivery of services to the citizens of the country. Government—both elected members and the civil service—receives internal support from central agencies. The Prime Minister of Timor-Leste does not have a public service department reporting to him, so those central agencies are the Ministry of Finance (MoF) and the Civil Service Commission (CSC).

It is important that central agencies are always mindful of their responsibility to support other agencies of government to deliver high quality services to citizens. They must never allow themselves to become so internally focussed that they lose sight of this critical role.

#### 3.2 The Civil Service Commission

The CSC was established by means of *The Civil Service Commission Act* (Law N<sup>o</sup> 7 of 2009). The Commission was an initiative of the IV Constitutional Government of Timor-Leste. It was strongly supported by the Prime Minister as part of the 2008 Year of Administrative Reform.

The CSC management and staff were drawn from the former National Directorate of the Public Service (NDPS), a national directorate within the portfolio of the Ministry of State Administration and Territorial Management and its predecessors. NDPS briefly became the Secretariat for the Establishment of the Civil Service Commission (SECSC) following the Prime Minister's announcement that the CSC would be established.

Prior to 2002, central administration of the civil service was provided by a Public Service Commissioner established by the United Nations Transitional Administration in East Timor (UNTAET). The Secretary of that Commission was appointed National Director of the NDPS on its establishment; subsequently he became Director-General of the SECSC. On the establishment of the CSC, he was appointed President.

Personnel from the NDPS moved into the CSC providing continuity in the central administration of the civil service in Timor-Leste. The legal framework administered by the CSC has also been evolving since independence, with the majority of the decree laws passed during the time of the NDPS now reviewed and amended.

Prior to the establishment of the CSC, responsibility for all civil service appointments and administrative decisions about individual employees was vested in portfolio ministers who took a great deal of personal interest in the process. There were frequent allegations of nepotism. It caused some resentment amongst ministers when this authority was removed from them; but it was a deliberate design feature of the CSC to give responsibility for

employment decisions to a central, independent body. In a recent address to senior civil servants, the Prime Minister is reported to have reiterated the need for independence of the civil service from elected representatives.

### 3.3 Terms of reference

The Australian Agency for International Development (AusAID) commissioned a functional and organisational review of the CSC in Timor-Leste with the following terms of reference:

*(a) Organisational Capacity and Processes*

- Review and describe CSC's legislative mandate, how it has evolved over time, and whether it is being fully carried out (and reasons why);
- Review CSC's organisational structure, administrative operations, financial systems and business processes.
- Examine CSC's reporting relations and accountability mechanisms (both formal and informal).

*(b) Inter-agency Relationships*

- Map the relationships between CSC and other relevant public sector agencies (e.g. INAP, SoS Administrative Reform, MoF, etc) and highlight any duplication of roles and responsibilities;
- Map the relationships and level of contact and cooperation (and reasons why) between CSC and the major Line Ministries (including Ministries of Health, Education, State Administration, Infrastructure, Agriculture, Social Solidarity and Finance);
- Highlight where and how Line Ministries are taking forward areas within CSC's legislative mandate and identify ways that the CSC could support this work, if any;
- Identify existing coordination mechanisms including their strengths and weaknesses.

*(c) Planning Priorities*

- Map current and proposed donor assistance and activities;
- Assess CSC's capacity to undertake additional potential responsibilities (beyond its current legal mandate and practice) and the likely impact on its structure and resourcing, feeding this into the CSC's strategic planning process.

In addition, the terms of reference required consultation with the CSC and relevant Ministries and officials in the Government of Timor-Leste (GoTL).

The final output of the review is a:

... functional and organisational review report

....

[which] will include recommendations setting out: options on how CSC can fulfil its responsibilities in a more strategic and effective way; the areas of reform that are working; the outcomes achieved in service delivery; and, the type of assistance necessary to support and sustain the delivery of the CSC's mandate.

### 3.4 Context of the Review

The review was conducted in Timor-Leste between 8 May and 15 June 2012.

The methodology was simple: discussions were held with officials of the CSC and other agencies. Questions were put to them about the role and performance of the CSC. Their answers have informed the discussion and recommendations. The review has also briefly examined the relevant legislation, the CSC's strategic plan and its 2011 annual report.

During a briefing with the CSC towards the end of the review, one of the Commissioners encouraged the review to talk more to lower level civil servants. It is to be regretted that there has not been enough time to do this, as their insights—particularly into their understanding of their work—would have been instructive. It is a task the CSC should consider taking on as it plans its future work.

In considering the progress made by the CSC, the review has judged it, as far as possible, in the context of what it is reasonable to expect in Timor-Leste after 10 years of self-government, and after just under three years of its life.

### 3.5 Civil Service Commissions in post-conflict states

Work undertaken for AusAID and PSCDP in 2010 by Greg Wilson, entitled *Public Service Commissions in Post-Conflict Fragile State Contexts: Barriers and Pathways to Success*<sup>1</sup> identifies some of the key factors contributing to the success of civil service commissions in post-conflict states.

Wilson's report provides a very useful backdrop for this review, importantly because it highlights the patchy success of reform of public administration in post-conflict environments, particularly when compared to other areas of reform such as public financial management, tax administration and transparency.<sup>2</sup> In part this is because it is complex reform that takes considerable time.

Wilson summarises what works from the “... *consistent messages gathered from both senior officials and consultants* ...” in other countries as follows:

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<sup>1</sup> Wilson, G, *Public Service Commissions in Post-Conflict Fragile State Contexts: Barriers and Pathways to Success*, 2<sup>nd</sup> draft, June 2010, obtained from PSCDP

<sup>2</sup> IBID, p.7

***Key Elements of Success***

- *Clear legal mandate*
- *High level political support*
- *Good quality, well trained Commission staff*
- *High visibility of the Commission*

***Key challenges, bottlenecks, obstacles***

- *Lack of financial resources*
- *Lack of willingness to reform – cynicism, difficult to change work cultures*

***Raising Standards***

- *Clear development plans including a training and development strategy*

***Most effective technical assistance***

- *Trusted long term international experts*
- *Capacity building plans including that for Commission staff – ensuring the plans are situation specific*

***Best advice to a Government setting up a PSC***

- *Be prepared for the long run*
- *Local ownership and local solutions<sup>3</sup>*

What is important about Wilson's work is that it supports the view that nothing happening in the CSC in Timor-Leste is unique; the post-conflict countries he reviewed all had (or are having) similar experiences. In other words, the CSC should not be put off by disappointing progress in some areas. It must stay committed to the task and government should continue to support it.

**Recommendation:** that PSCDP supply the CSC with a copy of at least the Executive Summary to the Wilson Report as a reminder of some of the difficulties they face.

<sup>3</sup> IBID, p.8.

## 4. The Civil Service Commission

### 4.1 The Legislative Framework

The Commission is established by the *Civil Service Commission Act* (Law N° 7/2009). The *Statute of the Civil Service* (Law N° 8/2004 amended by Law N° 5/2009) establishes the employment framework for the Timor-Leste Civil Service.

The *Civil Service Commission Act* and the *Statute of the Civil Service* are supported by a number of Decree Laws:

- *Staff Performance Evaluation Regime of the Public Administration* (Decree Law N° 14/2008 amended by Decree Law N° 18/2009 and Decree Law N° 19/2011)
- *Regime for Management and Leadership Careers and Offices in the Public Administration* (Decree Law N° 27/2008)
- *Regime for Selection Processes for Recruitment, Appointment and Promotion of Staff in the Civil Service* (Decree Law N° 34/2008 amended by Decree Law N° 22/2011)
- *Scheme of Leave and Absence for Employees of the Public Administration* (Decree Law N° 40/2008 amended by Decree Law N° 21/2011)
- *Treatment of Allowances for Civil Servants and Agents of the Public Administration* (Decree Law N° 20/2010)
- *Regime of Training and Development in the Civil Service* (Decree Law of 2012, not yet promulgated so will need to be resubmitted to the new Government).

The CSC has also had significant involvement in the development of a law to provide pensions: *Transitional Social Security for Old Age, Invalidity and Death for Workers in the State* (Law N° 6/2012 of the National Parliament). It is supported by a decree law. Both will be administered in the Ministry of Social Solidarity but impose responsibilities on the CSC which, at the behest of the Prime Minister, took a significant role in the development of the legislation.

Finally, a number of other decree laws provide special career regimes (salary arrangements) for areas such as Health, Education, Prosecutors and Police. They are relevant only to the extent that the process by which they have been made highlights some issues for the CSC to consider in its planning.

This suite of laws provides a reasonably comprehensive administrative framework for the civil service in Timor-Leste.

The *Statute of the Civil Service*, the principal legislation providing heads of power for the employment of people for the civil service, is overdue for review. Some minor amendments were made in 2009, but they were mostly consequential on the enactment of the *Civil*

*Service Commission Act*. A review was proposed for the first year of the life of the CSC, but it has not happened. Some of its provisions—for example, those relating to discipline—are cumbersome and difficult to work with.

**Recommendation:** That a review the *Statute of the Civil Service* be conducted.

Advisers funded through the Public Sector Capacity Development Program (PSCDP) have provided considerable assistance in the preparation and review of all the legislation administered by the CSC, with the exception of the *Statute of the Civil Service*. PSCDP advisers have not been significantly involved in the development of the special career regimes which have generally been developed in agencies, although they have provided technical advice to the CSC on the merits of the proposals.

#### 4.2 Civil Service Commission Achievements

On the credit side of the ledger:

- there is a legislative framework providing good coverage of the operations of the civil service;
- some of those laws have been amended on the basis of experience with their operations;
- there is a developing understanding of their contents amongst government officials;
- the CSC is aware the need for people to understand its role and the laws it administers and has taken action to improve it;
- the CSC has established a Secretariat and developed systems of work;
- the Commission meets regularly; it makes decisions and is able to implement them;
- it has conducted a major exercise to convert temporary employees to permanent;
- it has a strategic plan and has produced regular annual reports;
- it has work underway for fit-for-purpose premises; and
- it has established solid consultative forums, one for directors-general, the other for HRM practitioners.

#### 4.3 Organisational Structure

The Commission comprises five Commissioners, one of whom is the President. At the time of its establishment, the President and two other Commissioners were appointed full time; the other two were part time. Both original part-time Commissioners have since resigned. Both have been replaced; one with another full-time Commissioner. Hence four of the five Commissioners are full time.

In the initial design of the Commission it was intended that the President would be full time, at least for an initial establishment period, with other Commissioners being part time and

operating as a board of management. That this has not happened may have produced some distortions in the management structure.

The CSC established its organisational structure with its first decision (1/2009). The current structure was put in place by Decision 145/2010. The review was advised a further modification has been agreed, but not yet recorded, establishing a further National Directorate to manage the Commission's responsibilities in relation to the transitional pension scheme.

Decision 145/2010 establishes five National Directorates overseen by a Director-General who is responsible to the Commission for leadership of the Secretariat in delivering the CSC's services. A separate Division of Protocol and Support reports to the President. An Office of Inspection has been established but not staffed.

- The National Directorate of Policy and Practice in Human Resources is responsible for recruitment, staffing profiles and the Personnel Management Information System (PMIS).
- The National Directorate of Planning and Management of Public Service is responsible for improving planning, management, governance and performance of the civil service.
- The National Directorate of Discipline and Administrative Procedures is responsible for the conduct of investigations and development of reports and recommendations to the CSC in cases of misconduct, including advice on sanctions.
- The National Directorate of Training and Development is responsible for development and implementation of education and training policies and practice.
- The National Directorate of Administration and Finance provides corporate services to the CSC.
- The Division of Protocol and Support reports directly to the President and supports the work of the President, Commissioners and the Director-General.

#### **4.4 Operational Systems**

Each of the National Directors assured me the CSC had in place adequate operational systems to allow them to perform their day-to-day tasks. Material is put before the Commission to allow it to make decisions; those decisions are implemented; accounts are paid; and supplies purchased. The National Director for Administration assured me the Ministry of Finance was satisfied with the accounting and financial systems and processes in place.

The time frame for the review did not allow detailed scrutiny of the systems but the review is aware anecdotally of the following matters that point to some concerns about internal systems:

- a manual of standard operating procedures is not often referred to;
- staff are not aware of a human resources manual initially developed during 2008-09;
- a lack of job descriptions for staff of the Secretariat;
- a request made to the review for an adviser to assist with the process of planning and organising overseas travel for Commissioners and staff;
- lack of internal coordination and control which has allowed poor decisions to be made which could have been avoided;
- although there is concern within the CSC about the quality of the staffing profile information provided by ministries, there is a sense that nothing can yet be done;
- very few CSC documents are available in Tetun;
- there are concerns about the veracity of the results of the annual performance evaluation system, which suggests at least inadequate systems of verification and control, although concerns about job analysis and design identified by this review support a view that the performance evaluation system is likely to be flawed;
- the ubiquitous complaints about the inadequacy of the recruitment system which are dealt with elsewhere in this report.

Although the last two points are as much service-wide system problems, both issues are the responsibility of the CSC and they point to some lack of capability in the area of systems review and development.

#### **4.5 Accountability mechanisms**

The CSC has a strategic plan for 2009-2014. It has been presented to Parliament and is available publicly. The CSC has also regularly produced an annual report to Parliament. The most recent report is strong on narrative but has limited analytical content. At least one Commissioner has commented on that.

The CSC has systems in place to receive regular reports from the Secretariat, but they are generally not prepared or demanded. It is understood the only recent written report from the Secretariat to the Commission was prepared to inform the annual report. The risk arising from this lack of reporting is ameliorated by the Director-General being present at Commission meetings to provide advice and respond to questions. Risk is also reduced by the extent to which the President is involved in day-to-day management of the Secretariat.

The President of the Commission has a strong connection to the Prime Minister and has been successful in having the Council of Ministers address matters of importance to the Commission. The President reports regularly to the Prime Minister, although anecdotal advice suggests the meetings lack structure and purpose.

In spite of a commitment to review the strategic plan annually, the commission has not done so and does not have a clear idea whether its performance against the agreed indicators has

been achieved. The fact that the annual report is not prepared with reference to the requirements of the strategic plan does not help Commissioners to be well informed about the organisation's performance.

The review was also advised that the strategic plan was not used to inform the Annual Action Plan.

**Recommendation:** That the CSC's Annual Action Plan and Annual Report be prepared with reference to its Strategic Plan.

#### 4.6 Management Structure

The most striking feature of the CSC is the weight of its management structure. The President and three members of the Commission are full-time. They are supported by a Director-General, five National Directors and a Division Head.

The review found evidence that the President is "hands on" in his management style and retains much of the decision making that would be expected to fall to the Director-General. It also found he is the principal contact for senior people who want something from the CSC. It is not clear that the roles of President and Director-General can be clearly delineated.

The full-time Commissioners have been assigned overview responsibility for particular areas of the Secretariat's work. This is good insofar as it makes use of their experience and knowledge, but it does raise questions about the extent to which they are exercising responsibility which ought to fall to National Directors.

The CSC's staffing profile shows that 71% of the staff are Grades D to G. This seems a very large number for an organisation responsible for a number high level activities and policy responsibilities. A comprehensive process of job analysis and design should clarify for the CSC whether its staffing mix is right.

The accommodation provided to the CSC does nothing to lift the status of its senior officers. Full-time commissioners are provided with offices, but the Director-General and all bar one National Director struggle for space in a cramped open-plan office. The directors-general of other ministries spoken to during the course of the review each had an office.

It is to be hoped this situation will be overcome when the CSC's new building is completed later in 2012.

### 5. Inter-Agency relationships

The CSC has relationships with all Ministries, if only because they rely on it for recruitment. However, the fact that the CSC has been successful in establishing a suite of laws governing employment in the civil service means that agencies regularly look to it for advice on a wider range of matters.

The CSC's assertion of a controlling role in recruitment has also increased the extent to which agencies must rely on it. The CSC should remind agencies at every available opportunity that taking control of recruitment was a deliberate part of the government strategy to strengthen the independence of the civil service.

Agencies have accepted the CSC's role in disciplinary matters and routinely refer any matter requiring investigation to it. In part that reflects the presence of some investigatory expertise in the CSC; however, it is also a convenient way to transfer responsibility for potentially difficult decisions to another body.

In general terms, based on the response from ministries, there is respect for the CSC and acceptance of its role. The review was told repeatedly that, without it, there would be more nepotism and widely different employment standards, neither of which are seen as good. Putting this framework in place in a relatively short period is an achievement of which the CSC should be proud.

### 5.1 Human Resources Professional Management Group

With the help of PSCDP national advisers, the CSC has established and organised the Human Resources Professional Management Group (GJPRU from its Tetun name). This body has been well received by agencies. Attendance has reached up to 90 people, with 50-60 the norm. Importantly, the same people continue to attend, demonstrating that interest is being sustained.

There are risks: it has been suggested the momentum for the forum largely comes from PSCDP national advisers and that, in their absence, CSC may fail to maintain the momentum. Other risks are that CSC may fail to commit sufficient resources to making the forums relevant and informative or may fail to follow up adequately on issues raised within the forum. There is already some suggestion this latter point is an issue. Failure of GJPRU would damage CSC's reputation in agencies and deprive it of an important forum to develop the HRM capacity of the civil service.

GJPRU has also been designed to allow the CSC to provide information to HRM professionals who should then ensure it is disseminated in their agency. It is important that the CSC devise a system to ensure this is happening.

**Recommendation:** That the CSC develop a system to monitor whether information provided to GJPRU is subsequently disseminated to ministries.

### 5.2 Forum of Directors-General

The CSC also conducts regular forums for Directors-General. These are set to occur once each six months, although *ad hoc* meetings can be arranged if required. They provide a useful forum for DGs to share their experiences and seek the guidance and support of their

colleagues. The review was advised they have been well received and that there may be merit in more regular meetings.

### **5.3 National Institute of Public Administration (INAP)**

INAP sits within the portfolio of the Minister for State Administration and Territorial Management (MSATM) and is charged with the delivery of training for the civil service. It is understood the proposed organic law to establish INAP put to the Council of Ministers earlier in 2012 was not approved.

The *Regime of Training and Development in the Civil Service* (Decree Law of 2012, also awaiting promulgation) sets out INAP's responsibilities. INAP's managers are pleased that it cements their role, but are looking to the CSC for leadership in its implementation.

It may be expected that, given the provisions of the *Civil Service Commission Act*, INAP and the CSC would work in close collaboration, but that does not appear to be the case. INAP managers talked of the confusion between the two institutions with both being given responsibility for developing the capacity of civil servants. Both parties assured me that they have a good relationship, but advisers working in both institutions talk of the difficulty of establishing a collaborative approach.

It appeared to the review that the National Director for Training and Development at the CSC understood the need for a partnership, but was struggling to get cooperation from INAP. Anecdotal evidence supports the view that the Director-General of INAP controls its activities very tightly and displays little interest in building relationships with anyone at the CSC other than the President and Commissioners.

### **5.4 Secretary of State for Administrative Reform**

The Secretary of State for Administrative Reform (SoSAR) did not respond to requests to meet with the reviewer.

Since 2008, when the Prime Minister removed from the Committee establishing the CSC, the SoSAR has had little to no involvement in administrative reform other than issuing scholarships to civil servants. The CSC reports the relationship with him is good.

Anecdotally, the SoSAR refuses contact with PSCDP whenever possible.

### **5.5 Ministry of Finance**

Administratively there is a good relationship between the MoF and CSC. The National Director responsible for administration reports implementing the financial management and procurement systems required by MoF. Although important, this is essentially the same relationship the MoF has with other agencies. The important long-term relationship between these two agencies is twofold: building a payroll system at least connected to the PMIS; and

one focused on giving the Government policy advice and support to manage the size and cost of the civil service.

## **6. Donor Support**

The CSC and its predecessor, the NDPS, have received extensive assistance from donors. PSCDP has provided a number of advisers in the areas of legal support, HR, training and development, and administration. It has also provided a range of national advisers. AusAID, through PSCDP, also provided an adviser to help drive the establishment of the CSC.

PSCDP continues to provide critical support. Four national advisers played an important role in the establishment of GJPRU and two continue to provide ongoing assistance.

Most important is the role played by the legal adviser. He has been responsible for drafting nearly all the CSC's legislation; he provides much of the coordination that enables Commission meetings to be properly and formally documented; he is well regarded by the President and is his key adviser; and he is instrumental in providing support to the CSC on a range of matters, including investigations and discipline. The end of this role at this stage, would pose considerable risk to the Commission's effective functioning in a number of areas.

The United Nations Development Program (UNDP) has supported the NDPS and CSC with plant and equipment and, most importantly, the installation and support of the PMIS. UNDP continues to support PMIS, but has relied on funding from other donors to do so. During discussions on the future of the project with the UNDP Programme Manager the review was told that, if further donor funds were not forthcoming, UNDP would have to end its involvement later in 2012.

The United Nations Mission in Timor-Leste (UNMIT) has provided support in the area of communications and operational change management. UNMIT has a communication adviser working at the CSC, but that support will end at the end of August 2012.

## **7. Key Issues Identified**

The core issues identified by the review are:

- job analysis and design (workforce planning)
- the size of the civil service
- staffing profiles
- recruitment
- continued concentration on dissemination of information
- workplace training and development
- donor support

## 7.1 Job analysis and design

All the key issues identified by the review fall within the area of human resource management. They are all interconnected. At their heart lies the urgent need to develop systems of job analysis and design from which will flow the ability to improve recruitment outcomes; provide adequate training; improve management capability; and manage performance.

The review considers a key goal for the CSC should be the development of systems to bring about continuous improvement in the performance of each and every civil servant. These systems can be developed only when there is a clear understanding of what each of those civil servants has to do when they are at work. Without them, performance and, therefore, service delivery, will be sub-optimal.

This review has called this issue ‘job analysis and design’; other practitioners have suggested it is basic workforce planning. This review considers that the most important task for the CSC to focus on is the analysis and design of individual jobs; however, in so doing it must never lose sight of the need for this process to start with an understanding of an organisation’s role and functions so they can be broken into their smallest component parts—that is, details of the duties to be performed by each employee. Without this basic information, it is impossible to:

- know what tasks must be performed;
- determine the level or value of the work to be performed;
- determine the qualities and qualifications a person would need to perform the work;
- recruit the right person;
- supervise the person and provide training to help them perform;
- evaluate the person’s performance.

Job analysis and design is at the heart of the capabilities the CSC must develop if it is to improve the performance of the civil service in recruitment, staffing profiles, performance evaluation, management and supervision, and therefore service delivery.

It has been suggested to the review that there is a risk in focusing on analysis and design of individual jobs. That risk is acknowledged; however, if the analysis starts from an understanding of the relevant agency’s purpose and role and works through the roles of work units to individual jobs, this risk will be miniscule.

The CSC should give priority to developing its own capability in this area so that it can then devise systems, templates and training for its own staff and staff in agencies. If it does not, any strategies it develops to address most of the other issues identified by this review will have a significantly reduced impact.

The review is aware of work done by advisers appointed by PSCDP which could assist the CSC in the development of such a system.

**Recommendation:** That, as a matter of urgency, the CSC:

- (a) develop an effective system of job analysis and design for Timor-Leste.
- (b) apply the system in the Secretariat before training other agencies in its use.

## 7.2 The size of the civil service

The civil service in Timor-Leste is growing at a rate that will be difficult to sustain. Numbers in the CSC's 2011 Annual Report suggest it is proposed to recruit 6,850 new staff in 2012. It is unlikely the CSC and agencies will have sufficient time or resources to recruit this number of people during the course of the year.

It is not possible to determine the basis on which so many additional staff have been sought. The staffing profiles appear to be little more than an ambit claim on the part of agencies. As far as the review can determine there was no analysis of the requests and the Government simply agreed to them.

Analysis of agencies' demands for resources is extremely difficult for any central HRM agency. Costing is easy, but determination of whether or not extra resources are really needed is an inexact science; even with an effective job analysis and design system it is difficult work. Given its potential long-term financial impact, it needs to be undertaken in close collaboration with the MoF as, ultimately, budget is likely to be the only really effective control on agency size.

A system for ministries to request additional staff should be developed in collaboration with the MoF. This should be separate from the staffing profile. In the opinion of the review, it should have three features:

- requests should be able to provide detail of any additional activity or increased workload and should focus on the staff and budget requirements;
- requests should be analysed jointly by the MoF and the CSC with a recommendation then going to the Council of Ministers;
- general, non-specific requests for additional staff should not be considered or supported.

Finally, the CSC should develop a strategy to try to persuade the new Government to cap the size of the civil service until it can be satisfied that agencies can demonstrate all current employees are being properly utilised. Ideally this work would occur in collaboration with the MoF because of the financial and economic risks arising from unconstrained growth in public sector wages.

Reduction in the rate of growth in the civil service will have the additional benefit of reducing some of the excessive pressure currently on recruitment.

**Recommendation:** That the CSC:

- (a) Recommend to Government that there be a freeze on recruitment beyond the staff levels set for 2011 unless agencies can justify to the MoF, the CSC and the Council of Ministers that there is a genuine need for new positions or appointments.
- (b) Develop a strategy to persuade the Government to cap the size of the civil service until agencies can demonstrate that all existing staff are being utilised effectively.
- (b) In collaboration with the MoF, develop a system for agencies to make submissions to the Council of Ministers for additional staff.

### 7.3 Staffing profiles

As noted, staffing profiles are a source of the problem of uncontrolled growth in the number of civil servants.

A question for the CSC to address is whether there is capacity in the civil service to undertake the level of analysis that would allow the staffing profile to be used as a predictive tool. The review notes the difficulty of this task in any jurisdiction and suggests that most controls on staffing levels are a consequence of budget restrictions rather than analysis from bodies like the CSC.

The problem of determining the precise numbers of civil servants is not limited to Timor-Leste. In a number of Australian jurisdictions the data to provide the snapshot is extracted from the payroll two or four times a year. Experience has shown that, even though it fails to capture people employed but not being paid, it is the most accurate source of data.

This issue was discussed with Commissioners who seemed to believe it should be addressed and ‘fixed’ before the next round of staffing profiles. This review considers there is no possibility of a ‘fix’ being available in the short to medium term. Any attempt to use staffing profiles for anything other than gaining a current snapshot of staffing levels should be abandoned for the time being. Development of the ability to take an accurate snapshot would, on its own, be an achievement and provide useful information.

Once such a system is in place, its effectiveness can be monitored by comparing staffing profiles year on year to make sure variations were properly approved.

In this regard the review also recommends the Commission give consideration to how it can persuade members of government to be more constrained by the processes set out in various decree laws—such as the Career Regime and Decree Law 17/2006 on *Organisational*

*Structure of the Public Administration*—to get advice from the civil service before making decisions.

**Recommendation:** That the CSC stop using staffing profiles to gather requests for additional staffing and restrict them to providing a snapshot of actual staff and vacancies at a point in time.

#### 7.4 Recruitment

At the forefront of concerns raised by agencies was recruitment: the time it takes; the quality of the candidates selected; and the need for more agency involvement. Members of the CSC have advised the review that the demands of the number of recruitment processes have meant a much increased role for agencies: panels are now mostly made up of agency members with a CSC representative to assist; other agencies have been delegated power to recruit.

Commissioners say that much of the time delay results from agency personnel being unavailable to participate in the selection process. On the other hand, agencies' increased involvement on panels should be expected to reduce concerns about the quality of appointees.

Recruitment is core business for the CSC and for agencies; even if the growth of the civil service is slowed or stopped, there will continue to be resignations, retirements and changes in operations. Recruitment will always be necessary. It is important that all concerned can do it efficiently and well.

The CSC has advised the review that, with the agreement of the Directors-General of agencies, it will move to a process whereby recruitment occurs only twice yearly. It is argued this will reduce the constant demand for recruitment exercises. It is not obvious quite how this will reduce the pressure other than by making it easier to conduct single exercises for similar jobs. In cases where vacancies arise shortly after the cut-off time for the last round and agencies have to wait six months to recruit, it is likely to increase pressure at the next round.

The review has also been advised that the CSC has either introduced, or is planning to introduce, a payment of US\$150 for members of panels for each complete selection process. It is assumed to be based on the view that it will provide an incentive for panels to complete their work more quickly.

The review draws attention to Article 9 of the Statute of the Civil Service:

*1. A civil servant shall perform the functions arising out of the level or position to which he or she has been appointed under a regime of exclusive commitment, and he or she shall not have various*

*remunerated employments in the civil service nor take up any activity that calls into question his or her independence or that diminishes his or her professional performance as a civil servant.*

*2. A civil servant may however act as a consultant or advisor to different public bodies, act as a lecturer in his or her area of study, and carry out scientific research, on the understanding that authorisation from the oversight minister or secretary of State directly answerable to the Prime Minister is secured in advance under terms and conditions to be outlined by the Government.*

The review has been advised that the “*regime of exclusive commitment*”, set out in paragraph 1, can be circumvented by the engagement of civil servants as consultants for the purpose of recruitment. Noting that the reviewer has no legal qualification and is limited to working with a translation of the legislation, the following observations are offered:

- recruitment is core business, not an extra-curricular activity;
- recruitment is an essential part of a supervisors’ duties; in other words, it is a function “... *arising out of the level or position to which he or she has been appointed ...*”;
- an interpretation of the law is that the ability to work as a consultant is restricted to “... *different public bodies ...*” meaning a supervisor could not receive the payment for selecting his or her own staff;
- if agencies are serious about making sure they get quality recruits, they will appoint direct supervisors to select their staff (indeed this is a requirement of Article 12(4) of Decree Law 34/2008 on recruitment);
- the inability to pay immediate supervisors will create an inequity resulting in panel members being appointed from outside the agency in question;
- it is highly likely that some people in authority will find the lure of the payment greater than the requirements of their job and spend all their time recruiting, thus neglecting their other duties;
- this will lead to the development of a class of professional recruiters resulting in a further reduction in the chance of agencies getting the best staff;
- CSC staff are not included, so there is an argument they are being treated unfairly;
- it is not clear from the Act that the CSC is in a position to provide the approval for such a scheme; it appears that some form of Government decree is required and then individual approval will be needed from the Prime Minister, who is currently ‘*the oversight Minister*’.

The review strongly recommends this proposal not proceed.

The review suggests the CSC consider a different approach to panel performance. In such a model, responsibility for managing selection processes would lie with agencies. A CSC representative would be part of every panel. If the CSC felt some sort of punitive response for excessive delay were necessary, it could consider recommending that agencies failing to meet the required timeline, forfeited both the vacancy and the funding for it.

The CSC's advice that agencies have to share the blame for recruitment failings is accepted. There will always be problems in such a demanding process. However, the CSC has chosen to fulfil its responsibilities by not delegating responsibility for recruitment and must accept that, fairly or not, it will be blamed for delays. It must provide leadership in improving the system and helping agencies understand their responsibilities. If it does not, it faces considerable risk of future political action to curtail its powers in the area. As the CSC's President pointed out, any action to reduce the CSC's control of recruitment would be to undermine one of the underpinning principles for the establishment of the CSC: the separation of the civil service from political influence.

The review cannot stress enough to the CSC the long-term importance of recruitment, both to the civil service and to the CSC's reputation. It is very important that it commit its best human resources to managing its recruitment responsibilities in a way that will enhance rather than diminish its reputation for providing excellent service.

The selection process set out in decree law 34/2008 is the single biggest obstruction to speedy recruitment. Analysis suggests it would be almost impossible to complete a recruitment in less than 60 days. Seeking every opportunity to reduce the number of steps in the process and the time required for them is an important first step.

**Recommendations:** That the CSC:

- (a) Initiate an immediate review of the recruitment process to be led by a senior member of the CSC staff who can devote all their attention to it. It should not be done by any staff involved in actual recruitment as they will have insufficient time to devote to it.
- (b) Immediately abandon the plan to pay civil servants for sitting on selection panels.
- (c) Insist that agencies supply staff from the work area for which recruitment is occurring to sit on selection panels and make them aware that they are responsible for the timeliness of recruitments.
- (d) Develop routine reports on each recruitment exercise to highlight any reasons for delay.
- (e) Continue to work with agencies to increase the level of understanding of the importance of the political independence of the civil service, particularly amongst senior

staff, so that Directors-General start to provide a buffer against any political pressure from ministers for involvement in recruitment.

- (f) Consider reducing the number of members of selection panels, noting that three people is a standard panel size in Australia.
- (g) Work with INAP to develop an effective training module for recruitment that can be delivered to the CSC's staff as well as to agency supervisors and HR practitioners.
- (i) Immediately review the staffing profile for the National Directorate of Policy and Practice in Human Resources and, if possible, recruit experienced additional senior staff (Grades B or C) to increase the resources it can apply to selection processes.

## 7.5 Workplace training and development

The review is aware that scholarship schemes are available in a number of ministries and through the SoSAR. The importance of scholarships to Timor-Leste cannot be denied and it is expected that they will continue to be a feature of the civil service for some time to come.

However, scholarships are a very expensive form of training and it is important that their real benefits be carefully analysed so they can be carefully targeted to ensure the maximum possible benefits accrue to the country. Great care is required if scholarships are to be used as a reward scheme.

The review has heard a number of criticisms of the quality of some of the education received. For example, more than one person told the review that people who returned to Timor-Leste with masters degrees were unable to write a basic letter. Questions should certainly be asked about the quality of education that produces results like this. In addition, the review considers that scholarships to undertake post-graduate degrees should be given only where there is a significant benefit to the country.

The review understands there is good induction training available as well as training in basic administrative procedures. This an excellent start and as many civil servants as possible should be provided with it. However, as work is done on job analysis and design, the requirements of particular tasks will become more apparent. So, too, will the gaps in knowledge of applicants and appointees, giving pointers to where specific on-the-job training should be developed.

There are three obvious examples in the CSC. The first is the desirability of developing a good training course in recruitment and selection covering the requirements of the decree law; how the process actually works; the responsibility of panel members; and how a good selection process will be conducted. This training could be developed for new and existing CSC employees and quickly extended to other agencies.

The second example is in the area of the investigations conducted by the CSC. The National Director in the CSC responsible for investigations told the review he would like an adviser to be appointed to assist him in providing training. He was very clear about the skills and experience of the adviser he would need. It is clear there is a need for training in this area. It also offers an opportunity to provide training to agency staff so they can lift some of the investigatory burden from the CSC.

The third concerns the proposal to develop improved job analysis and design. As soon as this is done, the development of training courses would enable the rapid spread of this knowledge both to CSC and agency staff.

This training is a critical component in a cycle of job competence that all employers should be seeking. It is possible only when there is a good understanding of the work that employees must perform.

**Recommendation:** That the CSC develop training to help train its staff (and then those of agencies) in recruitment, job analysis and design and investigations.

## 7.6 Continued dissemination of information

The review was told of a number of concerns about matters such as salary levels and the operation of the law which pointed to poor levels of understanding of both the content of the law and, just as importantly, the reasons underpinning the law.

As an example, concern was expressed that the career regime pays a salary for leadership and management positions rather than an allowance. It is understood that, in the Indonesian system (on which a great deal of Timorese thinking about remuneration is based), appointees to senior positions received an allowance rather than a higher salary. In this model, a person appointed from Grade E to be a chief of department would be paid less than a person appointed from Grade A. This is seen by some Timorese (notably those whose substantive grade is higher) as a better system.

The career regime was based on valuing the work being performed not the person performing it. That means higher level positions attract a higher salary irrespective of the previous level of the person appointed. It is important for the CSC to ensure wide understanding of this principle (and others underpinning the law) amongst civil servants, particularly amongst leaders, managers and HRM professionals.

**Recommendation:** That the CSC builds on the successful work it has done on disseminating information and, in doing so be mindful of the need to ensure it explains the principles underpinning its decisions and the law.

## 7.7 Donor support

Donors have played a significant role in the evolution of the CSC: in its structure, systems and processes; in the legal framework it has put in place; in the development of its key coordination forums; in producing materials to increase the level of information and communication; in the development of the PMIS; and in the conduct of some key initiatives such as the conversion of temporary employees.

National Directors talked of the need for further adviser support into the future.

It is not clear to the review that the donor support has always been directed to the areas the CSC sees of greatest use. Both donors and the CSC must accept responsibility for this.

**Recommendation:** That, if the CSC decides to request further donor assistance, it ensures:

- (a) it is clear about exactly what tasks it wants assistance with (this is the same process as job analysis and design);
- (b) how long it will take, so the term of any adviser is sufficient to complete the work to a stage where it can be handed over in a sustainable form;
- (c) it works with donors to ensure the appointment of advisers able to develop basic and effective systems that will function in the Timor context; and
- (d) it considers all possible forms of available assistance, not only technical advisers.

## 8. Other Issues

The following issues are mentioned as the review believes it is worthwhile the CSC considering them as it plans for the future:

- Overly ambitious plans
- Inspector-General of the CSC
- Structure of the CSC
- Investigations
- PMIS
- Special Career Regimes
- Secretariat reporting and accountability
- Coordination

### 8.1 Overly ambitious plans

The review considers that the CSC's strategic plan is overly ambitious. This is a problem that affects many strategic plans in all parts of the world. However, it is worth addressing if only because the difficulty meeting targets in ambitious plans has a demoralising effect on staff.

The review considers that reviewing the plan to focus on a smaller number of critical areas is important.

The CSC's ambitions are also clearly set out in its Decision N<sup>o</sup> 145/2010. It seems to the review that many of the functions assigned to the National Directorates are beyond the capability of the CSC's staff to deliver at this time. While it is important to acknowledge the range of areas for which the CSC is responsible, it is important for it to recognise that capability in many of the areas will need to evolve and to focus on those areas which are achievable at this stage.

**Recommendation:** That the CSC review its Strategic Plan and structure to make sure it is not creating expectations which it is unable to meet.

## 8.2 Inspector-General

It is noted that, although the structure provides for it, the CSC has not appointed an Inspector-General. The review understands that the office of Inspector-General is considered to be a necessary part of the structure of ministries in Timor-Leste and assumes this is why it was included in the CSC.

**Recommendation:** That the CSC as exemplar of behaviour in the Timor-Leste Civil Service either appoint an Inspector-General or make a case to the Government that it should be treated differently to other agencies. If this case is successful, the CSC should amend its structure to remove mention of the office.

## 8.3 Structure of the CSC

In general terms, the structure of the CSC appears serviceable. The review has noted elsewhere the need for the CSC to consider moving some functions from the National Directorate of Policy and Practice in Human Resources so it can focus clearly on the business of recruitment. It has also noted the ambitious nature of the structure.

The distinction between some of the planning and record keeping roles of the Division of Protocol and Support and the National Directorate of Administration is not immediately apparent.

From a brief study of the pension law, it is not clear to me that a National Directorate is warranted to manage the CSC's responsibilities for the pension scheme. Indeed, it seems the CSC's responsibility will be limited to providing certificates of service for civil servants. It is hard to see that this requires an entire Directorate, particularly if the Personnel Management Information System (PMIS) is working properly.

The funds would be better applied for additional staff to support recruitment or investigations.

In addition, the review questions the need for the current management overhead at the CSC. Given that a design principle was that Commissioners be part time, the decision to have a full-time President and three full-time Commissioners has led to an overlap of their functions with those of the Director-General and the National Directors. In all the discussions the review conducted, it was clear that the most sought after point of conduct at the CSC was the President and that he is deeply involved in the day-to-day detailed management of the business of the Secretariat. The review understands he continues to be engaged in the allocation of work to areas of the Secretariat and is reluctant to delegate.

Other Commissioners also have specific areas of responsibility.

Such arrangements are not sustainable if the CSC is serious about ensuring its Director-General and National Directors are able to exercise similar high level responsibilities and have the status of their counterparts in other ministries. It would be expected that matters such as high-level work allocation would be undertaken by the Director-General and not by the President. There is serious role confusion here.

The CSC has two practical alternatives:

- If it continues to have full-time Commissioners who are involved in the daily oversight of Commission functions, it could consider giving them actual management responsibility for areas of the Commission and using the budget for National Directors to engage more staff at Grades A and B to undertake some of the higher level work.
- When the current terms conclude, consider not reappointing full-time Commissioners so that the Director-General and the National Directors are required and able to exercise the level of responsibility expected of those offices.

**Recommendations:** That the CSC:

- (a) carefully review the roles of Commissioners and senior staff to ensure that there is no overlap of functions; and
- (b) review whether there is likely to be sufficient work to justify an additional National Directorate to support the pension law.

#### **8.4 Investigations**

It is noted that the National Directorate of Discipline and Administrative Procedures has been successful. Matters are regularly referred to it and it has a significant backlog of work. The National Director told the review that he considers he needs a large number of additional staff and the services of a Portuguese-speaking adviser experienced in investigations to help him provide training to staff.

Of more concern was advice from the National Director that his directorate investigates almost any matter put before it that involves a civil servant. He gave as an example the investigation of complaints of marital infidelity and bigamy.

Article 73(1) of the *Statute of the Civil Service* says:

*A civil servant or an agent of the public administration who breaches his or her duties, abuses his or her functions or otherwise undermines the prestige of the State shall be subject to disciplinary punishment, without prejudice to criminal or civil action.*

Investigations conducted by the CSC and agencies should be confined to those matters that arise from the performance or non performance of duties by civil servants and agents. The CSC should not be investigating matters that properly fall within the jurisdiction of other authorities—for example, bigamy, theft or corruption—or matters that are not directly related to work unless the civil servant’s private conduct “*undermines the prestige of the State*”.

In fact, it is more than likely that such cases would initially be determined by a process conducted by another authority. For example, a civil servant who received repeated fines or penalties from the courts for violence and public drunkenness, may subsequently be found to have “*undermined the prestige of the State*” and be disciplined for it.

**Recommendation:** That the CSC act immediately to limit the scope of investigations conducted by the Secretariat to matters that relate directly to peoples’ employment in the civil service noting that failure to do so will create a long-term cost for the CSC, both as a result of the number of staff required to conduct the investigations and because of the range of skills needed for such a wide scope of investigations.

## 8.5 PMIS

The review was told it is likely that donor support, which has paid for and supported the attempts to establish the PMIS, ends in 2012. The CSC will have to find other donors or petition the GoTL for funds to support it.

The review considers that, if the PMIS is seen as a critical system for the GoTL, it should meet the cost of building and running it. However, before it does, it should be satisfied that it is doing, or is capable of doing, what it was intended to do and can be completed and maintained at a reasonable cost.

While advice given to the review of the serviceability of the PMIS varied, the weight of advice was that it is not working particularly well or as intended. Criticisms of the currency and accuracy of data were frequent. It was reported that data cleansing activities were continuing (they have been ongoing since 2009 or earlier). Agencies complain they have read-only

access to the system and are moving to implement their own systems which, while relying to some extent on PMIS, will be separate from it.

There is no connection yet between the PMIS and the payroll system used by MoF, although this has been discussed for at least the past two years. There is a level of frustration in the MoF on two fronts:

- progress in integrating PMIS with the payroll system; and
- delays in getting information from the CSC which can result in people continuing to be paid even after payments should have been stopped.

This second concern may not be a problem with PMIS, but it does point to the need for integrated and effective systems. Systems do not have to be computer based to be effective.

Another telling concern about the PMIS was repeated statements from the CSC's national directorates that they needed support to develop stand-alone databases to help them to do their work better. When questioned about why they were not using PMIS, the response was always that it could not do what they wanted.

**Recommendation:** That the CSC commission a comprehensive and honest review of whether the PMIS as it is currently configured and planned will be able to provide an effective human resource management information system for the GoTL. Any such review should be conducted in collaboration with the MoF with payroll integration being a key priority and should be undertaken before the GoTL is asked for the funds to continue to support it.

## 8.6 Special Career Regimes

Special career regimes have been approved by the Council of Ministers. The CSC is pleased that it has managed to retain the key elements of its role during the process, but it has been unsuccessful in preventing significant wage disparities developing between the general career regime and some of the special regimes.

While it is acknowledged that the responsibility for special career regimes rests with the Council of Ministers, the recent special regime for health workers, for example, has provided salary scales likely to have significant distorting effect on other salaries in the short to medium term. The CSC must consider carefully:

- how it can develop effective mechanisms to provide advice to the Council of Ministers likely to prevent poor outcomes; and
- whether the scope of possible salaries set out in the career regime (decree law 27/2008) is adequate for the civil service.

As with resolving key concerns about the PMIS, effective resolution of this issue requires the development of a solid working relationship with the MoF.

### **8.7 Secretariat Reporting and Accountability**

The review found that the Secretariat does not provide regular written reports to the Commission. It is likely this is a result of a number of factors:

- the attendance at CSC meetings of the Director-General
- the extensive involvement of the President in the daily activities of the Secretariat
- the involvement of three of the other Commissioners in particular activities of the Secretariat
- the provision of written reports not yet being the norm at the CSC.

**Recommendation:** That the CSC require its Secretariat to develop and maintain processes to provide regular written progress reports on the implementation of the goals in the strategic plan and the annual action plan.

### **8.8 Coordination**

Discussions with INAP, MoF and CSC staff point to a lack of coordination in critical areas such as training and the development of effective systems linking HRM data and payroll. There is also evidence of lack of coordination in review of special career regimes, staffing levels and other matters going to the Council of Ministers for consideration.

The review has found that little priority is given to coordination which most likely reflects a lack of appreciation of the value it can add to government. The review recommends that the CSC take a lead in improving coordination with other key agencies.