



REPUBLIC OF MALAWI

MALAWI NATIONAL PUBLIC SECTOR REFORMS POLICY

PERIOD: 2018 – 2022



PREPAID METERS



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HIS EXCELLENCY
PROF. ARTHUR PETER MUTHARIKA
PRESIDENT OF THE REPUBLIC OF MALAWI

FOREWORD

The Government of Malawi is committed to improving the welfare of the people of Malawi and to transforming the country to a technologically driven middle-income country. Malawi has to achieve the global sustainable development goals and become a productive, competitive and resilient nation, as outlined in the Malawi Growth and Development Strategy III of 2017, in order to achieve the middle-income country status. This will require a public service that is fit for purpose, results oriented and high performing to facilitate positive transformation of the economy and modernization of the country.

The public service has, however, been experiencing a number of challenges that have undermined its ability to effectively implement policies and programmes that are crucial for the transformation of the country. A number of public sector reforms have been implemented since independence to improve the performance of the public service. However, these reforms have produced mixed results with limited impact on the performance of public service institutions.

My Government's administration re-launched public sector reforms in 2015 with a renewed impetus covering all the three branches of government i.e. the executive, the judiciary and the legislature. We need reforms that will align allocation of resources and operations in the public service to support achievement of the MGDS III Outcomes; reforms that will bring public sector institutions, non-state actors and citizens to work together for the common good; reforms that will help to enhance trust and confidence in the public service and government and; reforms that will improve service delivery to all parts of Malawi.

The Public Sector Reforms Policy Framework provides a framework that will guide formulation, implementation, monitoring and evaluation of all reforms in the public sector. I, therefore, appeal to all stakeholders to get involved in the implementation of this policy and public sector reforms for a better Malawi that we all want.

Professor Arthur Peter Mutharika

PRESIDENT OF THE REPUBLIC OF MALAWI

PREFACE

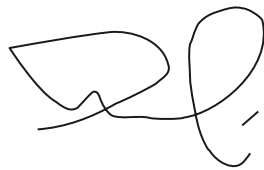


The Public Sector Reforms Policy Framework has been developed through a consultative process to guide the formulation and implementation of reforms from 2017-2022. The policy has been developed following the launch of the public sector reforms with a renewed impetus by His Excellency the president of the Republic of Malawi, Professor Arthur Peter Mutharika on 11th February 2015. This policy covers all branches of the state that is the Executive, the Legislature and the Judiciary. This is because the policy framework institutionalizes all public sector reforms in order for Malawi to achieve the outcomes the Malawi Growth and Development Strategy III which is the national medium term development strategy that will run concurrent with the policy in its implementation.

The Public Sector Reforms Policy Framework covers policy statements and strategies for the formulation and implementation of public service management reforms; decentralization reforms; institutional restructuring; recapitalization; game changing programming. These will and continue to take place at sectoral levels, Ministerial levels, Departmental and Agency (MDA) level, as well as in the legislature and judiciary. The policy framework also provides a guide on the leadership, coordination and management of reforms and has an implementation plan and a monitoring and evaluation framework.

The reforms that will ensue from this policy are expected to transform all public sector institutions to high performing institutions that will deliver quality services to the public and effectively implement policies and programmes that will contribute to the achievement of the outcomes in MGDS III. Through this policy framework, government is fostering greater alignment of public sector institutions to the MGDS III. Government is also fostering greater collaboration among public sector institutions and between public sector institutions and non-state actors (the private sector, non-governmental organisations, civil society organisations and faith-based organisations in the formulation and implementation of reforms.

I urge all public servants and other stakeholders to be part of the implementation of this policy so that together we can formulate and implement reforms that will transform the public sector into a results oriented and high performing institution that will contribute to a productive, competitive and resilient Malawi that will become a middle income country in the near future.

A handwritten signature in black ink, consisting of a stylized 'L' followed by a large loop and a short horizontal stroke at the end.

Lloyd A. Muhara

CHIEF SECRETARY TO GOVERNMENT

ACRONYMS AND ABBREVIATIONS

CBS	Cash Budget System
CSPE	Civil Service Pay and Employment
DHRMD	Department of Human Resource Management & Development
FDI	Foreign Direct Investment
ICT	Information and Communication Technology
IFMIS	Integrated Financial Management & Information system
MDAs	Ministries Departments and Agencies
MGDS III	Malawi Growth and Development Strategy 3 of 2017
MTEF	Medium Term Expenditure Framework
NAO	National Audit Office
OPC	Office of the President and Cabinet
PFMA	Public Finance Management Act
PPP	Public –Private Partnerships
PSRMU	Public Sector Reforms Management Unit

1.0. INTRODUCTION

The Government of Malawi recognises the crucial importance of an efficient, effective, accountable, predictable, transparent, and responsive public service for the delivery of equitable and quality public services and for realisation of national development goals. Government has, since independence in 1964, been implementing public sector reforms aimed at improving public sector governance, efficiency and effectiveness that are crucial for delivery of quality services to citizens, for realising national development goals and for making Malawi globally competitive.

Previous reforms have, however, had mixed results and consequently limited impact on overall public sector transformation. The Government of Malawi under the presidency of Professor Arthur Peter Mutharika, therefore, re-launched public sector reforms in February 2015 to demonstrate government's renewed commitment to transforming the public sector so that it can become competitive and modernised.

Through this policy, Government is outlining its agenda on public sector reforms, the institutionalisation of the reforms as well as the management, monitoring and evaluation of the reforms.

The policy provides some background information on selected previous reforms, highlighting some achievements and challenges that inspired a renewed vision on reforms. It also provides guiding principles for reforms, the policy direction and the key reform areas that will be pursued in the short to medium term. The policy has been aligned to the MGDS III to ensure that the public sector is transformed to contribute to tangible service delivery improvements and development outcomes that are measurable. The policy document is a living document, which will be subject to review every 5 years in tandem with the changes in the medium term development strategies and global trends in public administration and development generally.

The policy is applicable to the entire public sector which includes all the three branches of Government namely the Executive, the Legislature and the Judiciary and all public agencies that are funded by government and provide goods and services that are meant to benefit the public. In Malawi the public sector comprises the following:

1. The National Assembly or the Parliamentary Service
2. The judiciary or the Judicial Service
3. The civil service which comprises all Government Ministries and Departments

4. The Defence Force
5. The Police Service
6. Local Government Authorities
7. Any Corporation, Council, Board, Committee, public university or other body which has power to act under and for the purposes of any written law relating to local government, public health or undertakings of public utility or otherwise to administer funds belonging to or granted by the Government or money raised by rates, taxes or charges in pursuance of any such law.
8. Any other body prescribed by regulation for the purposes
9. Any company in which Government has majority share equity.

1.1. BACKGROUND

1.1.1. Previous Public Sector Reforms Undertaken By the Government of Malawi

Public sector reforms are not new in Malawi. There have been various generations of reforms, which have been implemented since independence in response to recommendations made through a number of Commissions of Enquiry and studies.

Selected reforms previously implemented are presented below:

The Skinner Commission of Enquiry

Reforms recommended by the Nyasaland Local Civil Service Commission of Enquiry headed by T.M. Skinner in 1963 were implemented soon after independence. These reforms aimed at transforming the colonial public service, which was designed to serve the goals of colonialism to a public service that would serve the developmental needs of an independent Malawi.

The Commission made recommendations to align salaries and conditions of service of Malawians, who were to replace expatriates, to the economic and financial realities of a newly independent country. Further recommendations were made to streamline the structure and grading of the public service at the centre and in the field to avoid over committing and overburdening the public purse. The Skinner Commission also recommended the creation and retention of a professional and efficient public service through employment of public servants of high calibre and ability who would work under fair conditions of service to address the challenges of post-independent Malawi and steer the nation to achieve its development aspirations.

The United Nations Economic Commission for Africa Public Service Review

In 1966, the United Nations Economic Commission for Africa (UNECA) undertook a Public Service Review to complement the recommendations of the Skinner Commission. UNECA recommended the need to also address issues related to leadership and institutional development for the public service to be better placed to facilitate development. However, only institutional restructuring was undertaken and leadership reforms were not implemented.

The Herbecq Civil Service Review Commission

The Civil Service Review Commission was instituted in 1983 under the chairmanship of Sir John Herbecq. The reforms recommended by the Herbecq Commission were implemented during the structural adjustment era from 1985, when the report was released. This is a period when the public service needed to reform for the country to withstand the shocks of increased global oil prices, high costs of debt servicing and a bloated public service. The public service also needed to reform in line with the imperatives of the New Public Service Management paradigm which, among other things, called for decentralisation, infusion of private sector management practices in the public service, reduction of the public service and improved public sector governance and accountability.

The Herbecq Commission of Enquiry focused on review of human resource management issues such as the staff structure, career development and grading. It also focused on creation of a capable and professional public service through a number of strategies including systematic and comprehensive human resource development to replace adhoc training. This also entailed a review of education and training institutions to meet the needs of the public service. The Herbecq report also resonated the Skinner report on the need for high calibre people to fill administrative positions in the civil service because *“administrative work calls for very high qualifications, mental discipline and intellectual abilities and requires people with a good sense of judgement, integrity and ability to work with ministers.”*

The Herbecq Commission also recommended against using the civil service as a means of creating employment without looking at the strategic human resource demands of the public service because overstaffing diverts resources from productive activities. The Herbecq Commission further recommended the need for inculcating a culture of professionalism in the public service whereby employees will not view their jobs merely as a source of income and career progression but as a means of contributing to higher level national development goals.

The Chatsika Commission of Enquiry

The Chatsika Commission of 1995 focused on restructuring the civil service to improve performance and on enhancing the salary structure and benefits for civil servants. The Chatsika Commission also resonated with the Herbecq Commission on the need to rationalise the staffing in the civil service, particularly support services to ensure that only employees that are shown on the establishment are recruited and retained. It further recommended that the staffing levels should be determined by sectoral priorities, the operational needs of the civil service and affordability.

World Bank Malawi Public Sector Review (1991)

The World Bank review highlighted some institutional and management capacity weaknesses at the Centre of Government i.e. the Office of the President and Cabinet, Ministry of Finance and the Department of Statutory Corporation. The review recommended capacity strengthening of OPC to play a coordination and oversight role of the public service rather than a control role; strengthening the oversight capacity of the Department of Statutory Corporation over parastatals; strengthening management of financial resources through improved budgeting by introducing the Medium Term Expenditure Framework (MTEF); strengthening of management training institutions focusing on the Malawi Institute of Management and; strategic reviews aimed at rationalising the public service.

Reforms in the Democratic Dispensation

Reforms implemented between 1994-2014 aimed at improving efficiency and effectiveness of all branches of the state i.e. the Executive, the Legislature and the Judiciary. They also focused on, among other things, improving good governance through enhanced accountability and greater participation of non-state actors and citizens in the national development agenda. They also aimed at enhancing economic recovery in response to the economic downturn created by withdrawal of Aid.

Reforms implemented from 1994 to 2014 focused on political, legal and administrative reforms. These led to the development of a new Constitution and the Public Service Management Act in 1994. Other Acts introduced earlier in 2003 were the Public Finance Management Act, the Public Procurement Act and the Public Audit Act.

Reforms during the democratic dispensation implemented under the Civil Service Action plan included strengthening of OPC in policy formulation and analysis; institutional development and management; strategic planning, restructuring of ministries and downsizing; economic, financial management and audit reforms. These included the Civil Service Pay and Employment

(CSPE) reform, Cash Budget System (CBS) Integrated Financial Management and Information System (IFMIS).

Decentralisation reforms were also implemented following the Decentralisation Policy and Act of 1998. These reforms aimed at devolving authority, power and responsibilities from the central government to local authorities in order to promote participatory local governance and development.

Sector reforms implemented during this period included reforms to improve service delivery in the health and education sectors using sector wide approaches.

Other reforms implemented included parliamentary reforms aimed at strengthening the management of parliamentary affairs and the capacity of parliamentary committees and interface of parliament with the Judiciary and the Executive. Police reforms were also implemented to professionalise and transform the police from a force to a service and judicial reforms were implemented to increase access to justice by ordinary people.

The democratic dispensation also necessitated the creation of institutions aimed at enhancing public sector governance and accountability. These included the office of the Ombudsman whose function includes investigating cases of maladministration in public institutions; the Anti-Corruption Bureau which was established to fight corruption in public and other institutions and; the Office of the Director of Public Procurement which was created to ensure objective procurement processes in public institutions.

1.1.2. Previous Experience with Reform Implementation

Reforms implemented since independence and prior of 1994, focused more on areas such as restructuring of MDAs, institutional development, human resource management, capacity development and financial management and contributed to some positive changes in these areas. Some of the achievements included institutionalisation of the Human Resource Management Information Management System in DHRMD, restructuring of MDAs, introduction of Sector Wide approaches to programme implementation, and implementation of the Integrated Financial Management Information System (IFMIS) at central and local government level. Another achievement of previous reforms was formulation of the Public Service Act in 1994 which came following recommendations from various reviews of the civil service including the review by the Herbecq Commission.

In 2006 the Public Sector Reforms Management Unit (PSRMU) was established within the Office of the President and Cabinet (OPC) to coordinate all Public Sector Reforms for the development of a modern and efficient Public Service. PSRMU was mandated to provide strategic leadership on Public Sector Reforms, planning and management, and to develop the strategic linkages among various reform initiatives in the public sector and institutions that drive them.

Despite establishment of PSRMU, implementation of reforms remained problematic due to a number of factors. These included inadequate commitment to reforms by political, administrative and technical leaders in the public service which led to partial implementation; lack of ownership of reforms since they were mostly externally driven; inadequate resources allocated for implementation of reforms; lack of a shared vision for reforms due inadequate participation of non-state actors and citizens in reforms; and lack of capacity to implement reforms. In addition, there had been no overarching policy to guide the content and implementation of all public service reform programmes. Previous reforms, therefore, had mixed results and have not been instrumental in transforming the public service.

1.1.3. Renewed Impetus for Reforms

The current reform agenda, which was re-launched in 2015, reflects a renewed impetus for reforms provided under the leadership of His Excellency the President of the Republic of Malawi, Professor Arthur Peter Mutharika. The renewed impetus was inspired by the need to address challenges experienced with previous reforms and make reforms work and the need to make the public service more efficient, effective and accountable in the face of the deep seated inertia and stagnation that had come to be associated with the public sector, as well as the “cash-gate” scandal which displayed deep corruption and theft in the public service.

In this regard, the President of the Republic of Malawi, His Excellency Professor Arthur Peter Mutharika established the Public Service Reforms Commission on 23rd June 2014 headed by the Vice President of the Republic of Malawi, to champion the implementation of the reforms. The Public Service Reforms Commission was mandated to chart the national direction and establish national priorities in the public sector reforms that would ensure successful change towards a dynamic, efficient and effective public service. The Public Service Reforms Commission provided strategic leadership in the generation of reform areas, their Presidential approval and the beginning of the implementation of the same.

This policy is effectively institutionalising the reforms agenda as initiated in 2014, launched in February 2015 so that they are entrenched formally into the government machinery. This in effect means that reforms will now become part of the formal architecture of government as an institution.

1.1.4. Linkages with Other Relevant Policies

There are a number of policies, which inform the content of public sector reforms in Malawi. These include the Constitution of the Republic of Malawi of 1994, the National Vision 2020, the Malawi Growth and Development Strategy III, the Public Finance Management Act (2003), the Public Audit Act (2003), the Public Procurement Act (2003), the Public Service Act (2003), the Decentralisation Act (1998), the Decentralisation Policy (1998), the National Gender Policy (2015) and the Public Service Management Policy (2017), and other national and sectoral policies.

The Constitution of the Republic of Malawi of 1994

The Constitution of the Republic of Malawi of 1994 provides for a Public Service, comprising the Executive, the Legislature and the Judiciary. Chapter III of the Constitution highlights fundamental principles of National policy that obligate Government to introduce measures which will guarantee accountability, transparency, personal integrity and financial probity and which by nature of their effectiveness and transparency will strengthen confidence in public institutions. This obligation includes long term investment in health, education, economy and social development of the people of Malawi by progressively adopting appropriate sector policies and legislation, as well as lawful and procedural fair administrative systems and actions.

The Public Sector Reforms policy will be the basis for reforming public sector institutions so that government is able to meet obligations of the public service as provided for in the Constitution of the Republic of Malawi.

The Vision 2020

The Vision 2020 stipulates the long term development aspiration of Malawians that *“by the year 2020 Malawi as a God fearing nation will be secure, democratically mature, environmentally sustainable, self-reliant with equal opportunities for and active participation by all, having social services, vibrant cultural and religious values and being a technologically driven middle income country.”* This provides a broad framework for the development of the country. The public service is, therefore, expected to perform in a way that will enable the country to realise this vision. The Public Sector Reforms

Policy will facilitate transformation of the public service so that it can ably facilitate realisation of the aspirations in the Vision 2020.

The Malawi Growth and Development Strategy III of 2017

The Malawi Growth and Development Strategy III(MGDS III) is the medium term development framework for achieving the aspirations in the national vision 2020. The public service is the main driver for the design and implementation of the MGDS III and its efficiency and effectiveness is critical for the realisation of the outcomes sought in the MGDS III. The MGDS III aims at achieving development outcomes that will contribute to the building of a productive, competitive and resilient nation. The MGDS III, therefore, calls for an efficient and effective public service that will spearhead implementation of policies and programmes that will contribute to the realisation of the sought development outcomes.

Five priority areas have been identified in the MGDS III for implementation as follows:

- i. Sustainable agriculture, Water development and climate change management
- ii. Education and skills development
- iii. Energy, industry and tourism development
- iv. Transport and ICT infrastructure
- v. Health and Population

In addition to the five priority areas cross cutting issues of gender, disability and environment will be mainstreamed in all the policies and programmes in the 5 priority areas.

The MGDS III presents a number of key assumptions that are crucial for its successful implementation which have implications for the public sector reform agenda. Some of the assumptions are that:

- i. There will be improved public sector governance, which will include institutionalisation of practices that avoid wastage of scarce resources, improved stewardship for public resources and greater accountability and promoting collaborative governance which includes implementation of programmes within the public service and with non –state actors.
- ii. The Government will continue implementing public sector reforms with the “business unusual” approach in the implementation of key reform areas.

- iii. There will be greater alignment of resources to the key priority areas identified in the MGDS III.
- iv. There will be capacity for effective design and implementation of sectoral and social programmes.

MGDS III is calling for enhanced public sector governance and management for its successful implementation in view of the experience that implementation of previous MGDS was hindered by the following weaknesses:

- i. Budgeting and resource allocations not strictly informed by national priorities.
- ii. Inconsistencies in planning, which included failure by political parties to adequately, align their manifestos to the national development agenda. This leads to a tendency by in-coming governments to divert the attention of the public sector from the core priorities to some populist programmes and/or projects which may not necessarily aligned to the national development agenda.
- iii. Pilferage of scarce resources through corruption, porous procurement processes and capacity challenges in management of contracts particularly large ones.
- iv. Deployment of some unqualified and incompetent people in the public service, which has negatively affected morale of civil servants and undermined delivery of quality public services.

Public Service Act of 1994

The Public Service Act of 1994 makes provision for the administration and management of the public Service. It calls for a public service that will deliver services to the public in an efficient and effective manner; that will be an instrument for generating and maintaining public confidence in government; that will be impartial, independent and permanent to continue uninterrupted services regardless of the party which is in power and; that will be guided by public interest and welfare of the public in the delivery of services and design and implementation of policies and programmes. The Public Service Act also calls for a public service that will achieve and maintain high levels of integrity and professional conduct of all public servants.

The Act provides for meritorious recruitment and advancement of staff; fairness in human resource management practices; and modernisation of public service management practices in order to promote efficient delivery of public services and welfare of public servants within the boundaries of the law.

The Public Sector Reforms Policy is an instrument that will help to make the provisions in the Public Service Act a reality, through transforming public sector institutions to align them to the provisions in the Act.

The Public Service Management Policy of 2018

The Public Service Management Policy of 2017 will guide the governance and management of the Public Service to become a result oriented, efficient, dynamic and high performing institution that will deliver quality public services and facilitate achievement of strategic national development outcomes and aspirations outlined in the MGDS and national vision, respectively. It will spell out the guiding principles, the values and practices that will need to be inculcated and institutionalised for the desired Public Service to be established.

The public service includes all institutions that fall within the three branches of Government: the Executive, the Legislature and the Judiciary as follows: National State Departments and Ministries, Local Government Authorities, State enterprises that are created by relevant Acts of Parliament and Regulatory Departments. The Public Service Management Policy will therefore guide all these institutions.

The Public Sector Reforms Policy is the driver of the Public Service Management Policy so the two are closely related. The Public Service Management Policy identifies areas in public service management that need to be improved which are also priority reform areas.

The Public Finance Management Act of 2003

The Public Finance Management Act (PFMA) (Cap. 37:02) of 2003 was enacted in order to foster and enhance effective and responsible economic and financial management by Government, including adherence to policy objectives; to provide accountability arrangements and compliance to those arrangements; to obligate Government to produce statements of proposed budget policy, confirmation of adherence to fiscal discipline, economic and fiscal statements, including economic and fiscal forecast and updates, and performance information. The Public Sector Reforms Policy considers the PFMA as the basis for transforming public sector institutions to enhance financial prudence and accountability.

The Public Audit Act of 2003

The Public Audit Act of 2003 provides for the strengthening of audit practices in the public service, among other things. It also provides for the establishment of the National Audit Office (NAO) as a Supreme Audit institution. The Purpose of the Public Audit Act is to give effect to the principle of accountability of Government to the public through the National Assembly. The Public Sector Reforms Policy considers the PFMA as the basis for transforming public sector institutions to reduce fraud and enhance financial prudence and accountability.

The Public Procurement and Disposal of Assets Act of 2017

The Public Procurement and Disposal of Assets Act (PPDAA) of 2017 replaced the public Procurement Act of 2003 and was enacted to provide for the establishment of the Public Procurement and Disposal of Assets Authority which will regulate, monitor and provide oversight over public procurement and disposal of public assets. The PPDAA also aims to “maximize economy and efficiency in public procurement and disposal of public assets improve value for money.” Part VIII of the Act focuses on the integrity of public servants in procurement processes and calls for, among other things, impartiality, avoiding conflict of interest, avoiding any corrupt and fraudulent activities and keeping information regarding procurement processes confidential. The Act, therefore, is instrumental in preventing loss of public resources through unsystematic and unregulated procurement, poor decision-making, fraud and corruption by public servants. The Public Sector Reforms Policy recognises the PPA as an essential instrument for enhancing public sector governance, which is a key focus of the policy.

The Local Government Act and Decentralisation Policy of 1998

The Local Government Act was enacted in 1998 in line with the National Decentralization Policy adopted earlier in the same year. The Act advocates devolution of authority, powers, responsibilities, functions and resources from central government to local authorities. Government considers decentralization as an appropriate mechanism for empowering local communities to participate actively in the decisions that affect them for improvement of their welfare. Local government thus brings government closer to the people for quality service delivery, for popular participation in local governance and development and ensures equitable and sustainable development.

The National Gender Policy

The current National Gender Policy was launched in December 2015. The aim of the Policy is to strengthen gender mainstreaming and women empowerment at all the levels in order to facilitate the attainment of gender equality and equity in Malawi. The policy goal is to reduce gender inequalities and enhance participation of women, men, girls and boys in socio economic development processes. And the following are the policy outcomes:

- a) Increased meaningful participation of women, men, girls and boys in decision making, wealth creation and poverty reduction;
- b) Reduced gender based violence at all levels;
- c) Enhanced gender mainstreaming across all sectors; and
- d) Enhanced institutional capacity of the National Gender Machinery

The Policy is targeting the following priority areas:

- a) Gender in education and training;
- b) Gender and health;
- c) Gender and agriculture, food security and nutrition;
- d) Gender and natural resources, environment and climate change management;
- e) Gender and economic development;
- f) Gender, governance and human rights.

The Policy also prioritizes interventions in gender based violence and capacity of the national gender machinery.

Under this policy the Ministry of Gender, Children, Social Welfare and Disability is responsible for Malawi's gender equality mandate, to spearhead and coordinate the gender and development work as national machinery; and to establish gender focal points units to mainstream gender in all the socio-economic development undertakings in the country.

Other Policy Documents, Acts and Reports

The National Public Sector Reform Policy has also been informed by other national and sectoral policies, Acts and Reports including the Public Service Reforms Commission Report.

On the basis of the provisions in the National Gender Policy, the Public Sector Reforms policy makes provisions for promotion of gender equality in the public sector and elimination of any forms of gender based violence.

Sustainable Development Goals & African Union Agenda 2063

The Government of Malawi subscribes to sustainable development goals are a global agenda for development that apply to all countries aimed at eliminating poverty, promoting peace and prosperity and protecting the earth. The Government of Malawi also subscribes to the African Union agenda 2063 articulates the aspirations for the African continent to be realized by African countries by 2063. Among these is “a prosperous Africa based on inclusive growth and sustainable development.” The MGDS III is aligned to both the SDGs and the AU Agenda 2063. The Public Sector Reforms Policy is linked to the SDGs and the Agenda 2063 through the MGDS III and also to the extent that an effective public service is a prerequisite for achievement of SDGs. In addition SDG 16 particularly calls for, among other things, reduction of corruption and development of effective, accountable and transparent institutions.

Linkages with the Private Sector and Other Non-state Actors

The Public sector deals with complex and intertwined societal challenges that cannot be handled by a single agency. In the past the involvement of the private sector, NGOs, civil society organisations and faith based organisations in the implementation of national development strategies has been minimal. This Public Sector Reforms Policy is calling for greater involvement of the private sector and other non-state actors in the effective implementation of the MGDS III. This means the public sector has to change the way it is currently working.

1.2. PROBLEM DEFINITION

Good performance of the public service is crucial for enhancing public trust in government. This is because the Public Service is the vehicle through which government delivers public goods, services and development to the people.

The performance of the public service has been deteriorating over time. Some of the factors that have contributed to poor performance are low morale and productivity of civil servants; inadequate implementation of policies and programmes; inadequate collaboration among public sector institutions and between the public sector institutions and non-state actors and; poor public sector governance; misallocation and misappropriation of resources in the public service and negative mind-set that undermines the ability of public servants to be fully committed to public service.

Efforts to improve performance through implementation of various reform initiatives have in the past not contributed much to the transformation of the public sector. Some of the reforms failed because of lack of political will, shared vision, clear strategic direction, ownership of the reform process and the capacity to implement reforms. There had been no overarching policy to guide the content and implementation of all public service reform programmes.

1.3. PURPOSE OF THE PUBLIC SECTOR REFORMS POLICY

The overall purpose of this Policy is *to provide strategic direction for the effective design, implementation and management of public sector reforms that will create a capable, efficient and effective public sector and stimulate and promote sustainable socio-economic development as encapsulated in the current national development strategy.* The Policy provides a coherent and comprehensive overarching framework for guiding, facilitating and promoting the effective and efficient implementation of all the reforms in the public sector. By summarizing the government's reform ambitions and priorities in one document, it provides a cohesive statement of intent and a roadmap for reforms.

The policy is important in view of the pivotal role of the public sector as the main facilitator of development in that it is the lead implementing agency of the MGDS III and all other development frameworks. The MGDS III emphasises the importance of an efficient, responsive, accountable, incorruptible, transparent and effective public service for achievement of national development outcomes. One of the key assumptions for successful implementation of MGDS III is that:

“Government continues to implement public sector reforms and provides a framework for the business unusual approach to implementation of key reform areas.”

This policy has been inspired by the need to create a high performing public service, which will help the Government of Malawi to improve public service delivery and achieve the medium term national development goals as outlined in MGDS III and the policy outcomes outlined in a number of public policies.

The policy has also been inspired by the need to address the challenges that have been hindering public sector institutions from performing efficiently and effectively and from reforming despite the various reform programmes that have been designed and implemented in the past. Therefore this policy

is focusing on the public sector holistically in terms of reforms focusing on Public Service Management, Public Sector Recapitalisation, Public Sector Restructuring and institutionalisation as well as public sector programming aimed at achieving transformation.

The current reforms will be implemented with renewed vision, commitment and vigour, building on what was achieved through previous reforms. This will help to transform the public service into an entity that can facilitate delivery of quality public goods and services and facilitate achievement of national development goals.

2.0. BROAD POLICY DIRECTION

2.1. POLICY GOAL

The goal of the Public Sector Reforms Policy is to provide a comprehensive and coherent framework for creation of *“A results oriented, high performing civil service by 2022 that facilitates positive transformation of the economy and the country’s modernisation.”*

2.2. POLICY OUTCOMES

1. A conducive policy and legal environment to support transformation and modernisation of the public sector.
2. Public Sector institutions restructured, aligned and capacitated to effectively deliver MGDS III outcomes.
3. Improved public sector management, governance and performance.
4. Relevant public sector institutions recapitalised to improve their efficiency and contribution to MGDS III outcomes.
5. Improved ownership, responsiveness, coordination, implementation and sustainability of reforms.

2.3. SPECIFIC POLICY OBJECTIVES

The specific policy objectives are to:

1. Harmonise legislation and policies to support public sector modernisation and transformation.
2. Institutionalise good public sector governance principles and performance management in the public sector.
3. Restructure public sector institutions so that they are aligned to delivering key services and MGDS III outcomes.
4. Recapitalise and improve performance of strategic statutory corporations

5. Formulate and implement comprehensive public sector reforms that will improve efficiency and effectiveness of all public institutions in service delivery and their contribution to national development outcomes.
6. Promote innovative programming and “business unusual” approaches that will catalyse the necessary changes for public sector transformation and achievement of MGDS III outcomes.
7. Enhance commitment, leadership, coordination, accountability, efficiency and effectiveness in the implementation of reforms at all levels, while ensuring sustainability of reforms.
8. Reposition the public service to be responsive to the global modernisation agenda in order to be in a position to facilitate modern and transformative programmes.

2.4. GUIDING PRINCIPLES

The guiding principles for implementation of the Public Sector Reforms Policy are that:

1. Public Sector Reforms are a continuous process aimed at transforming public institutions and should in no way be treated like one off events.
2. Public sector institutions will embrace a continuous improvement culture to ensure that reforms are sustained.
3. Public sector institutions will adopt innovative and business unusual approaches in the management of government business, problem solving and implementation of reforms to ensure that reforms bring sustained changes.
4. All public servants including political, technical and administrative leaders shall demonstrate commitment to the modernization and transformation of the public sector. This will include political leadership being committed to reforms including those initiated by preceding governments.
5. All public servants shall subscribe to the following values in the course of implementing reforms:

a) Accountability

Public servants and institutions shall be responsible and answerable to the public for the decisions and actions taken, utilization of public resources, performance in terms of results achieved or not achieved based on agreed expectations and shall submit to whatever scrutiny appropriate to public office.

b) Transparency

Public Institutions shall be accessible and open to the public within the boundaries of the Laws of Malawi to ensure that citizens have easy access to government records and information, including financial records and information on public debts and liabilities and important public documents such as development strategies, public policies and national budgets and; citizens are able to track service performance and are provided with information regarding how important decisions in the public service are made.

c) Excellence

Public servants shall demonstrate diligence, commitment, and innovation in the execution of their duties, delivery of public services and implementation of priority government projects and programmes, while paying attention to high standards and continuous improvement of services and service delivery mechanisms at all times.

d) Objectivity

Public Servants shall make decisions, act and provide services to all people living in Malawi with respect, equality, fairness and impartiality regardless of the socio- economic status of the persons, their place of origin or affiliation. All actions and decisions will be based on merit backed by rigorous analysis of evidence.

e) Impartiality

Public servants shall be non-partisan and politically neutral in the discharge of their duties and carry out their responsibilities without prejudice or favour and provide the government of the day with timely and honest advice based on available evidence.

f) Integrity

Public servants shall be upright in character, truthful and open, acting in good faith to serve the public interest thereby earning and sustaining public trust in public institutions. Public Servants shall declare conflict of interest, put the obligations of the Public Service above their personal interest and use public office responsibly and conduct themselves in a manner that is beyond reproach guided by a sense of propriety.

g) Loyalty

Public Servants shall be loyal to the Government of Malawi by helping the government of the day to effectively deliver public services and development to the people of Malawi. Public Servants shall, therefore, be faithful and committed to policies and programmes of the

government of the day regardless of their political, religious, social or cultural beliefs in order to serve the public interest.

h) Social Justice

Public servants shall apply the principles of fairness and equality, guided by the principles of natural justice, in treating people, making decisions, administration of policies, delivery of services and distribution of resources, opportunities, projects and programmes.

i) Professionalism

Public Servants shall adhere to a professional code of conduct and exhibit high degree of responsibility, competence, reliability and efficiency in the performance of their duties as public servants.

j) Selflessness

Public servants shall be noble and shall avoid seeking personal gain or financial or other material benefits for their family or friends through their official position.

3.0. POLICY FRAMEWORK PRIORITY AREAS

The following are the broad reform areas that will form the basis of reforms in public institutions.

3.1. CHARACTER OF REFORMS

The 2015 public sector reforms agenda being the first comprehensive public sector reforms undertaken in all three branches of government are aimed at modernising the country and moving Malawi to a middle income country. The Public sector reform agenda of 2015 will be deepened and enforced so that reforms anchor the implementation framework of the key priority areas in the MGDS III.

3.2. BROAD REFORM AREAS

Government shall continue to undertake reforms in the following areas:

1. Public Service Management Reforms

This includes reforms related to enactment or review laws and policies as well as key programmes aimed at improving the Public Sector Management and governance. These reforms focus on human resource management, capacity building, mind-set change management, leadership development and interagency or inter-ministerial working frameworks which aim at breaking the silo working mode preferred by MDAs which effectively undermines well intended public programmes.

2. Decentralisation Reforms

These reforms are concerned with ensuring that the devolution process is accelerated and completed and aim at improving the efficiency and effectiveness of local government authorities in service delivery and in enhancing local governance and development.

3. Institutional Restructuring

These reforms are concerned with restructuring MDAs by setting up new institutions, reframing existing institutions, and unbundling institutions where it is deemed to necessary for efficiency, effectiveness and growth, among other things.

4. Recapitalization

This will involve capital injection into strategic institutions or key Programmes through treasury funding, Joint Ventures, PPP frameworks or Foreign Direct Investments (FDI).

5. Programming

This will involve putting in place Game Changing Transformative Programmes in various sectors and institutions.

6. Reforms in the Executive

These reforms will aim at improving performance of the executive arm of government in the implementation of policies and programmes for achievement of MGDS III outcomes. They will include reforms in various sectors of the economy and in MDAs aimed at enhancing achievement of sector goals and objectives and improving efficiency and effectiveness of MDAs in discharging their mandates.

7. Reforms in the Legislature

Reforms in the Legislature will aim at enhancing capacity of the legislature in law making and in providing oversight over formulation and implementation of policies and programmes including reforms by the Executive branch of government.

8. Reforms in the Judiciary

Reforms in the Judiciary will aim at increasing access to formal justice by all the people of Malawi and enhance transparency, accountability, efficiency and effectiveness of the judicial system.

9. Coordination and Implementation of Reforms

These reforms are aimed at improving, coordination and effective management of reforms at all levels of the public sector so that they can contribute to public sector transformation and service delivery improvement.

3.3. POLICY PRIORITY AREAS

3.3.1. Policy Priority Area 1: Public Service Management Reforms

An efficient and effective public service is crucial for the delivery of quality public goods and services and achievement of strategic developmental goals that can transform a country. This is achieved with consistent application of appropriate and effective public service management policies and practices.

Problem statement

The current performance of the Malawi public service is not at a level that it can be responsive to the needs of the public and effectively facilitate achievement of the MGDS III goals, because of weak public service management policies and practices. The public service is currently being guided by legislation and policies, which are not harmonised. Some of the legislation and policies are out-dated to the extent that they cannot support public sector transformation, efficiency and effectiveness. The public sector also has some governance challenges, particularly in relation to strategic leadership; financial stewardship and prudence; the silo approach of MDAs and lack of collaboration with non-state actors and; inadequate transparency and accountability which undermines focus on results and prudent utilisation of resources. Lack of performance culture and challenges in implementing an integrated performance management system; weak human resource management infrastructure and; poor work ethics also undermine public sector effectiveness.

The interface between political leaders and technical/administrative leaders for good public sector governance and achievement of strategic outcomes also needs improvements. There are perceptions that there is political interference in appointments and technical decisions, which undermine effectiveness of public sector institutions.

Policy Statement

Government undertakes to:

1. Improve public service management, governance and performance through
 - a) Harmonisation of legislation and policies to support public sector modernisation and transformation.
 - b) Institutionalisation of good governance principles and performance management in the public service.

Strategies

Harmonisation of legislation and policies

1. Review the Constitution of the Republic of Malawi to provide a conducive environment for public service transformation.
2. Review the public Service Act to align it to the 2017 Public Service Management Policy as well as this policy.
3. Review other relevant legislation and policies that guide public service management and align them with the reviewed Public Service Act.

Good Governance and Performance Management

1. Align resources to the service delivery and MGDS III priorities.
2. Improve inter-ministerial and multi-sectoral collaboration in the delivery of services and implementation of government policies, programmes and reforms.
3. Ensure adherence to the Public Finance Management Act, the Public Procurement and Disposal of Assets Act and relevant financial management and procurement regulations in all MDAs
4. Strengthen the role of the Office of the Director of Public Procurement and Disposal of Assets in monitoring procurement processes in public institutions, including adherence to price guidelines.
5. Revitalise the human resource planning and development functions in the public service.
6. Improve stewardship and utilisation of public resources.
7. Enhance utilisation of ICT to improve service delivery.
8. Implement a strategic and integrated performance management system.
9. Develop strategic leadership capacity at all levels to support implementation of government policies, programmes and the reform agenda.
10. Put in place measures aimed at institutionalising ethics, integrity and accountability in all public institutions.

3.3.2. Policy Priority Area 2: Decentralisation Reforms

The Decentralisation Policy and Act of 1998, require MDAs to devolve authority, responsibilities, functions and resources to local authorities. The policy also requires the phasing out of the parallel de-concentrated structures at district level.

Problem Statement

Despite the intents in the Decentralisation Policy and Act devolution in Malawi has been slow and partial, with a dual system of devolution and de-concentration still operating at district level. Local authorities also lack the capacity in terms of human resources, finances and competences to be effective, which is the justification some central government ministries use to delay the devolution process. As a result the benefits of devolution are not being fully realised.

Policy Statement

Government undertakes to:

1. Implement local government reforms in line with the Decentralisation Policy to strengthen local governance and improve the efficiency and effectiveness of local authorities in service delivery and implementation of local development projects and programmes.

Strategies

1. Complete the devolution process in line with the Decentralisation Policy and Decentralisation Act.
2. Formulate and implement comprehensive decentralisation reforms to support devolution; enhance local governance and; strengthen capacity of local authorities to effectively discharge their functions.
3. Develop capacity of the ministry responsible for local government to effectively manage and support the devolution process.

3.3.3. Policy Priority Area 3: Institutional Restructuring

Institutional restructuring in the public service is crucial for ensuring that the public sector only has institutions with appropriate structures that it requires to effectively deliver services and implement the national development agenda.

Problem Statement

The Malawi public sector is not necessarily large in relation to the demands of the national development agenda and service delivery requirements. However, the challenges it faces are that it is not properly aligned to the priorities in the MGDS III and service delivery demands. It is, therefore, not clear whether the mandates and operations of all public institutions are strategic to the achievement of key government outcomes. In addition, the civil service lacks adequate numbers of people with knowledge and skills that are core to the delivery of key services and implementation of the MGDS III. The civil service has a number of non-core staff including administrative and support staff and it is not clear whether all of them are required. Furthermore, it is not clear whether all the employees in the civil service are optimally utilised to contribute to the strategic results of MDAs.

Policy Statement

Government undertakes to:

1. Restructure the Public Service to make it fit for purpose to implement MGDS III and deliver services that are key to achievement of the MGDS III outcomes.

Strategies

1. Align the public service structure and size to the national vision and the MGDS III.
2. Amend the Public Service Act to provide for the maximum number of Ministries per each five-year medium term development strategy.

3.3.4. Policy Priority Area 4: Recapitalisation and Performance of Statutory Corporations

There are a number of statutory corporations in Malawi, which were created as public organisations to deliver some commercial and social objectives on behalf of government. These are crucial for raising revenue for government and for transforming the economy because they provide essential services such as utilities (water and electricity), telecommunications and transport (air, rail, roads). The services and infrastructure provided by statutory corporations are crucial for stimulating and supporting private sector development and consequently for catalysing development.

Problem Statement

The performance of most statutory corporations is below the expected standards due to, among other things, under-capitalisation, dependency on subventions from government, obsolete infrastructure, large and unsustainable debts, challenges in collecting debts particularly from government departments and poor corporate governance due to political interference among other things. The government remains concerned with the governance of statutory corporations in that the management, transparency and accountability of some parastatals is below par. There are perceptions that recruitment to senior management positions and Boards is politicised, which undermines strategic leadership and performance of these entities. Most of these entities make losses and are generally poor performers in the delivery of infrastructure and services, are a drain of public resources and slow down development.

Policy Statement

Government undertakes to:

1. Implement comprehensive reforms to support recapitalisation, improve overall performance of statutory corporations, to reduce their dependence on government subventions and enhance their contribution to the MGDS III.

Strategies

1. Recapitalise strategic statutory corporations through various strategies such as Treasury Funding, Joint ventures, PPP and FDI in order to improve their performance in relation to investment in infrastructure, service delivery, revenue generation and fulfilling their business and social obligations.
2. Reform policies and legal frameworks to support improvements in the operation of statutory corporations as effective entities with social obligations.
3. Improve governance of statutory corporations a pre-requisite for investors to get attracted to invest in statutory corporations and for their performance to improve.

3.3.5. Policy Priority Area 5: Programming

Game changing programmes are crucial for infusing novel ideas and approaches that transform the way things are done to promote efficiency and effectiveness in the public sector. They include programmes that catalyse change and stimulate other changes that are crucial for service

delivery improvements and achievement of strategic outcomes in the MGDS III.

Problem Statement

Most public sector organisations have been implementing policies and programmes using the “business as usual” approach, which does not allow for innovation and promotes maintenance of the status quo. Traditional approaches to programme implementation and service delivery have had minimal impact on development outcomes and this calls for game changing programmes.

Policy Statement

Government undertakes to:

1. Implement innovative programmes using “the business unusual” approaches to improve service delivery and catalyse the changes that are necessary for achievement of strategic outcomes in the MGDS III.

Strategies

1. Enhance the use of modern technology notably Information and Communication Technology (ICT) in public sector institutions to make services more accessible, to ease doing of business and to enhance efficiency and effectiveness in the delivery of services.
2. Enhance implementation of innovative programmes (which have never been implemented before) and use of innovative approaches to programme implementation in each sector and MDA, which will make a direct contribution to MGDS III outcomes.

3.3.6. Policy Priority Area 6: Reforms in the Executive (Sectoral and MDA Reforms)

The public sector is part of the Executive arm of Government responsible for formulating and executing government policies and programmes. Sector and MDA reforms will be implemented as part of a strategy for improving performance of the executive arm of government in service delivery and the implementation of policies and programmes for achievement of MGDS III outcomes. All MDAs, Constitutional Bodies and Statutory Corporations will continue to participate in the reforms agenda and implement various reforms areas guided by this policy.

Problem Statement

Government has developed the MGDS III as the medium term development strategy for realizing national development outcomes that will lead to the realization of the national vision. Previous reforms failed to position sectors and MDAs to effectively contribute to achievement of national development outcomes due to inadequate alignment of sectors and MDAs to the key results in previous MGDS III; inadequate allocation of resources to sector and MDA priorities; lack of implementation plan for MGDS I and MGDS II; inadequate implementation capacity within the sectors; inadequate collaboration within sectors and with non-state actors in the implementation of sector strategies including reforms and; inconsistent implementation of the sector working group approach.

Policy Statement

Government undertakes to:

1. Build on previous reforms to entrench and deepen sectoral and MDA specific reforms to support service delivery improvements and realisation of outcomes as reflected in the MGDS III in the following sectors:
 - i. Sustainable agriculture, water development and climate change management
 - ii. Education and skills development
 - iii. Energy, industry and tourism development
 - iv. Transport and ICT infrastructure
 - v. Health and Population

Strategies

1. Align sectors and MDAs to the national results framework in MGDS III through a systematic and integrated strategic planning process.
2. Strengthen collaboration and eliminate the silo approach in the implementation of the MGDS III and all reforms.
3. Strengthen capacity of sectors and MDAs to implement the MGDS III.
4. Formulate sector and MDA specific reforms to support service delivery improvements and achievement of MGDS III outcomes.

3.3.7. Policy Priority Area 7: Reforms in the Legislature

The legislature plays three fundamental roles of representing the people who democratically elected them, making laws and providing oversight over the decisions and actions of the executive branch of government relating to

resources and implementation of policies and programmes. In their oversight role, parliament scrutinises the national budget and expenditure to ensure proper allocation and utilisation of resources and accountability of the executive to the people through parliament as required in representative democracy. Parliament also scrutinises performance of the executive in relation to policy and programme implementation. The Malawi parliament undertakes its function through various parliamentary committees.

Problem Statement

Parliament comprises Members of Parliament who are elected once every 5 years and they are from different backgrounds. Not all of them have a full understanding of the performance agenda and operations of government through the public sector, the budget process and their role in relation to the Executive branch of government. In addition, the law making process may be slowed down in parliament if the members do not fully appreciate their law making role and the impacts of delays on implementation of reforms and performance of the public service. In addition, the role of parliament in promoting the national development agenda is not clearly understood as some members think that being in opposition means opposing whatever the executive is doing.

Policy Statement

Government undertakes to:

1. Implement comprehensive reforms in the legislative branch of government, building on previous reforms, to strengthen its effectiveness in making laws and providing oversight on the executive in policy and programmes implementation and utilisation of resources.

Strategies

1. Formulate a comprehensive reform programme for parliament to be approved by all relevant stakeholders and leadership of Parliament.
2. Strengthen Capacity of Parliamentarians, particularly the relevant Parliamentary Committees to effectively perform their oversight and law making roles in order to support public sector transformation.
3. Strengthen the working relationship between the executive and the legislature to promote collaboration in the achievement of the national development goals within the context of the principles separation of powers and checks and balances.
4. Review Parliamentary Committees in line with the MGDS III.

3.3.8. Policy Priority Area 8: Reforms in the Judiciary

The judiciary is the arm of government that is responsible for delivery of justice and ensures that the law is applied fairly and equally.

Problem statement

The judiciary in Malawi faces a number of challenges including limited capacity to administer justice expeditiously due to inadequacy of judges and other professional personnel to support judges' work. The infrastructure of the courts both in main cities and villages is inadequate. The judicial system is also loaded with cases, which are never concluded or take a long time to conclude. Being a young democracy that is finding its feet in many areas the judiciary also finds itself at a crossroads ideologically where judicial independence and accountability as in other public institutions have become blurred. In addition, very few Malawians particularly the poor and those living in rural areas have access to the formal justice system.

Policy Statement

Government undertakes to:

1. Implement comprehensive reforms in the judiciary, building on previous reforms, aimed at increasing access to the formal justice system; enhancing efficiency and effectiveness in the delivery of justice and; increasing accountability and transparency of the judiciary to the public.

Strategies

1. Formulate a comprehensive reforms agenda for the judiciary to be approved by all relevant stakeholders and leadership of the judiciary.

3.3.9. Policy Priority Area 9: Coordination and Implementation of Reforms

Continued political commitment and leadership at the highest level, integration and coordination of reforms, and implementation capacity at different levels are crucial for the success of reforms. There is a need for continuous appraisal of factors that have potential to enhance or hinder reform progress. There is also a need to continuously explore ways of promoting the enhancing factors and addressing the hindering factors such as resistance to reforms, failure to take risks and non-availability of resources.

Problem statement

The political commitment for reforms from the Head of State is high. However, this level of commitment for reforms is not present among all leaders at different levels in the public sector. In addition, the ministry responsible for finance does not earmark specific resources to support reform implementation. Furthermore, reforms across sectors and MDAs have not been adequately coordinated for synergies that can have a higher impact on achievement of reform objectives.

Policy Statements

Government undertakes to:

1. Enhance commitment, coordination, accountability, efficiency and effectiveness in the implementation of reforms so that they can contribute to public sector transformation, service delivery improvements and achievement of MGDS III outcomes.
2. Reposition the public service to be responsive to the global modernisation agenda in order to be in a position to facilitate modern and transformative programmes.

Strategies

1. Develop a modern and cutting edge framework for implementation, monitoring and evaluation of all public sector reforms.
2. Establish a dedicated Treasury Fund to facilitate implementation of selected and strategic reforms in the public sector. The Treasury Fund will have dedicated resources from government, donors and other investors aimed at catalysing the implementation of reforms.
3. Establish a sustainable collective leadership and management structure with clear roles and accountabilities for the formulation, implementation and monitoring of reforms through the Cabinet committee responsible for reforms.
4. Establish the Public Sector Reforms Management Unit (PSRMU) as a department to give it more leverage for it to ably spearhead and recommend evidence-based options in the implementation of the reform agenda; to manage and coordinate reforms and; to monitor and evaluate reforms.
5. Develop capacity for implementation of public sector reforms at all levels.
6. Increase commitment and accountability for implementation of reforms by continuing to implement Reforms Performance Contracts on the implementation of the reforms agenda, as part of the overall

Performance Contracts which will start with the President and his Ministers and cascade all the way down to the lower levels.

7. Conduct evidence based grounded research on impact of reforms.
8. Conduct workshops, national conferences, international conferences aimed at sharing success stories, overcoming challenges and knowledge creation on the government reforms agenda.

4. INSTITUTIONAL ARRANGEMENTS FOR IMPLEMENTING THE POLICY

The implementation of this Policy requires a multi-sectoral approach under the leadership of the Office of the President and Cabinet. It will involve stakeholders in the Executive, Legislature, Judiciary, local councils and statutory corporations. Other stakeholders include the private sector, Non-Governmental organizations, Civil Society organisations, the Media and users of public services.

The following shall be the roles and responsibilities of stakeholders.

4.1. Cabinet Committee responsible for Public sector Reforms

The Cabinet Committee responsible for public sector reforms will provide oversight over implementation of reforms in the public sector. It will receive a summary of progress on implementation of reforms in MDAs and sectors, challenges encountered and recommendations for furtherance of reforms once every 4 months (three times a year). The Committee will use these reports to brief the main Cabinet and the President as Head of State on progress of reforms during meetings, which will also be attended by Principal Secretaries and representatives of non-state actors that are part of the reform process.

4.2. The Office of the President and Cabinet (OPC)

The Office of the President will be responsible for providing overall leadership, coordination, management and administration of the Malawi Public Sector Reform Agenda.

The mandate of the Office of the President and Cabinet will therefore be to:

- i) Provide policy direction and coordination of public sector reforms and ensure that all sectors and MDAs are implementing reforms.
- ii) Prepare enabling legislation for the implementation of this policy.
- iii) Provide oversight role in the implementation of this policy.
- iv) Facilitate the formulation of public sector reforms.

- v) Disseminate the policy to all stakeholders and enforce its implementation by various stakeholders.
- vi) Promote research and provide enabling environment to improve public service delivery.
- vii) Promote provision of adequate feedback from the public on the effectiveness, transparency and efficiency of the Public services.
- viii) Enforce compliance to reform implementation among Principal Secretaries and heads of Institutions through the Office of the Head of Public Service, who will take disciplinary action against non-compliance where necessary.

4.3. The Committee of Principal Secretaries

The committee of Principal Secretaries will be accountable for implementation of all reforms in their ministries and in Departments and Agencies in their portfolio. Principal Secretaries in sector ministries will be accountable overall for the implementation of sectoral reforms, with an element of joint accountability for other MDAs and non- state organisations, which are part of the sector strategies and reforms. All Principal Secretaries will need to be responsible enough to deliver on reforms and those who fail to comply will be answerable to the Head of Public Service.

4.4. The Department of Human Resource Management and Development

Under this policy, the role of DHRMD will be to develop the human resource capacity that is required to implement all reforms initiatives stipulated in this policy framework. DHRMD will also develop the knowledge and skills of core public servants to effectively implement the sector strategies and strategic plans of MDAs that are aligned to MGDS III. It will also implement all the Human Resource Management aspects of the reforms agenda. DHRMD will work closely with PSRMU in the implementation of all public service management reforms. DHRMD will, therefore, develop a strategy for implementing these 3 important areas, which are critical for the success of reforms.

4.5. Ministry Responsible for Finance

The primary role of the Ministry responsible for Finance will be to ensure that adequate financial resources are allocated for the implementation of the reform initiatives. Over and above availability of financial resources the ministry shall create an enabling environment to ensure implementation of reforms is effected through approval of recapitalisation efforts and other functions as provided under the Public Management Finance Act. It will also be responsible for monitoring use of the allocated financial resources; and enforce compliance to the Public Finance Management Act (PFMA).

4.6. The Private Sector

The Private sector is an important stakeholder when it comes to economic growth and job creation in the country and therefore must take an active role in effective implementation of public service reforms. This is why Government through the reforms, is encouraging PPP. The Private sector is expected to partner with government in crucial areas so that service delivery is improved. Furthermore, Private sector will also be expected to foster reforms through provision of technical and financial assistance.

4.7. Parliament

The role of Parliament will be to enact laws that will promote and facilitate the implementation of this Policy. Parliament will also be implementing the comprehensive reforms agenda for parliament and will be involved in the formulation of reforms.

4.8. The Media

The media is an important stakeholder in information dissemination. It will be instrumental in disseminating the MGDS III and other key government policies and programmes as envisaged in this policy framework. The media will also be useful in creating awareness of reforms and their impacts on service delivery and development among all stakeholders and; dissemination of information on reforms being undertaken by government through professional investigative reporting. The timely information will empower the general public to report any underperformance in service delivery, to support reforms being undertaken and also propose reform areas in the public service.

4.9. The Judiciary & the Ministry responsible for Justice

The role of the Judiciary will be to ensure that the laws governing the reforms are consistent with other laws. The Judiciary will also be implementing its own comprehensive reform agenda, which will be formulated with their full involvement. The Ministry responsible for Justice will ensure that bills that have been submitted to the Ministry of Justice and

Constitutional Affairs to support public sector transformation are expeditiously processed.

4.10. Development Partners

The role of the Development Partners is to complement government efforts in the implementation of public service reforms by providing financial and technical assistance, to the reform agendas that are in line with their governments' priorities for support.

4.11. Training and Research Institutions

The role of training and research institutions will be to undertake research that will generate knowledge to inform evidence based design of reforms and service delivery improvement initiatives. They will also identify capacity gaps in the implementation of public service reforms and design and implement training interventions to fill the capacity gaps that can be addressed through training. This is expected to enhance capacity for implementation of reforms.

4.12. The Civil Society Groups

The role of Civil Society Groups will be to collaborate with the government in the implementation of the reform programmes to ensure mutual accountability; assist in advocating the reform initiatives and providing checks and balances of the effectiveness of the reform programmes. In addition, the Civil Society groups will assist in mobilising people at the grass-root to support public sector reforms.

ANNEX 1: IMPLEMENTATION PLAN

ANNEX 2: MONITORING AND EVALUATION PLAN