



DISTRICT SERVICE COMMISSIONS IN UGANDA

Functionality, Pitfalls, and Recommendations for Action

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1. INTRODUCTION AND BACKGROUND

Decentralization in Uganda

This policy brief presents issues from District Service Commissions (DSC) generated from the training of the statutory bodies in 34 districts in Uganda in November and December 2020. The Policy Brief presents recommendations to local governments, the Ministry of Local Government and the Ministry of Public Service for action. The issues and proposals made in this brief are the contexts of the decentralisation framework that has been evolving since 1992. It should be noted that in 1992, Uganda adopted devolution as a form of decentralization and as a way of deepening governance and improved service delivery to the people they serve through the transfer of real power and reduction of the workload of the central government; ensuring participation of citizens and democratic control; achieving good governance as a prerequisite for an efficient public service; bringing political and administrative control over services to the point of delivery; freeing local managers from central constraints; and improving the capacity of local governments to plan, finance, and manage service delivery. Decentralization was premised on the notion that local governments are better placed to respond to the needs of the local communities (Ojambo, 2012).

The purpose of this policy brief is therefore three-fold; (i) to highlight the issues that were observed to limit District Service Commissions to function as is expected; (ii) to share some of

the best practices by the District Service Commission in different districts; and (iii) to propose solutions to different stakeholders on what needs to be done to enhance the functionality and effectiveness of the DSC.

2. POLICY AND LEGAL FRAMEWORK FOR PUBLIC SERVICE IN UGANDA

Before public service decentralization, local government officials were either seconded to local governments or placed in a unified personnel system for all local governments in the country. From the onset of decentralization, civil servants posted to the districts were formally transferred to Local Governments and separate District Service Commissions (DSCs) were set up to manage this human resource in districts and local administrations (Olowu, 2001).

The Public Service Commission is established under the provisions of Article 165(1) of the 1995 Constitution. In fulfilment of its functions under Article 166, the Commission is required to make a report to Parliament in respect of each year's performance of its functions.

Under Article 166 (4) of the same Constitution, Parliament is required by law to empower the Public Service Commission to make regulations for the effective and efficient performance of its functions. This is in addition to the provisions of Article 251(1) which empowers the Commission to regulate its procedure or confer powers or impose duties on any officer or authority of the Government to discharge its functions. The District Service Commission is established under Article 198(1) of the Constitution and section 54(1) of the Local Governments Act, CAP 243, and under section 54(2) of the same Act.

Subject to subsection 7(1) of the Public Service Act, 2008, the day-to-day management and administration of the public service of a district is the responsibility of the Chief Administrative Officer who is the Chief Executive Officer of the district. Under section 11(1) of the same act, a district shall be under the supervision of a Chief Administrative Officer in accordance with article 188 of the Constitution and section 63 of the Local Governments Act.

Section 54 of the Local Governments Act provides for the establishment of a District Service Commission (DSC) in each district. The District Service Commission performs a decentralized role of the Public Service Commission (PSC) which was established under Article 165(1) of the 1995 Constitution (Public Service Commission, 2020).

Some of the functions of the Public Service Commission include; (i) to review terms and conditions of service, standing orders, qualifications of public officers, matters connected with personnel management and development of public service and make recommendations to government; (ii) approve and appoint the Chairpersons and Members of the DSC as stipulated under Article 198(2) of the Constitution; (iii) guide and coordinate the work of the DSC as provided under Article 166(1) of the Constitution; (iv) and hear as well as determine grievances from persons appointed by the District Service Commissions among others.

Currently, the Public Service Commission Regulations guide the Commission in the carrying out of its functions in addition to other relevant regulations such as the Standing Orders, Establishment Notices and Circulars that guide the management of the Public Service in general (Public Service Commission, 2020).

The District Service Commission is responsible for the appointment, promotion, disciplining and removal from office all employees other than the Chief Administrative Officer (CAO), Deputy CAO, Town Clerk and Deputy Town Clerk of a City and Town Clerks (TCs) of Municipalities who are appointed by the central government.¹ A robust district public service set up is critical for ensuring effective delivery of public service in LGs and the achievement of the six objectives of the decentralization policy that was adopted by the Ugandan government.

3. DRAWBACKS TO EFFECTIVENESS OF DISTRICT SERVICE COMMISSION

Several concerns and issues emerged from the training that limited the performance of the District Service Commissions in different districts, some of which included, but were not limited to the following:

Lack of office space, poor record-keeping and inadequate information management

Most District Service Commissions lacked office space to enable them to execute their duties. For districts such as Kamuli that had office space, were operating from dilapidated structures coupled with lack of proper storage facilities for proper records and information management and yet the commission handled documents that were sensitive and confidential. In Bududa District, a member of the DSC who was a person with a disability (PWD) decried the lack of inclusiveness of the facilities, for instance, she said it was difficult for her to access the toilet facilities whose construction did not cater for accessibility for PWDs. The security of such office spaces was found to be wanting and could be broken into by anybody who could be having scores to settle with the commission or the district.

Lack of capacity building and training

Some members of the DSC had assumed office as their colleagues were continuing in service. The new members had not received any capacity building or training on their roles and functions and yet training is crucial for one to be effective and efficient in the execution of their duties.

Unwillingness to share public information

Most public officers find themselves caught between a rock and a hard place especially

¹ Section 55 of the Local Governments Act CAP 243, 1997.

regarding sharing of public information when interested members of the public request for it. During the training of statutory bodies of councils conducted by ACODE, public officers argued that they were subjected to take oaths, including the oath of secrecy as a requirement of the Uganda Public Service Standing Orders before assuming office and that they are not supposed to release public information without the permission of the Accounting Officer. Furthermore, while members of the District Service Commission in different local governments admitted that candidates who applied for jobs had the legal right to know why they were not successful; they emphatically stated that they were being guided by the public service regulations and orders and could not give out such information. Additionally, they also wondered how practical it would be for them to provide feedback to the multitudes of candidates who apply for jobs.

Difficulty by the members of the public to access information is further complicated by the provisions in the Local Governments Act that requires the person seeking information to pay certain prescribed currency points determined by the council² before accessing information. All these conditions are against the principles of good governance and transparency in the delivery of public services and the right to access to information provided for in the Access to Information Act, 2005.³ Access to information is a fundamental human right recognized by international human rights instruments including article 19 of the Universal Declaration of Human Rights⁴ and in Article 9 of the African Charter on Human and Peoples' Rights (OAU, 1986).

Inadequate funding for the commission

Members of DSC across the 34 districts decried the challenge of inadequate funding of the commission activities and facilitation in terms of allowances which was noted to affect the number of times the DSC can sit in a year. Inadequate funding also rendering DSC members to be mere desk officials. They were by and large, not able to make on-site visits to make their assessment of situations. In Wakiso for example, members of the DSC observed that they used to face challenges of recruiting and attracting staff to fill positions especially in hard-to-reach areas such as the Islands. In some cases, staff who have been recruited and posted to the hard-to-reach area, would not report to the duty stations and instead would sub-contract a person who was resident on the Island to work on their behalf. This sort of situation would ideally be easy to detect if District Service Commissions were adequately funded to implement their activities. In Apac District, members of the DSC observed that they had experienced a reduction in funding from UGX 11 million to UGX 1.2 million per annum.

2 Third Schedule, LGA, CAP 243 (1997).

3 Section 5 of the Access to Information Act provides that, "Every citizen has the right of access to information and records in the possession of the state or any public body except where the release of the information is likely to prejudice the security of the state or interfere with the right to the privacy of any other person".

4 Article 19 of the Universal Declaration of Human Rights provides that "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers".

Also, in Bududa District, members of the commission were concerned with the fact that the DSC could not afford to pay for space for job adverts in major newspapers whose cost was approximately UGX 2.2 million.

In light of the challenge of inadequate funding for the commission, a member of Wakiso DSC during the training of statutory bodies of Council requested that districts with many urban councils deserved to be given special consideration to be able to sit more than once in a quarter as illustrated from the quote below:

“The District Council and the people who plan, budget, and allocate money assume that the Boards and Commissions should sit once every Quarter. But a district like Wakiso is unique. It has four municipal councils and several town councils whose issues cannot be handled in a single day. Districts such as ours need special consideration so that the Statutory Boards and committees can be allocated resources to enable them to sit more than once per quarter. The demands of the district cannot allow the district to fully facilitate the DSC. The local revenue for the district has continued to dwindle. The cattle corridor has been experiencing foot and mouth disease and the cattle markets that are the main source of revenue have been on and off”. Member DSC, Wakiso District

Low allowances for members of the DSC

Members of the DSC across all the 34 districts where the training was conducted complained of low allowances which in their opinion partly compromised the independence of the commission and was also responsible for the lack of integrity of some members of the commission. They observed that they deal with a lot of temptations especially during recruitment, as some applicants offer bribes to members of the commission to be considered for certain positions. A member of Tororo DSC observed that Allowances of DSC were fixed 15 years ago and that they were being paid a gross allowance of UGX 140,000 and Net allowance of UGX 98,000. He added that for one and a half years members of the commission had not received their retainer fees for which they were entitled.

Late release of funds

In recent years, there had been a drastic improvement because of the ACODE advocacy agenda in the timeliness with which the Ministry of Finance Planning and Economic Development (MoFPED) was releasing funds to Local Government entities. However, from the issues that emerged from the capacity building training of statutory bodies of the council, members of the DSC noted that some districts were still experiencing late releases of funds that were affecting the actives of the commission such as recruitment. In Apac for instance, the DSC could not complete the recruitment processes of primary school teachers - the process that started with the advertisement for vacancies in February 2019 had not been completed by August 2020. *“Interviews for primary school teachers were supposed to be conducted in April 2019. However, the shortlist of the applicants was only done in July 2020*

because there was no money available for the commission”.

Independence of the District Service Commission

District Service Commissions are expected to be independent in the execution of their duties.⁵ However, there were concerns regarding the lack of Independence of DSC due to interference from the appointing authority especially the district chairpersons. It also reported that DSCs also experience influence-peddling from other political leaders and technical staff.

Corruption and bribery allegations

There were allegations that members of the District Service Commission extort money from job applicants in Local Governments. These reports have even circulated in the media. ⁶However, during the training of statutory bodies of the council, DSC members noted that job applicants attempt to bribe DSC members. There were also concerns that the Secretaries to DSC have in most cases fallen victim to bribery and bribery allegations. A participant in the trainings in Jinja reported that *“Some secretaries solicit for bribes from shortlisted applicants with a promise to make them go through the interview process”.*

Relationship between the DSC, ESC and HSCs

During the recruitment process of staff for the health and education sector, the DSCs do not work in isolation but rather in close collaboration with the Education Service Commission (ESC) and Health Service Commissions (HSC). However, during the trainings, for instance in Mbale District, members of the DSC were particularly concerned that the Education Service Commission had on a few occasions acted in a manner that undermined the relationship between the two bodies. Members of the DSC noted that in 2019, the Education Service Commission recruited and posted staff to their duty stations without involving Mbale District Service Commission. They considered this to be an anomaly on the part of the Education Service Commission.

Limited access to guidelines, policies, and laws

Several members of the DSC have complained about the absence of statutory documents to guide their work including the Constitution; the Public Service Act; Employment Act; the Public Service Standing Orders, and the Local Governments Act among others. This has led to many public servants in these districts to seek legal redress for unfair termination of their contracts in courts of law. Many of these court cases arose from DSC’s mistakes attributed to limited knowledge of the laws relating to the management of public servants in local governments. These cases could have been avoided if only members of the DSC had

⁵ Section 58, Local Governments Act CAP 243 (1997) - Subject to article 166(1)(d) of the Constitution of the Republic of Uganda, the District Service Commission shall be independent and shall not be subject to the direction or control of any person or authority.

⁶ <https://www.newvision.co.ug/news/1503718/namisindwa-recruitment-exercise-marred-bribery-claims>

access to copies of relevant employment guidelines, policies and laws.

4. HUMAN RESOURCE ISSUES IN LOCAL GOVERNMENTS

Local governments were faced with several human resource challenges which had a bearing on the district public service and the quality of the delivery of public services, some of which included, but not limited to the following:

Inadequate human resource

Many local governments were faced with the challenges of inadequate staffing. On average, several districts were operating at a 65 per cent staffing level and this was attributed to the limited wage bill. The Public Service Standing Orders (2010) requires that recruitment be done only when the wage bill is guaranteed. The policy on central government grant transfers constrained local governments' capacity for human resource retention, given that the scope of decentralized service delivery responsibilities was much greater than the degree to which revenue sources had been devolved, thereby leaving local governments with a limited budget decision to support schemes for human resource welfare and staff retention. It was also reported that some crucial positions within districts were being held by officers in acting capacities beyond the recommended period.

Induction of new staff in local government

The Public Service Standing Orders provide for induction to integrate newly recruited officers into the service - it is compulsory for each grade of public officers and must be conducted within the first three months of entry into the service. However, during the training of statutory bodies of the council in different districts, it was noted that this was lacking and there was a need for orientation and mentoring of new staff who were recruited. It was also noted that lack of orientation and mentoring had affected the work culture in local governments.

Recruitment and retention of staff

The poor reward and compensation policy arrangement that confine local government staff to the central government's single-spine salary structure, with hardly any allowance or benefits considering peculiar difficulties faced by people serving in remote and hard-to-reach areas had heightened the rate of staff turnover and the inability to attract and retain a good calibre of employees in local governments. Several districts found it difficult to attract and retain staff in key positions. In some districts, it was reported that some staff had served in acting capacity for over 10 years, which was an anomaly and a contradiction to the provision in the public service standing orders regarding appointment on an acting basis. In hard-to-reach areas, it was noted that public servants especially teachers and health workers who were recruited did not report for work at their respective duty stations. With the establishment of Regional Lands offices, for instance, most staff in the district lands offices had been taken by

the regional land's offices. This was noted in Soroti, Apac, Moroto and Mbale Districts where staff had resigned to take up positions in the Regional Lands Offices.

There is also contention on the classification of hard-to-reach areas by the public service. According to a member of the Wakiso district service commission, *“Wakiso has not been included among those districts that have areas that are classified as Hard -to- reach. The ministry must reconsider this position so that the civil servants deployed in these areas could be given a hardship allowance. Namayumba and Masuliita are hard to reach areas. The teachers and health workers deployed to such areas do not report on duty. Absenteeism at health centres and schools in these areas is remarkably high. You visit such areas and cannot find civil servants on duty”*.

Long probation/acting periods and promotions

There was a growing concern among public servants especially in entry-level positions that they were taking more than the required period on probation without the assurance of confirmation. This irregularity was in total disregard of the provisions for confirmation in the Public Service Standing Orders.⁷ There were also concerns that many public officers in local governments are holding positions in an acting capacity beyond the prescribed period (6 – 12 months). In districts such as Soroti, Gulu, Moroto and Kabarole among others, it was noted that some officers had been working in acting capacity for as long as 15 years without being confirmed in their positions which was an irregularity and violated provisions in the Public Service Standing Orders.⁸ In addition to delayed confirmation, there was also concern that employees at local governments took long before they could be promoted – some took as long as 20 years. In Hoima District, the lack of appointments for promotions was attributed to a lack of requisite qualifications.

The Public Service Standing Orders states thus, *“An appointment on acting basis is expected to last not more than six months and is subject to direction by the Appointing Authority. Any period of acting appointment beyond six months will be null and void and the officer holding such an appointment shall automatically revert to his or her substantive post unless the Appointing Authority extends the appointment for another period of six months but shall not exceed 12 months in total. This arrangement will only apply when a Statutory Office is temporarily vacated.”* Furthermore, it states that an officer shall be on probation for three months with effect from the date of assumption of duty.

Poor work environment

The work environment in an institution influences performance. It entails the organizational culture, interpersonal relations, tools, equipment, and support systems. These create an

⁷ Public Service Standing Orders, 2010 - *“a public officer is eligible for confirmation in appointment at the end of a probationary period, subject to satisfactory performance, conduct and to any other prescribed conditions”*.

⁸ <https://www.publicservice.go.ug/media/resources/Public%20Service%20Standing%20Orders%20for%20Printing%20New.pdf>

environment for innovation and productivity. However, many of the new and rural DLGs and lower Local Governments (LLGs) lack office space, and equipment.

5. RECOMMENDATIONS TO EMERGING ISSUES

Office space, records and information management

The budgeting and planning process of Local Governments should deliberately address the issues about office space and facilities for records and information management. There were some improvements in the area of records and information management in some Local Governments. However, there is a lot more to be done to improve the same to improve the services of the District Service Commission. The office space should be inclusive to ensure easy access by members of the DSC and their clients who are PWDs.

Capacity building and training

Successful performance of key functions of DSCs will require continuous technical and professional training of members of the DSC. It is therefore recommended that the ministry of local government should work with the ministry of public service to ensure that technical and professional capacity building and training function is mainstreamed in the budgeting process to ensure all-round and crosscutting training for all areas of operation. Similarly, during the district planning and budgeting process, the Principle Human Resource Officer should ensure they incorporate in their human resource capacity building plan, the training of statutory bodies of the council, including the DSC.

Corruption and bribery allegations

As a way of reducing corruption and bribery allegations by the public on DSC members, Local Governments should work closely with the Public Service Commission to develop an effective e-recruitment system that goes beyond job advertisement and online job application – the Ministry of ICT and National Guidance has already set the foundations by ensuring that there are existing legal, policy and institutional frameworks that can be exploited by stakeholders to enhance innovations. This will limit physical interaction between job applicants and members of the District Service Commission. Secondly, members of the DSC and local government leaders should embrace transparency initiatives such as information sharing with the public emphasizing that recruitment for local government jobs do not attract any charges and are free. When implemented, these will go a long way in curbing corruption during the recruitment process of the district public service.

Allowances of members of the DSC

There is a need to revise the allowances of the members of the District Service Commission because they play an important role in the recruitment of public servants at the local

government level who are responsible for the delivery of quality public services.

Rewards and sanctions

The Ministry of Public Service, Ministry of Local Government, and Ministry of Finance, Planning and Economic Development should ensure strict enforcement of the rewards and sanctions framework.

Access to public information

Harmonize current laws and regulations of public service to conform to the promotion of transparency in Uganda's public service. Access to information is a fundamental human right and Uganda has made some gains by enacting a law to promote this right (Access to Information's Act, 2005). The Ministry of Public Service and the Ministry of Local Government should popularize the Access to Information Act, 2005 so that it is understood and appreciated by all public servants.

Funding to the District Service Commission

Ministry of Finance Planning and Economic Development (MoFPED) should increase funding to the District Service Commissions that are charged on the consolidated fund and the funds should be released promptly to enable them to execute their functions effectively.

Access to guidelines, policies, and laws

The Responsible Officer (The Chief Administrative Officer) for each district should ensure that procurement of the relevant laws, regulations, circulars, guidelines and policies that are relevant to the functions of the DSC are provided for in the district budget, procured and copies availed to each member of the DSC. This will go a long way in reducing errors/mistakes and labour related court cases.

6. CONCLUSION

The performance of District Service Commissions is largely dependent on the central government's grant system to local governments. It is important to ensure that District Service Commissions are fully facilitated to carry out their role in ensuring a robust district public service. Adjustment in relevant policies and a review of the grant system to scale up unconditional grants will allow local governments to plan according to their unique needs. This will enhance the overall implementation of the decentralization policy in Uganda and ultimately improve the delivery of public services.

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