

Reform of the Federal Civil Service Commission (FCSC)

The Problem

The Federal Civil Service Commission (FCSC), originally known as the Public Service Commission, was established on 1 April 1954. The establishment of the FCSC followed decisions and resolutions at different constitutional conferences between 1952 and 1954 through a provision under section 174 of the Nigerian Order-in-Council of 1954. The Federal Civil Service Commission as it is known today came into effect in 1979 and currently derives its statutory powers from Section 153 to 161 of the 1999 Constitution. Sections 10 and 11 of the Third Schedule to the same 1999 Constitution gives the Federal Civil Service Commission the sole authority to appoint, promote and discipline Nigerian civil servants.

Members of the Commission are chosen to represent the geo-political constituents of the country and are expected to be persons of unquestionable integrity and sound political judgement with vast and varied administrative experience. Until very recently, members of the Commission are expected to hold office for a period of 5 years in the first instance and could be re-appointed for one more five-year term. However, the White Paper on the Report of the Presidential Committee on the Rationalisation and Restructuring of Federal Government Agencies, Commission and Parastatals proposed a single tenure of 5 years for members of the Commission with no option for renewal. The Commission has made a case to be treated like other Federal Executive Bodies in Section 153 of the Commission, for most of which the government has a practice of tenure renewal.

In carrying out its function, the Commission, among others:

- Sets up general and uniform guidelines for appointment, promotion and discipline;
- Monitors the activities of each Ministerial Office on appointment, promotion and discipline to ensure that the guidelines are strictly and uniformly adhered to;
- Serves as appellate body for all petitions from Ministries/Extra-Ministerial Offices in respect of appointments, promotion and discipline. The decisions of the FCSC are binding on all Ministries/Extra-Ministerial Offices. However, a party that is not satisfied with the decisions of the Commission could appeal to the President.

The Federal Civil Service Commission was established on a merit-based foundation, independent and free from interference and influence. On the basis of this foundation, the Federal Civil Service right from its early existence imbibed certain principles that translated into the core values that define its character. The core values upon which the FCSC is built include:

- Political neutrality, which implies that public servants should not allow political considerations to influence their actions while implementing Government decisions;
- Impartiality, which means that public servants are expected to discharge their duties without any partiality, fear, favour or nepotism;
- Anonymity, which implies that public servants should be anonymous, to be seen but not to be heard. This means that public servants should operate from the

- background while advising political office holders on government policies, and should not be seen taking blame or glory in public;
- Meritocracy, which, as a core value, relates to recruitment into the public service. Here, merit prevails subject to satisfying certain standards such as prescribed minimum educational qualifications, good performance in the qualifying examinations etc. This however, is without prejudice to the Federal Character principle enshrined in the Constitution; and
- Accountability, Loyalty, Efficiency, Diligence, Transparency and Integrity.

However, despite these core values, the Federal Civil Service Commission has gone through some daunting challenges, particularly during the military regime, which adversely affected its core values. The mass retrenchment of civil servants at both the Federal and State levels impacted severely on the service. The effect of this action was that all the core values that had been institutionalised gradually faded away, thus giving way to indiscipline, corruption, nepotism, inefficiency, laxity and lack of accountability. The consequence of these was instability and chaos in the public service. The eventual degeneration of the institution came to a climax with the implementation of the 1988 Civil Service Reforms and the enactment of Decree No. 43 of 1988. The 1988 reforms introduced profound distortions in the functions of the Federal Civil Service Commission. These included:

- Greater ministerial responsibility in the appointment, promotion, training and discipline of staff;
- By designating the Minister as Chief Executive and Accounting Officer and delegating the authority to recruit certain categories of persons to the MDAs, the 1988 Civil Service Reforms opened the door to the indiscriminate proliferation of jobs and the recruitment of all shades of persons into the service without due process;
- Disregard for the rules, regulations and procedures resulting in arbitrary decisions and general loss of direction; and
- Complete emasculatation of the Federal Civil Service Commission's role in the appointment, promotion and discipline of Federal Civil Servants.

In summary, the 1988 Civil Service Reforms, despite its lofty ideals of efficiency, professionalism, accountability, and checks and balances, did not achieve its desired objectives and severely decimated the Federal Civil Service. The FCSC was almost rendered powerless with little or no functions to perform. Matters relating to appointments, promotion and discipline of the civil service were not co-ordinated. This led to great disharmony and low morale among serving officers. As part of the outcome of the Report of the Ayida Review Panel on the 1988 Civil Service Reforms, Government reaffirmed the personnel management functions of the Federal Civil Service Commission, with delegated powers to MDAs. It also affirmed that recruitment into the Federal Civil Service should be based on a combination of merit and Federal Character at the point of entry, and that further progression should be based on merit.

Although the Report of the Ayida Review Panel tried to reverse most of the reforms of the 1988, the core values of the civil service under which it operated had been severely eroded. Meritocracy, one of the most important core values of the service affecting recruitment into the public service, was sacrificed at the altar of greed, cronyism, ethnicity, tribalism, federal character, quota system and religious affinity. Appointments, capacity building and promotions were sometimes done on the basis of whom one knows within the system. It is alleged that, until very recently, appointments into some "juicy" MDAs was for sale. Foreign and local training opportunities and promotion through the ranks were sometimes extended only to those in the good books of their bosses. There were even

allegations of a cash and sex-for-promotion racket in the service. It was difficult to enforce discipline within the service as primordial sentiments determined appointments, promotion and discipline.

Conscious of these problems, many attempts have been made by various governments to address the issues. In fact, so bad was the state of decadence of the Federal Civil Service that President Obasanjo, on assumption of office in 1999, disclosed that the “public service had metamorphosed from a manageable, compact, focused, trained, skilled and highly motivated body into an over-bloated, lop-sided, ill-equipped, poorly paid, rudderless institution lacking in initiative and beset by loss of morale, arbitrariness and corruption”, and, that without being reformed, the public service was incapable of meaningfully responding to the challenge of reviving an ailing economy in the face of global competition.

Reform Activities

Following the return to democratic governance in 1999, the Obasanjo Administration took concrete steps to reposition the Federal Civil Service into a competent professional, and development-oriented, public-spirited and customer-friendly public service capable of responding to the needs of the society. However, despite the early efforts made by successive democratic administrations to reposition the Federal Civil Service Commission, there were deep mutual distrust, seemingly deliberate misunderstanding and a lack of coordination on human resource management matters between the FCSC and OHCSF. In an effort to engender an efficient and effective civil service, the Jonathan Administration appointed a new crop of seasoned former civil servants as members of the Federal Civil Service Commission whose new Vision and Mission is to uphold the traditional core values upon which the Federal Civil Service was built, and obtain the cooperation of all relevant stakeholders in the performance of its duties.

Main Achievements

The main achievements of the Federal Civil Service Commission reforms include the following:

- i. In August 2009, the FCSC and OHCSF initiated a new Tenure Policy that provides a four-year term, renewable once, for Permanent Secretaries and an eight-year term for Directors. The tenure policy created vacancies, reinvigorated the system, and ensured the promotion of qualified and deserving officers who would otherwise have stagnated. This had the general effect of raising morale within the service, except, of course, for those whose service had to come to an end as a result of the policy;
- ii. In line with global best practices, the FCSC has reintroduced induction courses for all newly recruited officers of the Federal Civil Service. This is with a view to inculcating the core values of the Public Service such as loyalty, discipline, efficiency and professionalism in the newly recruited officers; The FCSC also scaled up the induction for newly recruited officers in the Federal Civil Service for them to know their terms of engagement and to be guided by relevant Rules and Regulations in the Public Service, (particularly the Public Service Rules and Guidelines on Appointment, Promotion and Discipline) as well as to ensure that they have the right skills to work in a modern, technology-driven, civil service;
- iii. The FCSC, together with the Office of the Head of the Civil Service of the Federation (OHCSF) and National Planning Commission (NPC), has developed a

harmonised framework for the implementation of a new Performance Management System in the Federal Civil Service;

- iv. The FCSC drew up Performance Contract (PC), a sub-set of Performance Management (PM), which connotes a freely negotiated performance agreement between Government, acting as the owner of an Agency, and the management of the Agency. In order to institutionalize reliable and acceptable method of assessing Officers under the performance contract system, the FCSC has evolved four key assessment criteria; Automated Performance Appraisal System (AUTOPAS), a technology driven Performance Appraisal System, which will effectively and ultimately replace the Annual Performance Evaluation Review System (APER); Structured Mandatory Training Programme (SMTP): which specifies clearly, the prerequisite Module of Training an officer should attend and be certified before moving from one grade level to a higher one; Commission Performance Appraisal System (COMPAS) which involves the oversight functions of the Commission in the conduct of Senior Staff Committee's (SSC) meetings in the MDAs in respect of delegated functions and responsibilities, especially in the conduct of oral interview, assessment of the level of adherence to Civil Service Rules and Regulations; and exhibition of the Public Service Core Values by MDAs; and Citizens Performance Appraisal System (CITIPAS) simply means having feedback/ criticism on service delivery from the public and adequately reacting to such feedback;
- v. The FCSC, in collaboration with DFID-FEPAR, reviewed its Vision and Mission Statements and developed its Strategic Plan for 2013 – 2015 with a focus on four priority areas, i.e. Promotion/Performance Contracting; Recruitment Process; Ethics and Discipline; and Data Management;
- vi. All core internal processes of the FCSC are undergoing automation to facilitate cost effectiveness and seamless service delivery. This is to ensure transparency and efficiency in the discharge of its Constitutional mandate- Appointment, Promotion and Discipline;
- vii. In pursuit of the Federal Civil Service Commission (FCSC)'s Cardinal Objectives, one of which is, the adoptions of technology driven procedure for its operation and, inconsonance with President Good luck Ebele Johnathan's Transformation Agenda, the FCSC introduced a new functional e-mail system for ease of communication with MDAs, in particular, and the public in general. The FCSC's email is functional based, assigned to FCSC Job Functions/Functionalities and Roles (the email is the Officers title/Office@fedcivil service.gov.ng);
- viii. The FCSC instituted a Presidential Annual Public Service Lecture aimed at stimulating and motivating Public Servants to see themselves as part of global machinery rather than a local entity doing its own thing in its own localised way. The Public lecture with the theme: "Civil Service Core Values: The Sine Qua-Non for National Development" took place on 31st March- 1st April, 2014 as part of the FCSC 60th Anniversary celebration. The papers presented were thought provoking, stimulating and were reminiscent of all that was good and noble in the Nigerian Public Service. It provided the opportunity for three generations of Nigerian Civil Servants to interact and exchange ideas. During the celebration, it was lamented that low productivity, indiscipline, unprofessionalism and unethical conduct, have marred the image of the Service. The other issues that came out during the 2-Day Conference were:
 - (a) the glorious history and the indelible role of Civil Servants in keeping Nigeria together, particularly, during the Nigerian civil war.

- (b) the loss of Core Values as a result of the influence of a long military regime;
 - (c) the need for mentorship;
 - (d) the need to re-enact the Core Values; and
 - (e) the need to prepare the present crop of the Nigerian Civil Servants to be disciplined, patriotic and globally competitive;
- ix. FCSC has begun a process of ensuring the implementation of these observations; and
 - x. The FCSC has ensured effective synergy and synchronized approach with all critical stakeholders, including developing cordial working relationship with the OHCSF. There have been collaborative efforts, not only on the new Performance Management System, but also on the review of Guide lines on Appointment, Promotion and Discipline, Public Service Rules, Scheme of Service, and other critical service matters.

Other key achievements include:

- Improvement in the process and integrity of appointments through online advertisement, promotions of deserving Officers based on merit and transparency, and discipline of Officers based on extant Rules and Regulations and the Rule of law;
- In line with the Commission's Guidelines on Appointment, Promotion and Discipline into the post in the Public Service; the Commission has appointed about 200 physically challenged persons; and
- A reflection of the FCSC Vision and Mission statements in its current activities. For instance, the Commission's insistence on the strict adherence to the principles of meritocracy, transparency, integrity, professionalism and impartiality meant that the promotion examinations for Director-level officers in 2013 were seen as free and fair. Recognized professional bodies such as ICAN and NIM, along with retired and serving officers that had been subjected to integrity tests, were engaged to set and mark the professional questions. This, obviously, was done in keeping with the principle of transparency, integrity, meritocracy, accountability and impartiality.

Key Challenges

Despite the laudable success recorded by the Federal Civil Service Commission, it is still faced by some challenges. These include:

- i. The process of automating all FCSC core internal process and building staff capacity to work in an automated environment is slow, possibly constrained by inadequate funding;
- ii. Some FCSC staff are alleged to deliberately sabotage the automated systems, so that they can still extort money from citizens;
- iii. MDAs do not promptly comply with guidelines on appointments, promotion and discipline and other circular issued from time to time by the FCSC;
- iv. There are currently a number of cases in various courts in the country with 52 cases in the Court of Appeal, 52 cases in the Federal High Court and 55

- cases in the National Industrial Courts. Most of the cases have been in the courts for many years and originated from MDAs who badly managed the cases, possibly with legal personnel who had been compromised; and
- v. Increasing and persistent pressure for employment into the Federal Civil Service and the challenge of selecting candidates for appointment into the Service fairly and transparently.

Assessment of Reform Initiative

S/No.	Assessment Criteria	Result of Assessment
1.	Has the FCSC reforms improved the quality and quantity of public services?	There is beginning to be a gradual improvement in the quality and quantity of the services delivered by the FCSC.
2.	Do more people now have access to services, including disadvantaged groups such as women, young persons and people with disabilities?	More people now have an opportunity to be recruited and promoted based on merit.
3.	Has the FCS reform reduced the cost of governance?	Yes. The FCSC is now working towards its key principles of transparency, integrity, meritocracy, accountability and impartiality.
4.	Has the FCSC reform made the service more affordable for citizens	Yes. Many applicants for civil service positions are taking advantage of the FCSC website in their quest for jobs, which means that they do not have to pay for application forms. However, the automated systems do not always work, forcing applicants to still visit the Commission, at some cost and inconvenience.
5.	Has the FCSC reform reduced corruption?	Yes. The previous allegations of cash and sex-for-promotion in the service, and that promotion is based on primordial considerations, have virtually disappeared. However, new allegations are emerging that Commission staff deliberately disable the automated systems to ensure that they can still extort money from citizens.
6.	Has the FCSC reform reduced unnecessary bureaucracy and red tape?	Yes. The automation of the appointment process and the timely release of the results of promotion examination have reduced unnecessary bureaucracy and red tape.
7.	Is FCSC reform likely to lead to improved development outcomes?	While admitting that various aspects of the FCSC reforms are not yet fully mature, it is clear that a transparent, merit-based, accountable and productive civil service is

S/No.	Assessment Criteria	Result of Assessment
		the key to rapid national development.
8.	Are things improving, staying the same or getting worse?	Things are improving. An example is the excellent cooperation, collaboration and partnership between the FCSC and OHCSF on human resource management matters. The Federal Civil Service has not had this kind of harmonized and cordial relationship between the two central coordinating agencies for a very long time.
9.	Where things are improving, will those improvements endure?	Improvement should endure. Automation of processes makes those processes difficult to reverse. Also, simultaneous reforms in the OHCSF and the FCSC, and the cooperation and collaboration between both bodies, makes it likely that the improvements in the FCSC will endure.
10.	Where things are not improving, what should be done?	Not Applicable

Proposed Next Steps

Recruitment

- i. Reports should be generated from the automated applications system to see when the system was unavailable, at what site and for what reason. This will help to curtail the chances of internal sabotage aimed at forcing candidates to still visit the Commission and part with cash.
- ii. Transfer and secondment into the Federal Civil Service should be limited to critical areas of needs in order not to jeopardize the promotion prospects of serving officers;
- iii. A database inventory to determine the capacity and personnel requirements of the Civil Service and a suitably designed pooling mechanism should be established. This will help check the suppression of vacancies where they exist;

Promotion

- iv. Promotion in the Civil Service should be based on the attendance and successful completion of mandatory training on the core skills required to function at the next grade level;
- v. Officers who pass promotion examination but could not be promoted due to vacancy constraints should not have to repeat such examinations when vacancies become available. Such officers should be promoted in order of merit of their performance in the examination whenever vacancies are available;
- vi. Officers who pass the required promotion examination should have their salaries upgraded to the next level and the salary be made personal to them.

Discipline

- vii. There is a need to act decisively to curtail the high number of litigations facing the service. Any legal officer found to have colluded with frivolous litigants should be heavily sanctioned.
- viii. There should be an improvement in documentation and record-keeping to enable the Commission to adequately defend itself in legal cases when the need arises.
- ix. There should be a core of dedicated and patriotic legal officers from the Ministry of Justice that should be trained and motivated by the Commission to equip them to robustly defend the Commission in all legal cases.

General

- FCSC should be funded to enable it complete all on-going projects including the automating of all its core internal processes and building staff capacity to work in an automated environment;
- Work with key stakeholders such as the OHCSF and BPSR to put in place an oversight mechanism for appointment, promotion and discipline in federal government agencies and parastatals;
- There should be a forum for cross fertilization of ideas between the FCSC and all the central coordination agencies on human resource management matters in order to eliminate seeming areas of conflict. This will further enhance understanding and co-operation thus ensuring efficiency and higher productivity in the Service.