

Tenure Policy

The Problem

By 2009, the federal civil service had a generation of officers who had been Permanent Secretaries and Directors for between 10 and 12 years and were not due for retirement in at least another five years. This anomaly created serious distortion with several implications for the federal public service as follows:

1. Many directorate-level officers had stagnated as deputy directors or assistant directors because there were no vacancies into which they could be promoted.
2. Subordinate officers were retiring before their directors, who either transferred into the federal public service or were given direct appointment at very high levels.
3. Pervading loss of morale and growing signs of frustration and apprehension from a large number of officers who were overdue for promotion and felt that their superior officers in some cases lacked the requisite qualification and capacity to supervise them.
4. Lack of vacancies arising partly because of the large number of transfer at the directorate level, which truncated the natural succession plan in the grade level structure of the service, which stipulated the number of years an officer was expected to remain on a grade.
5. The abuse of the relevant provision of Decree 43 of 1988 through which many officers were recruited or transferred into the federal civil service and placed on grade levels higher than that of serving officers who were either their seniors or contemporaries.

Reform Actions

In order to address the problems created, to remove the notion of permanence from the office of the permanent secretaries and directors, and to ensure that the retention of office is strictly tied to satisfactory delivery of agreed targets and performance, government introduced a new tenure policy for permanent secretaries and directors in the federal public service. In this regard, permanent secretaries are to hold office for a term of four years, renewable for a further term of four years, subject to satisfactory performance and no more. Directors are to compulsorily retire upon serving eight years on post. The tenure policy is without prejudice to the relevant provisions of the public service rules that prescribes 60 years of age and/or 35 years of service for mandatory retirement from the public service. The tenure policy came into effect from 1 January 2010 and all serving permanent secretaries that had spent eight years on post by the aforementioned date were retired from the service. The tenure policy affected all federal parastatals and statutory corporations; and aligned their respective conditions of service with the policy.

Main Achievements

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 the few that were affected by the policy.

Other key achievements of the tenure policy were as follows:

- Institution of due process in the appointment of permanent secretaries and directors
- Resolution of succession planning crisis in the federal public service

Key Challenges

Although the tenure policy had recorded notable successes, it faced some key challenges, most notable of which is the absence of clear criteria for assessing the performance of permanent secretaries, directors-general, and executive secretaries at the end of the first four-year term of office.

Also, at the time it was first implemented, the policy led to an overnight haemorrhaging of talent without a well thought-out mitigation plan.

Assessment of Reform Initiative

Against the 10 criteria for assessing the success of reform efforts, there is clear evidence that the tenure policy has recorded some successes.

S/No.	Assessment Criteria	Result of Assessment
1.	Has the tenure policy improved the quality and quantity of public services?	The tenure policy freed up many positions to competent senior officers who have provided new vibrancy in the formulation and implementation of government policy. However, there is no proof that this has led to an improvement in the quality and quantity of public services. If anything, many people feel that the competence of public servants to deliver better public services has suffered as a result.
2.	Do more people now have access to services, including disadvantaged groups such as women, young persons, and people with disabilities?	Since the return of democracy in 1999 there have been direct and deliberate policy pronouncements and actions by the Federal Government and its Agencies to not only increase the numbers of physically challenged in the Civil Service but also to make Public buildings accessible to them
3.	Has the tenure policy reduced the cost of governance?	This is not clear and needs further investigation.
4.	Has the tenure policy made the services more affordable for citizens?	Not Applicable
5.	Has the tenure policy reduced corruption?	The bureaucratic corruption made possible by people being in the same post for an inordinately long period of time has been virtually eliminated. However, there is no

S/No.	Assessment Criteria	Result of Assessment
		evidence that the public service is any less corrupt as a result of the policy. Indeed, some people feel that the limitation of tenure encourages people to engage in corrupt practices in order to secure their future before their tenures end.
6.	Has the tenure policy reduced unnecessary bureaucracy and red tape?	Not Applicable
7.	Has the tenure policy led to improved development outcomes?	There is no evidence that this is the case.
8.	Are things improving, staying the same, or getting worse?	Although the policy has unblocked a serious blockage in the system, it led to an immediate loss of experience in the public service. However, it has also challenged younger public servants to excel. Overall though, the view is mixed. Current public servants see it as a good policy, while many others see it as a bad policy.
9.	Where things are improving, will those improvements endure?	It will be difficult to wind back the policy now. It will endure, not because of its popularity, but because it would be virtually impossible to revert.
10.	Where things are not improving, what should be done?	There is an even greater need to ensure that people coming into senior government positions are well equipped to fill those positions. The remuneration of directors should be closer to those of permanent secretaries to compensate them for the tenuring of their positions.

Proposed Next Steps

The proposed next step actions to consolidate the tenure policy system in the federal public service are as follows:

1. Assessment criteria should be developed to assess the performance of permanent secretaries at the end of their first four-year term of office to determine their suitability or otherwise before they are given a second term of office.
2. There is need to check the irregular transfer of officers from states' civil services into the federal civil service.
3. In order to avoid creating the same situation that led to the introduction of the tenure policy, newly appointed or transferred officers should be placed on grades in accordance with paragraph 5(iv) of the '*Guidelines for Appointment, Promotion and Discipline*'. This paragraph stipulates that 'serving officers accepted on transfer into the

federal civil service from state governments and other government agencies shall be placed on the post they would have attained by normal promotion, as provided in the schemes of their cadre, if they had joined the federal civil service in the first instance.”

4. Capacity-building in the public service should emphasize on-the-job training to ensure that people who are promoted are properly equipped to perform their functions.