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Institutionalisation of Public Policy Evaluation in the South African National Legislature

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A research report submitted to the School of Governance, Faculty of Commerce, Law and Management at the University of the Witwatersrand, Johannesburg, in fulfilment of the requirement for the degree of Master of Management in Public and Development Sector Monitoring and Evaluation.

Declaration

I hereby declare that this research report is my own work and was not submitted anywhere else for the intention of receiving a degree or being examined by another university. It is submitted in fulfilment of the requirements for the Master of Management in Public and Development Sector Monitoring and Evaluation at the University of the Witwatersrand, Johannesburg, which include coursework and a mini dissertation or research report.



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LIST OF ACRONYMS

APP	Annual Performance Plan
ARC	Agricultural Research Council
ATC	Announcements, Tablings, and Committee
CGE	Committee on Commission for Gender Equality
DPME	Department of Planning, Monitoring and Evaluation
DG	Director-General
EIA	Environmental Impact Assessment
EXCO	Executive Committee
EPWP	Expanded Public Works Programme
GWM&E	Government - Wide Monitoring and Evaluation
GAO	Government Accountability Office
IPAP	Industrial Policy Action Plan
KZN	KwaZulu-Natal
MPs	Members of Parliament
NA	National Assembly
NCOP	National Council of Provinces
NDA	National Development Agency
NDP	National Development Plan
NEPF	National Evaluation Policy Framework
NES	National Evaluation System
NGP	New Growth Path
OIRA	Office of Information and Regulatory Affairs
OBP	Onderstepoort Biological Products

OECD	Organisation for Economic Cooperation and Development
PMG	Parliamentary Monitoring Group
PESI	Presidential Economic Stimulus Package
SMME	Small Medium and Micro Enterprise's
SABC	South African Broadcasting Corporation
SAMAF	South African Micro-Finance Apex Fund
SASSA	South African Social Security Agency
SADC	Southern African Development Community
SCOPA	Standing Committee on Public Accounts
TB	Tuberculosis
UIF	Unemployment Insurance Fund
US	United States
USA	United States of America

CHAPTER ONE - INTRODUCTION

1.1. Introduction

The fundamental purpose of the study was to establish how public policy evaluation is institutionalised to implement the doctrine of separation of powers. The researcher's views on the implementation of the National Evaluation Policy Framework and Government-Wide Monitoring and Evaluation in government (executive level) sparked interest in the research. These frameworks are mainly quiet on the role of the legislative authority, as well as resolutions on delegation of powers to conduct public policy evaluation. There is also a large body of literature on public policy evaluation at the executive level, but less is known about public policy evaluation at the legislative authority. This generates the idea that public policy evaluation is only the responsibility of the executive authority, even though both the executive and the legislature play important roles in the legislative process. This generated concerns about the legislative authority's independence in terms of law-making powers.

1.2. Problem Statement

Public policy evaluation is a crucial component of effective public policy making because it indicates the extent to which public policy objectives have been met and the unintended consequences thereof that might have occurred because of policy implementation. In this way, public policy evaluation influences public policy, by ensuring that beneficial impacts are sustained while negative consequences are mitigated. This process of producing laws or public policies involved all branches of government, with the legislative branch making the laws and overseeing the executive branch, the executive branch implementing the public policies or laws, and the judiciary branch interpreting the laws. As a result, authorities entrusted with the powers to formulate public policies must actively participate in public policy evaluation to maintain accountability in executing public policies.

This means that public policy evaluation should not be controlled by one sphere of power because that would give an unfair advantage in the legislative arena, thereby monopolising power. It is so because that sphere of power would have all the information about which public policies work and which do not, as well as how well they work whilst other spheres of power do not. In the case of law proposals submitted for approval, the spheres of power will rely on the evidence or information provided by one sphere of power in charge of the public policy evaluation to support their policy decisions, with little or no alternative information to support alternative policy decision or direction.

Thus meaning, that sphere of power which dominates policy evaluation would be more powerful than it would influence other spheres of power in terms of policy decisions.

This point is supported by Montesquieu in arguing that monopolising state powers by one institution may eventually lead to authoritarianism, depriving other realms of authority of their legitimate autonomy. Thus, separation of powers is necessary not to guard against the monopoly of power only, but it also provides a contrivance, through which new political power is continuously spawned, without overtaking and expanding to the detriment of other realms of power. The separation of powers makes it evident that power is diminished by the exercise of authority (Montesquieu, 1748). Thus, meaning the application of power by one realm of power is equivoque by the power of the other realm of power. This is a necessary condition for effective oversight, policy-making accountability; and independence to make its own decisions.

The study was inspired by the researcher's observations that public policy evaluation is well established at the executive authority level in South Africa. Yet little is known about the role and how the legislative authority has institutionalised public policy evaluation. The Policy Framework for the Government-wide Monitoring and Evaluation System, as well as the National Evaluation Policy Framework, are excellent examples of how public policy evaluation is institutionalised at the state executive authority. Notably, these frameworks, particularly the Policy Framework for the Government-wide Monitoring and Evaluation, have singled out the Presidency, National Treasury, Statistics South Africa, Department of Public Service Administration, Department of Cooperative Government and Traditional Affairs, *formerly known as the Department of Provincial and Local Government*, South African Management Development Institute, Office of the Public Service Commission, Auditor-General of South Africa; and Provincial Offices of the Premier to play a role in the implementation of the policy evaluation. The justification provided is that the mandates of the above-mentioned institutions underscore or warrants their roles and responsibilities in the implementation of policy evaluation in South Africa (The Presidency, 2007).

Another observation is that both the National Evaluation Policy Framework and Policy Framework for the Government-wide Monitoring and Evaluation System makes no mention of the parliamentary resolution or decision that delegated public policy evaluation powers and functions to the executive authority (Department of Planning, Monitoring and Evaluation). Furthermore, the legislative authority's role in the implementation of these frameworks is not mentioned anywhere in the framework. As a result, the impression is created that the public policy evaluation system

in South Africa is a singled-tiered system. Wherein, the executive authority oversees implementing public policies and driving the public policy evaluation agenda. The executive authority (a) chooses the policy focal areas to be evaluated, (b) develops and coined evaluation topics, (c) develops research questions and objectives, (d) chooses the methodology, (e) allocates the evaluation budget, and (f) appoints the service providers to carry out the evaluation.

However, considering the constitutional mandate of the legislative authority, the legislative authority ought to have an interest and play a role in public policy evaluation in South Africa. For example, Chapter 4, Section 55 of the Constitution of the Republic of South Africa prescribes that 1 (a) and (b) legislative authority may initiate, consider, pass, reject any legislation, except money bills. Furthermore, Sub-section 2 (a) and (b) prescribes that legislative authority must ensure that all the executive authority is accountable to it, to maintain oversight of the exercise of national executive authority and implementation of public policies (Constitution of the Republic of South Africa, 1996 as amended).

Therefore, the study was centred on the question of how the public policy evaluation has been institutionalised to give effect the principle of separation of powers between the executive and legislative authorities? If South Africa has a single-tiered system of public policy evaluation, what role does the legislative authority play in the implementation of the National Evaluation System? Do parliamentarians (a) play a role in initiating, and conceptualising public policy evaluations and or (b) have an interest in parliament-led or parliament-aligned agency public policy evaluations, to activate checks and balances?

1.3. Purpose of the Study

The major purpose was to identify how public policy evaluation is institutionalised in South Africa national legislature so that the doctrine of separation of powers may be implemented.

1.4. Objectives of the Study

The following objectives were investigated to achieve the following study's goal:

- *Explore and describe governance of public policy evaluation in South Africa,*
- *Explore the application between the principle of separation of powers and public policy evaluation in South Africa; and*
- *To analyse the role of the legislative authority in public policy evaluation (national policy evaluation framework) in South Africa.*

1.5. Key Research Questions

- *How does the doctrine or theory of separation of powers apply to public policy evaluation?*
- *What role does the legislative authority play in evaluation of public policies?*
- *Are members of the legislature interested in parliamentary-led public policy evaluations?*

1.6. Theoretical Foundations or Framework

The study took a dual approach to its theoretical foundations or framework. This was necessary because the study aimed to answer two fundamental questions: (a) the institutionalisation of public policy evaluation, and (b) the application of the doctrine of separation of powers. These two study questions are linked but not the same, and it is this distinction that necessitates the use of two theoretical frameworks. For example, institutionalisation is tied to the governance of public policy evaluation, whilst the implementation of the doctrine of separation of powers is related to the power dynamics between the executive and legislative authorities. As a result, the study relied extensively on the theoretical foundations outlined below to analyse and interpret the collected data.

1.6.1. Conceptual Framework

In terms of the institutionalisation of public policy evaluation, the study depended on the work of other scholars who did work on the subject, such as Rabie (2010), Mtshali (2014), de Coning and Rabie (2014), Kimaro (2018), Organisational for Economic Cooperation and Development (2020), and Masilo *et al*, (2021). According to these sources, public policy evaluation is institutionalised using, among others, the regulations, or legal anchors; and allocation of resources to execute public policy evaluation functions. As a consequence of the work of the aforementioned sources, the researcher isolated the distinguishing elements and developed the following model as the foundation for an analysis of the institutionalisation of public policy evaluation in South Africa's national legislature.

Constitution	• <i>Constitutional clauses or provisions mandate state or public institutions to evaluate public policies and the related programmes with the purpose of improving public policy making</i>
Primary Legislations	• <i>Public administration laws clauses or provisions require public institutions to designate capacity or individuals to conduct public policy evaluations.</i>
Secondary Legislations	• <i>Policy frameworks provide guidelines, norms and standards, criteria, types of evaluations, and methods or methodologies related to public policy evaluations.</i>
Value-Based	• <i>The defining feature of an effective M&E system is that the M&E functions are perceived and thought to contribute value to the organisation's operations, and that the results are utilised.</i>
Strong Leadership	• <i>An efficient and effective M&E system is dependent on solid leadership in the groups responsible for its implementation.</i>
Allocated Resources	• <i>An effective M&E system require qualified and competent human resources related to M&E, intersectoral thinkers with the ability to execute, qualitative, and statistical analysis skills</i>

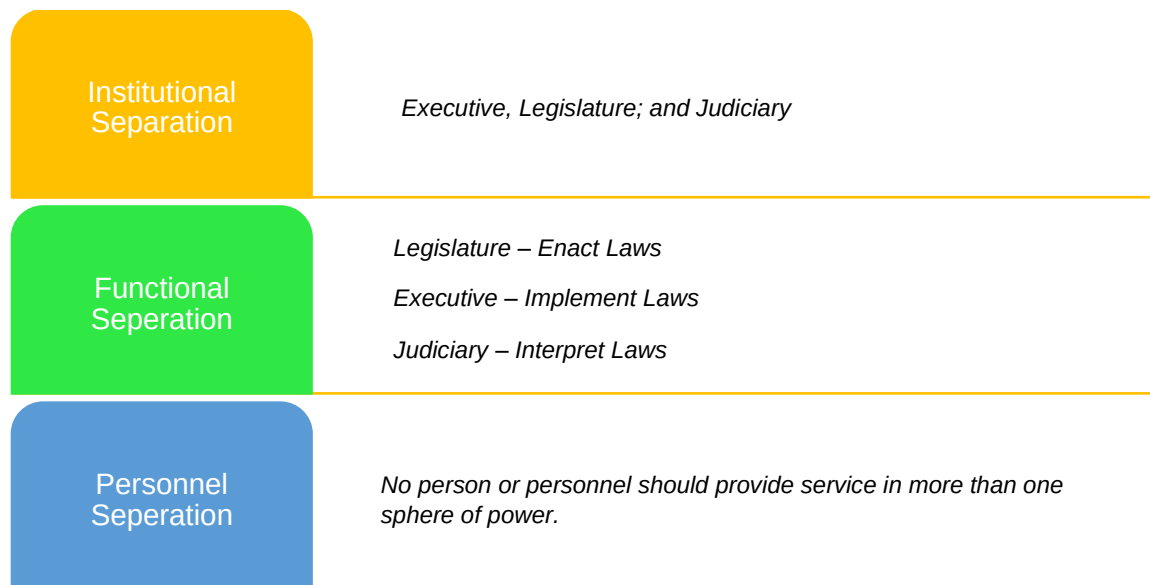
By implication, this means that data analysis and interpretation include, among other things, legal anchoring (legislations), value-based, strong leadership, and allotted resources. It should be noted that the legal anchors of public policy evaluation, such as the constitution, primary and secondary legislation, are explored in further detail in Chapter 3, specifically subsections 3.15 and 3.16. The value-based, strong leadership; and allocation of resources are covered in Chapter 4, subsection 4.3.

1.6.2. Theory of Separation of Powers

The study also used the theory of separation of powers to interpret the power dynamics between executive and legislative authorities in relation to the performance of public policy evaluation tasks and responsibilities. The idea of separation of powers is more important to analysing the balance of power between the executive and legislative authorities, not only because it provides a solid foundation for analysing political authority. But also, because it is one of the principles under which the Constitution of the Republic of South Africa was founded on.

This theory is critical because it defines the state in terms of power balances between specified spheres of power such as the executive, legislative, and judicial branches (National Conference

of State Legislatures, 2021). This theory also defines the tasks and responsibilities of the domains of power, with legislative authority mandated to make laws, executive authority mandated to implement public policies, and judicial authority mandated to adjudicate laws (Aiyede, 2023). In essence, this theory advocates for the separation of powers to maintain independence and the preservation of political liberty (Waldron, 2013) while also prohibiting tyranny and the monopolisation of authority by realms of power (Stolleis, 1990). In accordance with that, the separation of powers between the executive and legislative authority was evaluated using the distinguishing features such as institutional, functional, and personnel separations.



Adapted and modified from (Civildaily, 2017)

More information about the theory of separation of powers and the distinguishing aspects of the separation of powers is examined in greater detail in Chapter 2, subsections 2.2 and 2.3.

1.7. Justification of the Study

According to Patton, sound institutional frameworks related to public policy evaluation strengthens the state's capacity to enhance public policies and associated programmes (1978). The study is critical not only for the executive and legislative authorities, but also for the practice or profession of public policy evaluation. Clarifying the powers related to public policy evaluation, is very crucial for the autonomy and effectiveness of the public policy evaluation system. Therefore, the researcher was hopeful that the findings of the study would be very useful in improving the current frameworks regulating policy evaluation in South Africa. That could be essential in the

establishment of the governance structures that determine and drive public policy agenda in South Africa.

Furthermore, the study highlighted the implications of the public policy evaluation on the independence and relations between the authorities of the state or realms of power, mainly the executive and the legislative authorities. That is very crucial for each arm of the state to execute its constitutional mandate, particularly the legislative authority. Tasked with the responsibility to oversee, and hold the executive accountable, as well as effective law-making. That is very critical considering that monopoly of power by one domain of power is harmful to the state (Montesquieu, 1748). Thus, monopoly of public policy evaluation powers is also detrimental to the practice of policy evaluation. However, rivalry between the two autonomous but interrelated branches of government in public policy evaluation benefits the profession. That competition alone is crucial because it promotes the development of high-quality public policy evaluation.

1.8. Research Philosophical Paradigm

The study adopted an interpretive philosophical paradigm because the researcher (a) was involved in the knowledge-making process (Bowen, 2009 and O'Leary, 2014), (b) generated meanings about the subject under consideration through the experiences of the study participants (Adom *et al*, 2016), (c) analysed the applicable prescripts and text via document review to give them a voice and significance in relation to the public policy evaluation (Bowen, 2009 and O'Leary, 2014). This technique was critical in resolving the study objectives, which concerned the institutionalisation of public policy evaluation. Thus, the researcher constructed and interpreted knowledge/meaning based on the sentiments shared by the respondents and document reviews of regulatory frameworks related to the public policy evaluation system.

For example, the researcher examined the relevant prescripts and frameworks to illustrate how public policy evaluation is institutionalised in South Africa, notably in the legislative branch. The applicable prescripts included the Constitution, White Paper on Transforming Public Service, Public Audit Act, Public Service Act, Public Finance Management Act, Municipal Systems Act, Green Paper: Improving Government Performance, Green Paper: National Strategic Planning, whilst the frameworks included, amongst others, National Policy Evaluation Framework, Government-wide Monitoring and Evaluation Framework and Monitoring and Evaluation Framework for the South African Legislative Sector, and Evaluation Competency Framework and Standard for Evaluation. These prescripts and frameworks provided critical insight into how public

policy evaluation is institutionalised in South Africa as a whole, as well as in the executive and legislative arms of government.

In addition to the document review, the research consulted with several respondents from the executive branch (Department of Planning, Monitoring, and Evaluation) and legislative branch (Parliament of the Republic of South Africa). These respondents provided their thoughts, experiences, and insights into the roles of each sphere of power in the conceptualization and implementation of public policy evaluation in South Africa, notably the executive and legislative realms of power. The researcher analysed these attitudes to give them meaning and clarify the role of the legislative power in public policy evaluation within South Africa's national policy framework.

Aside from that, the researcher examined the implications of how public policy evaluation is managed in South Africa in terms of power dynamics between the executive and legislative branches. For example, it was discovered that public policy evaluation is well institutionalised in the executive branch than in the legislative branch. It also alluded to the fact that, in terms of the prescripts and regulations public policy evaluation system is two-tiered in South Africa, include the layer of executive and legislative authorities like in the USA. However, in practice, the executive authority a referee and a player in as far as public policy is concerned. The executive authority initiates public policies and evaluate the impact of its same public policies.

1.9. Research Approach

1.9.1. Qualitative Methods

The researcher applied a qualitative approach to address the research questions. The qualitative method was chosen because it allowed the researcher to analyse the data obtained to create new knowledge and meaning (van Maanen, 1979) related to public policy evaluation and its institutionalisation. This method was critical for the study, especially because the researcher aimed to interpret the meanings, beliefs, values, and attitudes (Maxwell, 2013) associated with public policy evaluation in the legislative authority.

In the academic literature this method is touted for its ability, amongst others, to: (a) provide a researcher with a universal view related to meanings attached to the phenomenon under examination (Queiros *et al*, 2017); and (b) assist the researcher in establish the significance of the meaning attached to the subject under inquiry (Queiros *et al*, 2017), (c) it very flexible during

application (Maxwell, 2012); and (d) provides an thorough data (Cohen, Manion, and Morrison, 2011) which is essential for this study.

On the other hand, However, the researcher was highly cognizant of the drawbacks connected with this strategy, which includes: (a) disregarding contextual variables and focusing on the meanings (Silverman, 2010), (b) emphasis on experience rather than fundamental issues in the setting. (Cumming, 2001), and (c) frequently disregards the reality that some of the variables are social and cultural constructs (Richards and Richards, 1994). Furthermore, (e) its results are not generalisable (Harry and Lipsky, 2014; Thompson, 2011); (e) data generated using these procedures is often arduous (Richards & Richards, 1994); and (f) time consuming (Flick, 2011) to analyse.

1.10. Data Collection

1.10.1. Non-Probability Sampling Technique

The study used a non-probability sampling technique. This means that only certain samples of data sources were chosen to participate in the study. As a result, only relevant samples were used to address the research questions. In contrast to probability sampling, which selects samples at random or by chance and gives them an equal chance of inclusion, non-probability sampling selects samples based on particular criteria, thus not all samples have an equal chance of being chosen.

1.10.2. Judgemental Sampling

The non-probability sampling technique was implemented utilising the judgmental or purposive sampling technique. This technique is based on the researcher's expertise of the issue under inquiry. The researcher's knowledge was vital in separating beneficial samples from less useful ones in each study (William and Walkins, 2012). As a result, for the purpose of the study, samples were chosen based on knowledge and professional judgment (Creswell, 2003) that they were to provide valuable information about the institutionalisation of public policy evaluation.

It should be noted that only relevant documents about public policy evaluation were used in the study. Those documents include legislations or policies, such as:

- The Constitution of the Republic of South Africa,
- Announcement Tablings, and Committee Reports,
- Legislations

- Policy Frameworks

In terms of respondents, the researcher recruited officials from the Department of Planning Monitoring and Evaluation, and Parliament of the Republic of South Africa, particularly the legislative researchers, and content advisors. It should be noted that, at the conceptualisation phase of the study the researcher intended to also recruit parliamentarians responsible for various portfolio committees to be part of the study. However, the researcher was granted permission to conduct research when the parliamentarians were already on recess. As a result, they were not included to the list of potential research participants who were issued with invitation to participate in the study. The aforementioned data sources were identified and recruited to participate in the study since they are the only sources capable of providing relevant data required to answer the research questions.

1.10.3. Sample Size and Response Rate

In terms of the sample size, the researcher hoped to recruit at least 12 respondents aged 30 to 65 to participate in the study not as a maximum limit. As shown in the table 1 below, the sample size was achieved; however, it should be expressed that the invitation uptake was low. That might be attributed to the fact that the invitations for the interview coincided with summer holidays where most of the officials were already on leave and some were in the process of finalising everything before leaving their offices. Also, the researcher intended to extend the invitation to the parliamentarians, however that was not done considering that the permission to conducted academic research in Parliament was only granted when they were already on recess as a result no parliamentarian participated in the study. Thus, meaning the data was generated from the officials representing the executive (DPME) and legislative authorities (Parliament).

Institution	Designation	Estimated Population	Proposed Sample	Actual Responses
DPME	<i>Evaluation</i>	4	2	2
Parliament	<i>Parliamentarian</i>	490	3	0
	<i>Content Advisor</i>	40	3	5

<i>Researcher</i>	<i>40</i>	<i>3</i>	<i>3</i>
<i>M&E Analyst</i>	<i>1</i>	<i>0</i>	<i>1</i>
<i>Policy Analyst</i>	<i>1</i>	<i>0</i>	<i>1</i>
TOTAL	576	11	12

Table 1: Response rate

It should also be noted that both the officials from the Department of Planning, Monitoring and Evaluation and Parliament were very welcoming and provided all the necessary support to ensure that I get the access, permission, and participation from the identified or targeted officials in the institutions. As a result of the assistance from the officials, even got recommendations to recruit other officials who more insight and knowledge to the research questions that were not initially targeted.

1.10.4. Respondents' Characteristics

As demonstrated in the table 2 below, most of the respondents who participated in the study have extensive experience in their institutions and designations; considering that there was only one official who had fewer than 5 years in the institution and designation. The rest of the group had between 5 and 20 years of experience at their organisations. They were also very specialised and skilled in terms of education because they have highest qualifications, as none of the respondents had less than a master's degree. This implies that the respondents had good institutional knowledge to respond to the research questions effectively.

Characteristic	Category	Count	Percentage (%)
Racial Classification	<i>African</i>	<i>11</i>	<i>92%</i>
	<i>Coloured</i>	<i>1</i>	<i>8%</i>
Gender Classification	<i>Woman</i>	<i>5</i>	<i>42%</i>
	<i>Man</i>	<i>7</i>	<i>58%</i>
Highest Qualification	<i>Master's Degree</i>	<i>9</i>	<i>83%</i>
	<i>PhD</i>	<i>2</i>	<i>17%</i>
Years Of Experience	<i>1 - 4 Years</i>	<i>2</i>	<i>16%</i>
	<i>5 - 8 Years</i>	<i>3</i>	<i>25%</i>
	<i>9 - 12 Years</i>	<i>1</i>	<i>8%</i>
	<i>13 - 16 Years</i>	<i>5</i>	<i>42%</i>
	<i>17 - 20 Years</i>	<i>1</i>	<i>8%</i>
Total		12	100%

Table 2: Descriptive data

1.10.5. Semi – Structured Interviews

The researcher collected primary data using semi-structured interview technique. The semi-structured interviews were directed by an interview guide, which included open-ended questions aimed at eliciting information about the institutionalization of public policy evaluation and its relationship to the doctrine of separation of powers. It is worth noting that semi-structured interviews were chosen as the most acceptable technique. The researcher however, was very mindful of the techniques drawbacks such as: (a) preparing, coordinating, and conducting interviews can be time-consuming, (b) the results obtained is ungeneralisable (Queiros *et al*, 2017), (c) it demands the researcher to be observant and attentive to detect new subjects or issues (Creswell *et al*, 2020), and (d) applying this technique can be very costly, and (e) it is easy to get distracted by trivial and irrelevant matters linked to the subject under investigation (Creswell *et al*, 2020).

The interviews were carried out by means of Microsoft Teams, which allowed the researcher to record the conversation for future reference if necessary. This also reduced the financial costs associated with the logistical arrangements for the interviews and allowed the researcher to conduct the interviews at a time convenient for the respondents. This was especially essential given that the targeted respondents were civil servants who were quite busy.

1.10.6. Open – Ended Questionnaire (Interview - Guide)

In addition to the semi-structured interviews, the researchers also distributed interview-guides in the form of an open-ended questionnaire to respondents to maximise participation. However, it should be emphasised that, it is the same interview-guide which was utilised for the interviews with other respondents. This adjustment was implemented as a countermeasure to poor participation, ensuring that those who were uncomfortable with interviews could respond to the questions by questionnaire. That technique was also used as a countermeasure to the time limitation, as previously stated that the researcher was granted permission extremely late, just as some of the officials were ready to take leave from work for the summer holidays whilst others were already on leave.

1.10.7. Document Review

Also, the documents were analysed, particularly legislations, rules, and frameworks pertaining to the governance of public policy evaluation. Documents studied included the following:

- The Constitution of the Republic of South Africa,
- Announcement Tablings, and Committee Reports,
- Legislations
- Policy Frameworks

1.11. Data Analysis Techniques

In terms of data analysis, both thematic and content analysis methods were used to extract meaning from the collected data. The methods are detailed below.

1.11.1. Thematic Analysis

The study applied thematic analysis technique, and more importantly the deductive version of it. According to Braun and Clarke, thematic analysis is a method for methodically identifying, organising data to provide valuable insight into meaning patterns across a dataset. It is appropriate for any qualitative study that aims to investigate difficult research concerns (2012). It is vital to note that thematic analysis can be used in two versions such as either deductively or inductively. Deductive version, implies that the data analysis themes are determined by the researcher, based on his or her interests relating to the subject under investigation. However, the inductive version, implies that the data analysis themes are generated based on the dataset itself (Braun & Clarke, 2006). Thus, meaning themes are data-driven in the inductive version whilst researcher-driven in the deductive version of the technique. The technique was chosen because it enabled researchers to generate new themes related to the subject under consideration. More importantly, it enabled the researcher to frame data analysis themes using the literature review and research questions. Also, it is touted for its ability to produce insightful and trustworthy findings (Nowell, Norris, White & Moules, 2017).

1.11.2. Content Analysis

The content analysis technique was also applied to analyse applicable legislative frameworks, reports and other documents related to the public policy evaluation in South Africa. Thus, the content (textual data) of those documents or applicable legislations or frameworks was used to provide answers to the research questions. This technique is defined as a method for drawing conclusions by systematically and objectively identifying special message characteristics (Holsti, 1968). In line with the definition, this technique was chosen because it (a) allows the researcher to identify, analyse the presence, meaning, and relationships between key words and or concepts used, and (b) allows for the assessment and description of patterns, attitude, and

behavior of individuals or institutions based on the content. However, it should be noted that the researcher was also mindful of the criticism associated with the technique, which include frequent criticism for being (a) extremely time consuming, (b) inherently reductive, especially when dealing with complex texts, (c) difficult to compute or automate, (d) disregarding the state of things after the text was produced, and (e) prone to increased error, especially when relational analysis is used to achieve a higher level of interpretation (Columbia University, undated).

For example, the researcher searched for keywords like evaluate, assess, evaluation, assessment, and research from the pieces of the legislations. Similarly, on the Announcement, Tablings; and Committee reports the researcher searched for impact assessment, impact evaluation, impact, efficiency, effectiveness. The researcher examined the ATC reports to determine the committee's activity and objectives.

1.12. Feasibility and Positionality

In terms of feasibility, the researcher chose to conduct the interviews using Microsoft Teams to avoid logistical arrangements that would have made the study impossible to conduct given that the respondents were spread across multiple provinces. Microsoft Teams enabled the researcher to conduct interviews at times that were convenient for the respondents. As a result, the study was carried out at little to no expense, making it simple to implement.

Additionally, letters were written to the Secretary of Parliament requesting authorisation to conduct research in Parliament. Similarly, to the Minister and Director-General of the Department of Planning, Monitoring, and Evaluation. Information on the research topic, goal, and questions to be asked (including the respondents) were added to ensure they understood the study's scope. This helped with obtaining authorisation to conduct the research and securing interview slots.

In terms of the literature, positionality refers to the identity that the researcher chooses to adopt (Savin-Baden & Major, 2013) as well as the identity that others assign to the researcher (Arber, 2006) in relation to the subject under inquiry. This identity includes amongst others racial, class, gender, experiences, and privileges and their influence on operationalisation of the research study (Mussoud, 2022). It can be recognised by situating the researcher in reference to the (a) subject under examination, (b) respondents, (c) research design, and (d) process as well as the (e) context or setting under which the research is undertaken (Holmes, 2020).

The researcher is an experienced policy researcher and evaluator who has worked with both the executive and legislative authorities and was undertaking a master's research project on public policy evaluation related to the relationships between the executive and legislative authorities. It is that professional knowledge and experience which guided the researcher's (a) choice of research topic, (b) research questions, and (c) choice of stakeholders to participate in the study. This means that the researcher is enthusiastic about policy research and evaluation, and that he has his own ideas on how to improve public policy evaluation and relationships between the Executive and Legislative Authorities. The researcher would not have recognised the significance of undertaking the study and the main stakeholders involved in the subject under inquiry, without this professional knowledge and experience.

As a result, the researcher recognises that (a) an interest in the topic, (b) the types of questions asked, (c) the theoretical foundation used, and (d) methodological underpinning are influenced by the researcher's professional knowledge and experience, class, and privileges, which include educational institutions and work environment. All these factors or identities link and detach the researcher from a specific group or cohort in a culture. It is vital to stress, however, that these associated identities will not impair the researcher's capacity to carry out the suggested study effectively. This will be supported by a commitment to (a) the highest quality of professional ethics in conducting the research, (b) respect for respondents and their perspectives, and (c) to conduct this study with an open mind to listen to all points of view presented.

1.13. Ethical Consideration

Ethics consideration is critical in the application of research to ensure that: (a) the process of knowledge is free of manipulation, (b) researchers respect not only other researchers and their work but also the researched population, and (c) researchers can be held accountable for research misconduct (Resnik, 2020). Furthermore, moral ethics in research is critical to ensuring the validity and reliability of the study, as research misconduct lowers the validity and reliability of research (Smith 2008).

In relation to the study, the researcher (a) acknowledged his subjective prejudices because of his interest in the study (Sanjari et al, 2014), which influenced the process of formulating the questions and the focus area of the study - prioritising public policy evaluation and separation of powers over any other aspects that other people could have chosen. All these components of influence are related to the researcher's topic of study and professional background. However, the researcher committed to be ethical in undertaking research and mitigate the identified biases.

Mitigating elements include the researcher's commitment to (a) be honest, and not work or torture data to favour one direction or perspective. (b) ensure anonymity and confidentiality because the research is dealing with prominent persons, and (c) be honest and carry out data analysis with integrity to provide a valid report reflecting a well-balanced and representative viewpoint. In addition, the researcher committed to conducting the study with the greatest level of professional ethics. This includes honoring the responders and their opinions. That degree of respect pushed the researchers to be consistent and firm in their questions and analyses of the data presented.

1.14. Validity, Reliability and Dependability of the Methods

To ensure the validity and trustworthiness of the research and its methodologies, the researcher conducted and used a fair and balanced literature review. That literature evaluation offered a solid foundation and conceptual framework for the study's boundaries, as well as guided data analysis. Furthermore, the literature guided the researcher's selection of relevant study methods and procedures required to deliver answers to the research questions. Appropriate procedures and techniques, as well as their proper implementation, ensure that the study may be duplicated and that identical results are obtained.

To ensure authenticity, the researcher documented the interview sessions to facilitate future reference and properly capture the spirit of their comments. In circumstances where imprecise responses were supplied, the research requested clarity to avoid misinterpretation and assumptions. In addition, the interview guide's research questions were standardised, meaning they were asked in a same order and wording. Their comments were accurately understood as original statements. This is founded on the fact that the proper application of research techniques and processes produces valid results (Mohamad, 2015).

This was operationalised by using the following questions to guide the researcher:

- a) *Were the results accurately interpreted?*
- b) *Is the interpretation accurate to the official records of parliament and legislation?*
- c) *Are all perspectives fairly represented?*
- d) *Was Critical analysis heavily used in knowledge generation.? and*
- e) *Did the researcher engage in self-criticism while creating meaning? (Whittemore et al., 2001)*

Finally, in terms of reliability, the researcher committed to ensuring that the research methodologies and techniques chosen for the study were employed for their intended purposes. Furthermore, the questions posed to respondents were not (a) vague to elicit accurate responses,

(b) leading or favoring a specific argument, (c) respondents were allowed to ask for clarification, and (d) they were permitted to substantiate their opinion on the subject under inquiry. Furthermore, the researcher (a) acknowledged the drawbacks of the study as well as the techniques and methodology used (Sandelowski, 1993), (b) maintained consistency in data collection and interpretation (Sandelowski, 1993 & Long & Johnson, 2000), (d) juxtaposed the participant narratives (Slevin, 2002), and (e) juxtaposed the results of the study to other results related to public policy evaluation and its institutionalisation (Long & Johnson, 2000).

1.15. Limitations of the Study

It is vital to stress that the study was restricted to interactions with national legislative and executive entities. The study did not include the judicial, executive, or legislative powers (municipal council) of local governments. In terms of executive authority, only bureaucrats (senior managers from the Department of Planning, Monitoring, and Evaluation) were invited to participate. Ministers and Deputy Ministers were excluded.

1.16. Conclusion

The chapter addressed the study's problem statement and main aims, which were to research how public policy evaluation is institutionalised at the South African national legislature to give effect to the doctrine of separation of powers. The chapter also explored the research paradigm, in which the qualitative research approach, specifically the interpretivist approach, was chosen as a suitable model for use in knowledge creation. Sampling, data collection, and data analysis procedures were used as part of the qualitative research approach. More crucially, the study's justification was discussed, with the explanation that the research was conducted to fill a gap in the literature about the institutionalisation of public policy evaluation in South Africa. Most of the research focuses on the institutionalisation of public policy evaluation at the executive level, neglecting the national legislature.

CHAPTER TWO - THEORY OF SEPARATION OF POWERS

2.1. Introduction

This chapter seeks to demonstrate that the study is relevant to the governance and or public policy, by using governance theories such as theory of separation of powers. The study is based on the theory of separation of powers which defined the state, in terms of power balance between the executive, legislative, and judicial authorities. The problem statement and study questions were developed in conformity with the theory of separation of powers. Thus, the theory separation of powers directs the study's analysis and knowledge-building process. What that means is that the data acquired was interpreted using the theory of separation of powers. This theory is more relevant to the study because it examines the balances of power between state realms of power such as the executive, judiciary, and legislative authorities. Implying that it provides a solid foundation for analysing power dynamics between executive and legislative realms of power in relation to public policy evaluation in South Africa.

Given the significance of public policy evaluation in accountability and policymaking and constitutional obligations of the executive and legislative authorities regarding policymaking and accountability, the separation of powers is more relevant to the study since it places more interest in the relationship; and power exercised by each authority (executive and/or legislative). As a result, theory separation of powers is critical in articulating and understanding power dynamics and relations between executive and legislative authorities in South Africa's public policy evaluation and improvement.

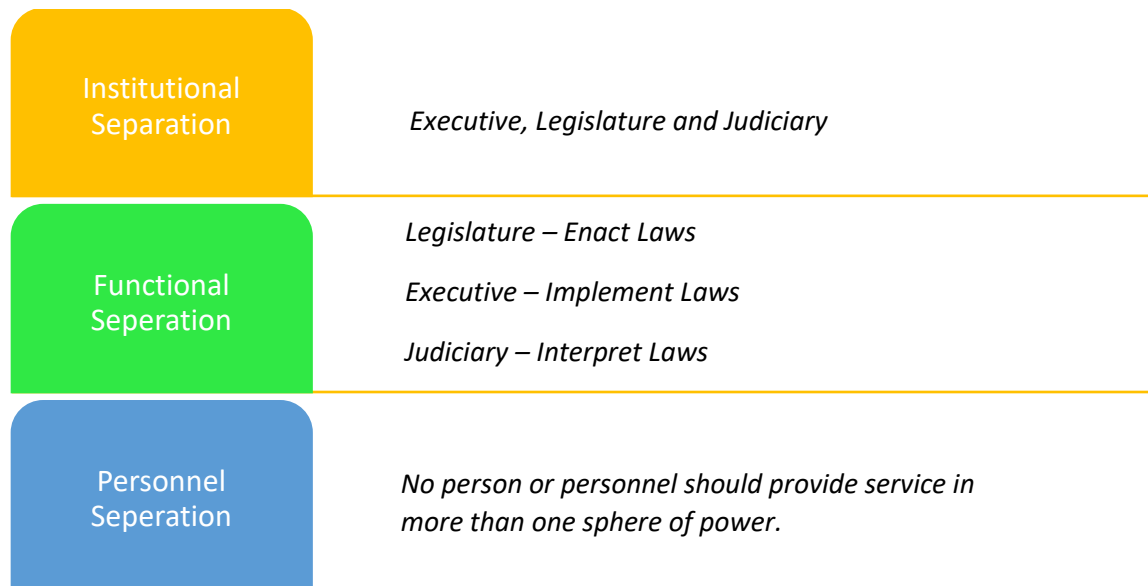
2.2. Separation of Powers Theory

Separation of powers is a theory which defines the state in terms of power balances between the designated realms of power (National Conference of State Legislatures, 2021). In line with that legislature, executive; and judiciary constitute the state (Aiyede, 2023). Legislature is mandated to perform law-making functions, executive implement public policies; and judiciary judge laws (Aiyede, 2023). The separation of powers is a precondition to establish and maintain independence (Albert, 2009) and prohibit the tyranny and the monopolisation of power by realm of power (Stolleis, 1990). This implies that one too powerful arm of the state could undermine the existence and power of the other arm of the state. It should be noted, however, that separation of powers comes in three variants or models, such as tripartite system – *separation of powers*, system of checks and balances – *overlapping powers*; and *exogenous models*. These variants or models are discussed as follows.

2.2.1. Tripartite System – *Separation of Powers Model*

The tripartite system refers to the state's separation of powers into three autonomous realms of power: the legislature, executive, and judiciary authorities (Montesquieu, 1748). This independence is necessary for the formation and preservation of political liberty (Waldron, 2013). According to Montesquieu, independence implies that each realm of authority does not engage in the business of the other domain of power (Montesquieu, 1748). Each realm of power must be limited to the practice of its own function and not be allowed to interfere with the functions of others. Furthermore, the personnel of these three political realms of the state must be maintained separate and distinct, hence no individual is allowed to be a member of both realms of power at the same time (Waldron, 2013). According to Montesquieu, to guarantee each sphere's independence, each sphere should play unique roles from the others and should not interfere with the affairs of the other sphere (1748). This implies that each sphere of power autonomously selects or appoints its personnel, conducts business within its assigned bounds, and does not interfere with the political power of the other sphere of power.

For example, the legislative creates and alters laws, the executive implements them, and the court interprets them. To operationalise the tripartite system, this means that the legislative authority should not be involved in the election, appointment, and removal of the executive or its head, and the executive authority should not be involved in the selection of legislative authority members. Furthermore, the executive and legislative authorities should not be involved in the election, appointment, and removal of judges or heads of courts, and judges should not be involved in the election, appointment, and removal of members of parliament or the executive. Also, each authority should perform its unique roles and responsibilities.



Source: Adapted and Modified from Civilsdaily 2017

The tripartite system is founded on the premise that the functions of each realm of power should be distinct and autonomous from one another (Waldron, 2013) and it is distinguished by institutional, functional, and personnel separations (Civilsdaily, 2017). It warns against concentrating too much political power in one sphere of power. By designating distinct functions to separate spheres of power allows each sphere of power exercise function with no sphere of power dominating the state's machinery (Seedorf and Sibanda, 2008). Thus, in that way according to Montesquieu, too much power in one sphere of power is prohibited to avoid abuse (1748).

This system or model is often challenged and criticised from a practical standpoint, contending that the hermetic separation of powers envisioned by Montesquieu is difficult to implement. The broad powers exercised by the organs of state could never be satisfactorily reduced to a simple three-way separation of power. Also, the notion of austere independence that prohibits any form of significant institutional overlap bore no relevance to the realities of an effective state. Therefore, based on that, the separation of powers in purest form is widely viewed as an unfeasible and objectionable, based on the practical applications in the early years of American statutory practice (Carolan, 2009). On the hand the tripartite model is praised and touted for its ability to protect citizens from the state tyranny, and that it embodies how state political power is institutionally organised and exerted (Carolan, 2009).

2.2.2. System of Checks and Balances – *Overlapping Powers Model*

This model succeeded tripartite system and thus it is an altered version of the tripartite system. One resemblance of the tripartite system, maintained in the system of checks and balances is the three realms of power such as executive, legislative, and judicial authorities. The distinguishing characteristic of the checks and balances is that the domains of political authority are not autonomous and share some political functions (Civildaily, 2017 and McLeod-Simmons, 2023). This model was instituted with the primary objective to mitigate the shortcoming and criticism leveled against its predecessor. Some of the criticisms included assertions that the predecessor model was silent on situations where one of the realms of power expands its power by interfering with the functions of another authority. There was also the argument that since a true separation of powers is unfeasible, some level of coordination and cooperation between the authorities is necessary for the state to run smoothly (Seedorf and Sibanda, 2008).

That led to a departure from the division of powers as anticipated by its pioneers, into a system of checks and balances (Constitutional Law of South Africa, 2018). This model opposes the conception that independence prevents tyranny, it however, argues that a system of checks and balances is a better model to prevent tyranny and encroachments by one domain of power than the predecessor (Civildaily, 2017).

The transition from separation of powers to a system of checks and balances introduced a system in which realms of power are involved in the performance of their functions. This is what Vile meant in arguing that each authority should be granted power to exercise direct control over the other authorities by playing a role in the exercise of the others' functions (1998). This departure from separation of powers, according to Calabresi, is demonstrated by the instance in the United States of America, where the so-called separate domains of authorities are heavily involved in each other's operations. The Congress is engaged in the business of enforcing the law; it should be noted that the President is equally involved in the business of drafting laws. Presidents make law via issuing executive orders, proclamations, and/or signing statements. Furthermore, the court is deeply involved in the legislative process, and that violates the principle of separation of powers (2012).

Calabresi, for example, argued that *Law execution* - Congress maintains an intricate complex of oversight and appropriations committees and subcommittees that monitor everything the executive authority does and limit and restrain the President's ability to always carry out the law.

The congressional committees constitute, in essence, a shadow legislative administration that duplicates the presidential appointments in every policy area and competes with the presidential appointees for the loyalty of the professional bureaucracy. *Law-making* – The Supreme Court adjudicate on 14th Amendment substantive due process and Bill of Rights cases, establishing numerous common law and federal rules of evidence, civil and criminal procedure. *Law-execution* - federal courts that manage prisons or school districts under busing orders, however the Prison Reform Litigation Act has helped to curb this. *Law-making*, Congress frequently passes broad delegations of legislative power to the executive authority. The President, the Senate, the Supreme Court, and the House of Representatives are distinct institutions, yet they all exercise a combination of legislative, executive, and judicial power, as Montesquieu would have defined it (2012).

In terms of the criticism, one of the intriguing aspect of checks and balances and its departure from its predecessor's hypothesis is that the realms of power have been endowed with powers that appear to encroach on each other's respective realms. This is operationalised to monitor the realms of power, their activity and prevent unilateral action and domination by one organ of the state. However, the Westminster prototype system of government results in a practically total integration of executive and parliamentary authorities (Carolan, 2009). Montesquieu warned that combining legislative and executive functions leads to lack of liberty, because the same joint executive and legislature that creates tyrannical laws will execute them tyrannically (Waldron, 2013). Furthermore, the effective infusion of the legislative and executive powers is an effective formula for corruption and tyranny. Despite that, the system of checks and balances consistently orate the rhetoric of protecting the legislative and executive independence whilst on the other hand the very same model challenges the fundamental notion of individual liberty that the theory so loudly advocates (Carolan, 2009).

Unfortunately, despite the system of checks and balances being meant to establish a strong legislative authority (to oversee and hold accountable the) and weak executive authority, the model has created the opposite where the balance of power between the two has gradually shifted in favour of the executive authority (Carolan, 2009). Thus, in practice, executive authority is the most powerful domain of power through the stabilisation of political parties, which has enabled political leaders to better organise the relationship between the executive and legislative authorities and impose party politics, castigation, and cohesion (Kopecky, 2004). The legislative authority controlled or dominated by the executive authority tends to cede broad powers to the

executive (Carolan, 2009) and rubber-stamps executive proposals. Besides all that, the checks and balances model promise or put forward is that power checks power or is required to cooperate in another power's exercise; again, what the powers that counterweight each other in this balance is of subsidiary relevance (Waldron, 2013).

2.2.3. Exogenous Model

According to Chafetz, this model, rejects the notions of allocating powers to distinct realms of power and balancing of power through the system of checks and balances in a state machinery. This model or approach refuse to accept authority(es) as a unit of analyses. However, it considers these authorities as a unified institution, wherein the interests of the dominant political factions dominate (2017).

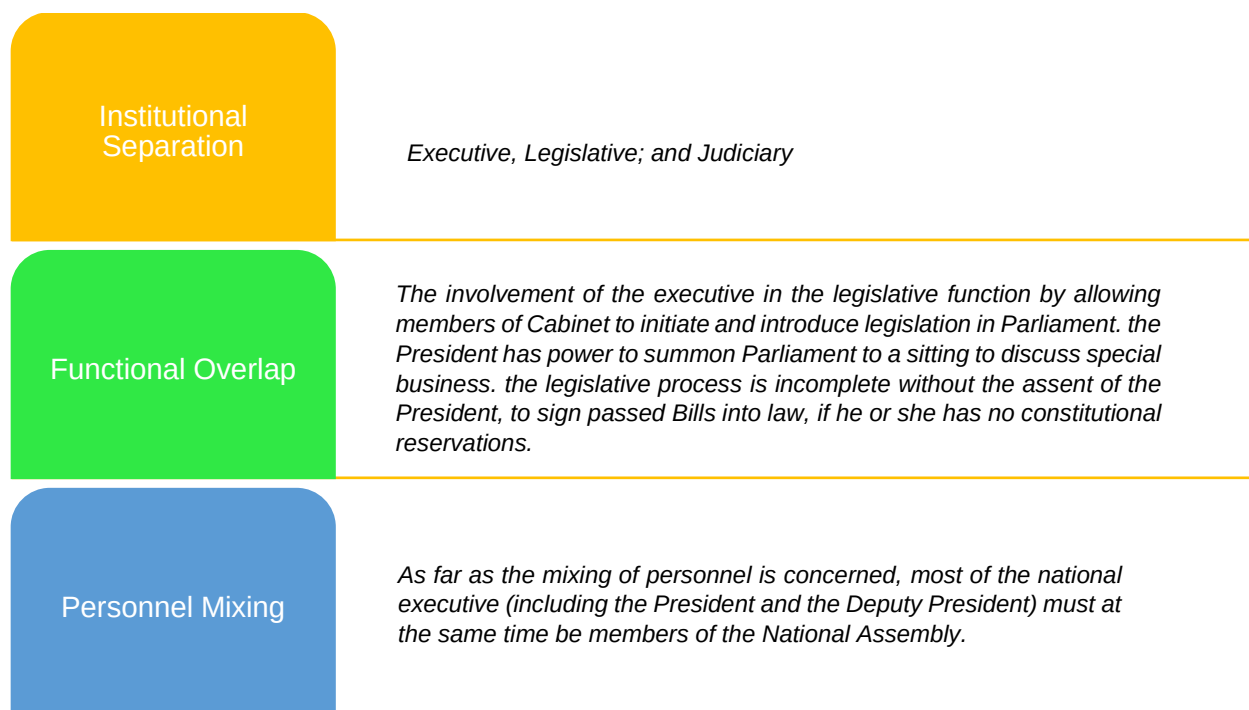
2.3. South Africa's System of Checks and Balances

The separation of powers between the legislative and executive authorities differs little from the separation of powers that existed then and now. Previously, the executive authority was mandated to making and amending legislation. Prior to 1984, South Africa was technically operating under a Westminster system of government, with power concentrated in the executive authority. Similarly, the Presidential Constitution of 1984 granted the state's executive authority complete jurisdiction over legislation and amendments. The separation of powers was established not only politically as independent institutions, but also geographically. Physical sites, for example, were utilised to symbolise the separation of powers, with the executive authority situated in Pretoria, the legislative authority in Cape Town, and the judicial authority in Bloemfontein (Hughes, 2006).

Statutory Principle 5 of South Africa's Interim Constitution of 1993 recognised the importance of a separation of powers among the legislature, executive, and judiciary authorities to provide checks and balances, accountability, transparency, and honesty (Hughes, 2006). In post-1996 South Africa, the state's power was shared among three distinct but interrelated branches of government: (a) the legislative, (b) the executive, and (c) the judiciary. It is important to note that, the 1996 constitution does not mention separation of powers, but it lays down the powers and functions of the state according to three realms of power, legislature, executive; and judiciary. Section 44 (1) of the constitution vested all the legislative authority to Parliament. Section 85 (1&2) vested the executive authority of the republic in the President, and that the President should exercise the executive authority, together with the other members of the cabinet. Section 165 (1)

vested all the judicial authority of the republic in the courts (Constitution, 1996). Although the constitution does not refer to or mentions separation of powers but having the three spheres of power gives the impression that the Republic of South Africa subscribes to the doctrine of separation of powers.

However, in South Africa in practice, there is no clear distinction between three spheres of power. That sentiment was also echoed by the judiciary where it accepted in case of the State versus Buzano Dodo that, there is in our constitution no absolute separation of powers (2001). Meaning the South African democratic systems of government is characterised by checks and balances and there is no separation that is absolute (Carolan, 2009). Thus meaning, the South Africa is implementing the system of checks and balances. The following are the characteristic features proving that South Africa is not implementing separation of powers model but instead the system of checks and balances model. Its characterised features are discussed as follows.



Author inspired by Civildaily 2017.

2.3.1. Institutional Separation

2.3.1.1. Legislative Authority

According to chapter 5, section 43 of the constitution, legislative authority (a) of the national sphere of government is vested in Parliament, as set out in section 44, (b) of the provincial sphere

of government is vested in the provincial legislatures, as set out in section 104, and (c) of the local sphere of government is vested in the Municipal Councils, as set out in section 156 (Constitution, 1996).

Also, section 55 of the constitution also mandates the national assembly to create measures to ensure that all executive organs of state in the national sphere of government account to it. Furthermore, it must oversee the exercise of national executive authority, including legislative implementation and any state organ (Constitution, 1996). This is the most important change, as the executive previously wielded more control.

2.3.1.2. Executive Authority

According to Chapter 5, Section 83 (a) The President is the head of State and of the national executive, Section 85 (1) the executive authority of the republic is vested in the President, (2) the President exercises executive authority together with other members of the Cabinet, by (a) implementing national legislation except where the constitution or an Act of Parliament provides otherwise, and (b) developing and implementing national policy; and (e) executing any other executive function specified in the constitution or national statute, among others. It is vital to highlight that all Cabinet members are individually and collectively accountable to Parliament for the exercise of their powers and the execution of their tasks (Constitution, 1996).

2.3.1.3. Judicial Authority

According to Chapter 8, Section 165, (1) the courts have the republic's judicial authority, (2) they are independent, and they must apply the law and the constitution impartially and without fear, favour, or prejudice; and (6) the Chief Justice is the head of the judiciary and is responsible for the establishment and monitoring of norms and standards for the exercise of all courts' judicial functions (Constitution, 1996).

The judiciary is made up of courts such the Constitutional Court, the Supreme Court of Appeal, High Courts, Magistrates' Courts, and others that were founded or recognised by a parliamentary act. The constitution requires courts to be independent and unbiased. To guarantee the courts' independence, impartiality, dignity, accessibility, and effectiveness, state organs such as Parliament and the administration must help and protect them by respecting the law (Constitution, 1996).

2.3.2. Functional Overlap

The intricate illustration of the functional overlap and fusion of authority between the legislature and executive is the process of making laws, or legislation. For instance, the cabinet members draft legislation and start the legislative process by sending the bill to the legislature for discussion and eventual passage. A bill is forwarded to the president for signature once it has been approved by parliament.

According to section 84 (2) the president is empowered to assent to and sign the bills, that implies the president is empowered to exercise legislative powers. Also, Section 84 (j) the president is empowered to pardon or reprieve offenders and remitting any fines, penalties, or forfeitures. Meaning the president is also empowered to exercise judicial functions. Section 42 (3) empowers the legislative authority to scrutinise and oversee the executive in the implementation of public policies. Meaning the legislature is empowered to be involved in the business of executive authority including the implementation of legislation. Also, section 89 (1) empowers parliament with powers to remove a sitting president from the office by vote of at least two thirds of its members provided that the violations meet the criteria prescribed under that section.

Also, section 165 (6) the judicial head is empowered to make its own rules or establish norms and standards for the exercise of the judicial functions of all courts. In terms of section 171 all courts function in terms of national legislation, and their rules and procedures must be provided for in terms of national legislation, thereby exercising legislative functions (Constitution, 1996).

However, in looking at the functions of the spheres of power, it is very clear that there is a functional overlap. Section 55 (1) allocate powers to parliament to consider, pass, amend or reject any legislation before the Assembly; and initiate or prepare legislation, except money bills. Section 84 and 85 (2) (d) also allocate law making powers to the executive authority preparing and initiative legislations and allocating the powers to the president to assent to and signing bills, referring bills to Parliament and Judiciary. This functional overlap indicates a deviation from the theory of separation of powers as envisioned by Montesquieu.

2.3.3. Personnel Mixing

Section 42 (3) of the constitution prescribes that National Assembly is elected to represent the people and to ensure government by the people under the constitution. It does this by choosing the President, amongst others. Section 86 (1 & 2) stipulates that at its first sitting after its election,

and whenever necessary, the National Assembly must elect a woman or a man from amongst its members to be the president. The Chief Justice must preside over the election of the president, or designate another judge to do so (Constitution, 1996).

Also, section 42 (5) prescribes that the president may summon parliament to an extraordinary sitting at any time to conduct special business. Section 66 (1&2) empowers members of the executive authority to be part of the legislative authority. Section 91 (4) the president must appoint a member of the cabinet to be the leader of government business in the National Assembly. Besides that, section 174 of the constitution empowers the president to appoint the Judicial Head, after consulting with Judicial Service Commission, and National Assembly. Also, the president is empowered to appoint judges of the Constitutional Court after consultation with the Judicial Head, National Assembly and Judicial Service Commission (Constitution, 1996).

Meaning that (a) legislature is involved in the selection of the executive authority, (b) Judiciary is also involved in the selection of the executive authority; and (c) the president is part of the legislative authority, as members of the national executive (cabinet) are members of parliament. Those three elements go against separation of powers, considering that Montesquieu advised against personnel or person being involved in the more than one sphere of power and the involvement of other spheres of power in the election of the member of the other sphere of power. In that, this implies that South Africa is not practicing separation of powers but the system of checks and balances.

2.4. Conclusion

The chapter gave some insights on the theory of separation of powers, highlighting three variants or models for how state authority is organised. The first variant is separation of powers sometimes referred to as true separation of powers, which is defined by the three autonomous domains of power: executive, legislative, and judicial. According to this model, each sphere of power should not interfere with the other sphere of power by performing some of its functions or functional overlap. According to this approach, one sphere of power should not interfere with the business of the other sphere, as such overlap of function may result in power fusion or one sphere of power being overly powerful. That would lead to despotism and corruption. The second model is the system of checks and balances, which holds that true separation of powers is impossible to accomplish in a democratic society and that, as a result, some sort of interrelationship or coordination between the spheres of authority is required for service delivery. It maintained the

three spheres of power (*legislature, executive, and judicial*), but it abandoned independence in favor of functional overlap in terms of the three spheres' functions. Unfortunately, functional overlap and cooperation with other state organs resulted in a dominant executive over the legislative authority, which is supposed to oversee the executive. This was intended to create equal domains of authority, but the opposite occurred. Finally, the exogenous model which rejects the three realms of power as a unit of analysis for state power, believing instead that all three spheres of power represent a single institution of the dominant faction of the ruling party.

These models, particularly the checks and balances model, are highly relevant to the Republic of South Africa. This model was inherited from the Westminster system, and as such, it is vulnerable to the critiques and faults associated with the implementation of the checks and balances system. For example, the executive authority dominates the law-making process, rather than the legislative authority, which is responsible for overseeing and holding the executive accountable for the implementation of legislatively passed legislation. Therefore, such power dynamics were useful in analysing power relations related to public policy evaluation responsibilities between the executive and legislative authorities.

CHAPTER THREE: CONCEPTUAL FRAMEWORK PUBLIC POLICY EVALUATION

3.1. Introduction

This chapter's intention was to demonstrate that the study is grounded in public policy and/or governance by drawing from the related literature to present viewpoints on public policy and public policy evaluation. It also located public policy evaluation within the public policymaking process. It accomplishes this by offering some insight into the public policy, its origins, public policy actors, and the public policymaking process. It also, covers the public policy evaluation, its historic origins, approaches to public policy evaluation, types of public policy evaluations, and challenges related to public policy evaluation. Furthermore, also the covers literature on institutionalisation of public policy evaluation, specifically the reasons for institutionalisation, the international perspective on institutionalisation, enablers for institutionalisation, and limiting factors to institutionalisation. More importantly, it also discusses the institutionalisation of public policy evaluation in South Africa, as well as the South Africa system's shortcomings.

However, it should be noted that one of the main objectives of the literature review was to understand how public policy evaluation is institutionalised looking at the international and local work or writings. This is essential because the knowledge gained from that was to be used to frame data collection and analysis of the study. Thus, meaning the institutionalisation characteristics obtained from the literature was used to assess the institutionalisation of public policy evaluation at the South African national legislature.

3.2. Public Policy

Before delving deep into the public policy, it is essential to define what public policy is and its related concepts. Before the word policy there is public, thus it is important to investigate what public means as a concept on its own and then proceed to public policy.

McHugh *et al.* argues that the term "*public*" is a multifaceted social construct. Suggesting that, there are numerous subsets of people who gather or are gathered for various causes. Different groups of people within a society can be recognised, sampled, or gathered in communities based on unique criteria such as location, interest, demography, or beliefs, among others. As a result, different groups of people might be called upon for various goals (2023). Meaning public is far more complex than previously thought because it refers to people with a wide range of traits, including class, color, interests, value, and belief systems, and aims, among others, and assigns them a single name.

In terms of chronology, public precedes policy. Thus, without people, there will be no public policy, or any policy at all. Without people, there would be no government or state to carry out public policies. People are essential to public policy and the existence of the state or government.

The table below shows that the word public policy defies easy definition, yet the common denominator is people, citizens, their issues, and government.

Definitions of Public Policy	
Cochran <i>et al</i> , 2010	Outcome of the struggle in government over who gets what.
Peters, 2010	Stated sum of government activities, whatever acting directly or through agents, as it has an influence on the life of citizens
Dye, 2013	Whatever governments choose to do or not to do.
Birkland, 2019	A statement by government – at whatever level, in whatever form – of what it intends to do about a public problem.
Rinfret <i>et al</i> , 2019	A course of action adopted by the government in response to public problems.

Source: Martin *et al*, 2021

The frequency of the word government in the definitions above, imply that public policy is developed and issued by the government, as the definitions above exclude private enterprises. Although a private enterprise may formulate and adopt a policy, but that will not be considered a public policy because it is not adopted by the state or government. Secondary to that, is the frequency of people's problems, which means that public policy is adopted in response to the people's problems with an intent to address or solve a public concern.

Furthermore, government or the state is constitutionally mandated to resolve public concerns, hence the decisions made by government are termed public policy. It is also crucial to note that public policy comes in several forms such as distributive, redistributive, regulatory, and constituent policies (Martin *et al*, 2021).

3.3. Origins of Public Policy

Public policy is as old as civilisation itself. Thus, the foundations of public policy can be traced back to the beginnings of civilisation itself. As early as the fourth millennium BCE, Sumerian monarchs made public policy decisions to improve their cities' safety and prosperity. Notably, majority of those policies were developed without the agreement and consultation of the governed (Martin *et al*, 2021).

However, during the era of revolution, in the late eighteenth century, the changes implemented resulted in proper government, policymakers, and solidified their roles in as far as the public policymaking is concerned. This gave rise to the idea that government power should come from the agreement or consent of the governed. Over the recent years, laws guiding the public policy making process have been added, spelled down in formats, and incorporated into the constitution (Martin *et al*, 2021).

As a result, legislators and executive formulated and promulgate a wide range of public policies which seeks to address or redress different issues in the society. Some public policies are intended to provide a product or service to everyone, and others seeks to transfer rewards and promote equality among specific groups. Whilst some are intended to regulate behaviours and create executive agencies.

3.4. Public Policymaking Actors

According to Martin *et al*, the public policy process incorporates a variety of players, both constitutional and non-constitutional. The legislative, executive, and judicial authorities of government are all constitutional actors. Whilst non - constitutional actors include public servants, public or citizens, lobby groups; and media to name few (2021).

3.4.1. Constitutional Actors

3.4.1.1. Legislative Authority

The legislature oversees passing and amending legislation, appropriating all government revenue, and overseeing the executive authority's actions in implementing public policies. However, one of legislature's most essential and well-known policymaking powers is the making and passage of legislation. Also, one of the most common things is not that legislatures have two houses or chambers, but they have specialised committee system to coordinate and debate legislative proposals. Legislative proposals are discussed in specialised standing committees before being sent to the full plenary for voting. Specialised committees create a division of labour, allowing policy expertise to grow in parliament.

3.4.1.2. Executive Authority

The president has "executive power" as a head of government. Initially, executive power was considered as a means of conducting or executing public policies passed by the legislature. However, the executive has authority over government bureaucracy and spending, which makes

the executive to have a profound influence over the implementation of public policies. In addition, the executive has broad authority over foreign policy.

3.4.1.3. Judicial Authority

Judiciary powers is invested in courts. In terms of public policymaking, judicial review is the most powerful tool available to the courts. This empowers the courts to decide whether legislation and presidential actions are constitutional. The court's ability to determine what is or is not constitutional gives it tremendous influence over public policy (Martin *et al*, 2021). As a result, the advocates of judicial activism argue that the court should use its authority to solve policy problems that the elected arms of government have overlooked (Wasserman, 2015).

3.4.2. Non – Constitutional Actors

3.4.2.1. Civil Servants

Civil servants wield significant power in the policymaking process since they oversee implementing government policies. Furthermore, more technically adept civil officials play a vital role in developing new public policies, interpreting laws, and influencing the final policy outputs. They also have the requisite competence to design policy directives and influence the passage of new legislation, which they will be accountable for implementing daily. Civil servants' competence is critical in public policy because they apply specific regulations to individual situations. They are also required to interpret the meaning of the flexible language used in law to put specific policies into action.

Correspondingly, civil servants in government departments have a unique aptitude to comprehend which public policy solutions benefit the public the most. This competence gives them an advantage over elected political leaders who make policy decisions in areas with which they may be unfamiliar.

3.4.2.2. Citizens

A general knowledge of democratic philosophy argues that representative democracy will supply, within reasonable limits, what the public expects. Elected officials typically make policy decisions in accordance with public sentiment. Voting allows citizens to directly influence the public policymaking process by electing leaders who share their policy preferences. The general people can influence public policy decisions by taking direct action.

In terms of the legal framework citizens have right to express their political ideas, directly address grievances to elected officials, and peacefully congregate to influence policy decisions; these rights are incorporated in the constitution. Thus, civic actions, marches, and public rallies against unpopular public policies or related programmes have effectively affected policy decisions.

3.4.2.3. Interest Groups

Interest groups affect public policy decisions that benefit a certain community. As a result, interest groups or lobby groups compete in an open forum to push their specific causes, providing fertile ground for dynamic policy formulation. Lobbying is one of the most well-known strategies employed by interest groups to encourage government action that is beneficial to their objectives. Lobbying refers to any attempt by interested people or groups to influence policymakers' votes. While campaign contributions are a valuable tool for interest groups to influence legislative decision makers in the policymaking process, many may not have the resources to participate in elections or direct lobbying.

3.4.2.4. Media

One of the most crucial is the media's role in educating the public. The media helps the public by informing them about what their representatives in government are doing. Because political candidates and parties supply understandably predisposed information, many people look to the media for an ostensibly neutral view of government policy. The *independent media* also works as a watchdog, bringing to the public's attention any negative government activities.

The media also influences public policy by deciding which subjects are reported. This job of the media houses is known as agenda setting, because it determines which policy issues the voting public discusses. The media's focus on specific themes can impact the future actions of government representatives. The media's attention to one policy area over another has a major impact on how essential most people believe certain policy areas are.

3.5. Evidence for Public Policy

Efforts to promote evidence-informed policy (EIP) have evolved from emphasising research distribution by producers to focusing on research utilisation by decision-makers. This focus has sharpened to include attempts to ensure evidence is consistently integrated into the policy system, also known as the 'institutionalisation' of EIP (Steward *et al*, 2022). Evidence might be based on political ideologies and preferences, election promises, or political compromises made,

political party principles operate as criteria that can be used to specify what actions should be undertaken, but they also help to prioritise these acts and construct a hierarchy of goals to be reached (Bekkers *et al.*, 2017). The production of evidence is not only technical but political, and it is affected by power dynamics within the larger political system and society (e.g., who is able to produce evidence, which types of evidence are viewed as authoritative) (Rabie and Ajam, 2021). The following actors can provide or present evidence to be used for public policymaking.

3.5.1. Legislative Authority

The research briefs prepared by the parliamentary support staff are recognised as useful in informing the committee's discussions related to public policies. Also, parliamentary support services which include legislative research support to parliamentarians, libraries and information services, legislative drafting and procedural proficiency and skills, committee services to organise and manage logistics of committee oversight excursions, support committees of inquiry, methods for processing public comments and petitions, and other types of participation by the public (Yamamoto, 2007). The parliamentary service's ability to support special committees of inquiry with investigative powers to summon witnesses, call for submissions, and hold public hearings is vital (Inter-Parliamentary Union, 2017). All the information compiled by the support staff for the committees is very critical in public policymaking, serving as evidence to back or dispute public policy decision.

3.5.2. Executive Authority

In the legislative circles, particularly in parliamentary or Westminster systems, the executive provides most of the information to parliament, which is used for oversight functions or law-making, emanate from the executive. Departments provide internal monitoring data as part of their usual quarterly and annual monitoring and reporting, as well as research and evaluation studies. Typical data generated from the government departments particularly the M&E units, and Research Units (Marais & Matebesi, 2013). These documents serve or used as evidence for policymaking.

3.5.3. Statutory Bodies or Agencies

Statutory bodies or institutions that promote democracy, such as supreme audit institutes (Auditors-General), human rights commissioners, and ombudsmen, also play an important role in public policymaking. They provide audit, investigation; and assessment information that could be used as source of evidence.

3.5.4. Non-Government Institutions

3.5.4.1. *Research Institutions and Other Organisation*

Research institutions such as academia, think tanks, and civil society can all play important roles. Academics and researchers develop scientific research evidence in accordance with comprehensive research standards and guidelines that define and promote the dependability and validity of findings.

3.5.4.2. *Political Party/Parties*

Political party pledges demonstrate the party's long-term commitment to the topics outlined in its manifesto or election promises. This can also be recognised as a route dependency, in which history or previous actions predict the party's future stance. The political manifesto summarises the party's policy goals. Political parties' interests may not always correspond with those of their constituents/voters.

3.5.5. Citizens

Grassroots awareness or 'commons' knowledge that can be obtained through community interactions, site visits, or other outreach programmes, as well as community conversations in popular media or on social media platforms which could be presented orally as submission to be used as evidence. Oral or vocal submissions from the public, such as direct petitions or comments presented in public hearings about fresh material that the committee may consider during deliberations. However, the poor and marginalised may encounter substantial language challenges and be unable to effectively convey their evidence.

3.5.6. Lobby Groups or Interest Groups

On the other hand, sophisticated lobbying groups may be able to commission research to support their advocacy activities. Parliaments must consequently seek as many various sources of evidence as possible. Oral or verbal contributions from interest groups, which may include direct petitions or arguments presented in public hearings about fresh material that the committee should examine during deliberations.

3.5.7. Media

In general, the mainstream media serves as an important source of evidence. More recently, the internet and online social networks have enabled citizens to develop their own knowledge base, which is referred to as commons knowledge. Furthermore, it serves as an alternative and

complement to the expert-driven, disciplinary, entrenched, and hierarchical process of generating knowledge, distribution, and surveillance and control (Bekkers *et al.*, 2017).

3.6. Issues Related to Use of Evidence

Use of evidence in public policymaking process is affected, amongst others, by the following factors:

3.6.1. Contextual Factors

It is suggested that contextual factors other than evidence influence the use of evidence in the policymaking process. To support this claim, Bekkers *et al* contend that choices of evidence are restricted by the information that is accessible, the time available, uncertainty about the future, and the capacity to consume the information (2017). Furthermore, evidence is more likely to be beneficial if it is available, timely, reliable, relevant to the policymaking process, and aligned with the context (Goldman and Pabari, 2020). The contextual variables which influence evidence use include external political, socioeconomic, and cultural systems in society which provide possibilities or limitations to evidence utilisation, stakeholders who generate information or advocate for policy changes, the internal culture, organisational capacity, management, and processes; and other resources that explain how members of an organisation think and behave (Weyrauch, Echt & Suliman, 2016).

3.6.2. Institutional Factors

Furthermore, organisational characteristics may influence evidence selection or decision-making. These elements, among others, include the political and organisational culture, values, and performance expectations or needs associated to the organisation. (Parliamentary Centre & the World Bank Institute, n.d.).

3.6.3. Inadequate Guidance

The evidence supplied frequently lacks critical information about actions or remedies, as well as localised insight into public problems, leaving decision-makers in the dark. According to Shergold, presented evidence rarely offers a single, undisputed solution to a complicated public problem and must be evaluated in the context of the political decision to be made (2016). It frequently merely gives description(s) of the situation as it is, rather than offering knowledge from which strategic decisions can be taken (Marais & Matebesi, 2013). Defensible scientific evidence characterised by methodological soundness, generalisability, and method dependability lacks

contextualised and value-laden insights and observations connected to the problem (Rabie and Ajam, 2021).

3.6.4. User's Choice or Discretion

Also, the possible evidence - users are not obligated to use offered evidence; instead, they do so at their own discretion or when they believe it is appropriate for the purpose. According to Rabie and Ajam, what constitutes 'proof' is determined by the perspectives of both the producer and the user. During arguments, decision-makers may use or ignore evidence, or they may vote to promote their career prospects inside the party (2021).

3.6.5. No Guarantee/Assurance

Cloete believes it is unrealistic to anticipate that the availability of evidence will always result in policy decisions that are totally objective and sensible (2018).

3.7. Transforming Evidence System

According to Steward *et al.* researchers cannot aim to reform the policy system without reforming the evidence system in which they participate, hence the following are proposed building elements for a transformed evidence system, among others. If evidence-use is institutionalised within the evidence system, we would like to see (2022):

1. *Evidence-informed policy initiatives should prioritise understanding the relationship between evidence and policy systems, facilitating communication, learning, and collaboration between the two systems (evidence and policy systems).*
2. *Collaborative cross-field interdisciplinary and transdisciplinary research is valued more than single-authored, single-disciplinary work. Individuals in single, expert disciplines do not solve societal difficulties by dissecting the problem and striving to discover solutions within various domains - a reflection point for problem-focused research.*
3. *Recognise the importance of policy-relevant research through participatory activities including service users, practitioners, and policymakers.*

4. *Recognise the importance of research synthesis using evidence maps and systematic reviews to guide policy and identify gaps for future research.*
5. *Research agenda setting should be an integrative process that begins with a thorough assessment of the existing evidence base and driven by national and international policy agendas.*
6. *Rigorous research to identify the strengths and flaws of the science-policy advice approach, which may perpetuate the promotion of specific research findings and opinions should be undertaken.*
7. *Both chief scientific advisors to the policy system and top policy advisors for the evidence system work inside larger frameworks and do not operate independently.*
8. *New evidence centres should be established to generate evidence through systematic synthesis to address policy priorities in various sectors. Such institutes should not only collaborate with partners to develop methodologies, but also sensitise and teach the next generation of researchers in these methods and orientations.*
9. *Build research infrastructure and processes to generate evidence, promote collaboration between policy systems and evidence systems, and thereby institutionalising evidence-informed practice.*
10. *Ring-fence resources to monitor and assess the effectiveness of transforming the evidence system and institutionalising evidence-informed policymaking.*

3.8. Public Policymaking Process

The public policymaking process has evolved over the years, but the process includes, amongst others (a) problem identification, (b) agenda setting, (c) policy formulation, (d) policy legitimization, (e) policy implementation; and (f) policy evaluation (Martin et al, 2021).



3.8.1. Problem Identification

Problem identification is the most difficult phase because one person or group may perceive there is a problem while another person or group does not. This also applies to problem definition, as one person's definition may differ from another's. These difficulties suggest that problem identification is the most difficult phase of the public policymaking (Martin *et al*, 2021). This stems from the fact that public is remarkably diverse and composed distinctive characteristics such as class, interest, value, and belief system (McHugh, 2023). Aside from that, members of the public or citizens plays a significant role in identifying and defining the social problems which are articulated in policies.

3.8.2. Agenda Setting

Once the problem has been recognised and described, politicians' attention must be drawn so that they can include it on their personal agenda. The agenda is a list of public issues that are important to specific policymakers. Similarly, the public agenda contains all issues that may or may not receive significant consideration from the government. Issues may become less relevant over time and leave the agenda, only to re-emerge when the indications or focusing events become more essential.

3.8.3. Policy Formulation

Once policymakers have recognised and adopted a public problem, it is formalised and communicated into a written form. However, policy formulation is a more complex process because the costs and benefits of each policy proposal are argued and weighed. Policymakers must then select who will conduct the policy and how the implementation process will work. They must also determine how they will persuade citizens to obey the new law. Will they be punished if they do not follow the new rule, or rewarded if they do?

3.8.4. Policy Legitimation

Policy legitimation entails submitting or referring a proposed bill to a specialised committee for consideration and debate. If the committee finds the bill favourable, it will be sent to the House for a vote. After the elected structures in the legislature vote on the measure, it is forwarded to the executive (president) who either signs it into law or vetoes it.

3.8.5. Policy Implementation

Policy implementation involves putting policy aims and objectives into action. During the policy formulation or design phase, policymakers can create a roadmap for how the policy should be implemented or delegate this task to implementers.

3.8.6. Policy Evaluation

The policy evaluation stage of the policymaking process enables researchers and evaluators to measure and assess the effectiveness of a certain policy. At this point, researchers and evaluators also determine whether the goals of a specific policy were met - *did the policy produce the expected results?* The findings of a policy evaluation are recommendations to policymakers on whether a policy programme should be continued, given additional funds, or discontinued.

3.9. Public Policy Evaluation

It is important to define evaluation before delving into discussions about public policy evaluation. These definitions are essential because they establish the link between the two concepts. Glass and Ellett presented the simplest and straightforward definition of evaluation, suggesting that it is what *people think it is*, and *people say many different things* (1980). That statement implies that there is no consensus on what evaluation is, and Glass and Ellett's approach has been demonstrated by professionals in the field providing diverse definitions of evaluation with diverse meanings.

For example, Scriven described evaluation as the process of judging the merit, worth, or value of anything, or the result of that process. That process includes appraisal, analysis, assessment, critique, examination, grading, inspection, judgment, rating, ranking, review, testing, identifying applicable standards of merit, worth, or value, investigating evaluators' performance on these standards, and integrating or synthesising the results to generate an overall evaluation or set of connected evaluations (Scriven, 1991).

On the other hand, Kusek and Risk described evaluation as a process that provides evidence of why aims and results are or are not met. Evaluation, among other things, aims to address concerns of causation (2004).

Also, Russ-Eft and Preskil defined evaluation as a type of inquiry that aims to answer critical questions about how well a process, product, system, or organisation works. It is often conducted for decision-making objectives and should result in the application of findings by a variety of stakeholders (2009).

However, Patton is an excellent example to prove that evaluation is what people think it is, because he described it using the methods used and the purpose as distinct qualities. In 1997, he described evaluation as a systematic collection of information regarding activities, features, and outcomes to make judgments, improve effectiveness, and/or inform future decisions (Patton, 1997). In 2008, he described evaluation as methodologically eclectic, pluralistic, and mixed (Patton, 2008). Finally, in 2023, he described it as a process of making judgment regarding the merit, worth, value, significance, and/or utility of something (Patton, 2023). Although the definitions differ, there are some commonalities, such as making a value judgment about something and enhancing it. As a result, evaluation is a process of analysing the efficiency and effectiveness of something to improve future initiatives using [product of evaluation] data.

Like the concept of evaluation, the notion of public policy evaluation may differ between countries and individuals, implying that there is no universal definition of public policy evaluation. In the Netherlands, for example, public policy evaluation refers to an assessment of the efficiency (the extent to which the optimum effect is achieved with the fewest costs and undesirable side effects) and effectiveness (the extent to which the policy objective is realised using the policy instruments under consideration) of policy (Ministry of Finance of the Netherlands, 2018). In Canada, policy evaluation is defined as the systematic and unbiased gathering and analysis of evidence to determine the merit, worth, or value of programmes, policies, and priorities utilising relevance, effectiveness, and efficiency criteria or social scientific research methods (Government of Canada, 2016). In the United States, policy evaluation refers to an assessment of one or more programmes, policies, or organisations utilising systematic data collection and analysis to determine their efficacy and efficiency (115th U.S.A. Congress, 2019). As diverse as these definitions are, they all imply that public policy evaluation refers to an assessment of whether a public policy and the programmes associated with it work or not, as well as their relevance to the recognised social problem. Also, analyse if the expenses of implementing the policy and accompanying programs are reasonable considering the results obtained.

3.9.1. Public Policy Evaluation as Political in Nature

One major conclusion from the evaluation theory discussions is that public policy evaluation is political in character. This is acknowledged by both natural science and social science professionals (realists and constructivists) in the sector. For example, Pawson and Tilley suggest that representatives of natural sciences contend that doing public policy evaluations constitutes

a political statement (2000). Also, Gubba and Lincoln representatives of social sciences concur by saying that public policy evaluation is political in nature (1989).

However, while there is consensus on the political aspect of policy evaluation, there is dispute among experts on how public policy evaluation should be operationalised. Natural science professionals think that public policy evaluation should be guided by the concepts of single and objective reality, in which the evaluation is autonomous and not part of the knowledge making process (Matusov, 1996). Whereas social science-oriented professionals feel that public policy evaluation should consider multiple realities such as social, political, and value-oriented character (Gubba and Lincoln, 1989), and subjective quest of knowledge making (Patton, 2020).

Regardless of differences over how to operationalise public policy evaluation, the fact remains that public policy evaluation is a political activity. This implies that public policy evaluation is introduced and implemented within a political setting or arena/space (Balloch and Taylor, 2001). Public policies and related programmes for example, are the result of a political process, and decisions to evaluate and how to use evaluation are manifestations of political dynamics (Azzam *et al*, 2021). In this sense, policy evaluation gets meaning within the context of societal political relations (Balloch and Taylor, 2001).

Even while the evaluation professionals may hope and wish for the public policy evaluations to be understood as independent of these political processes, this is a difficult position to achieve (Greene, 1990). This is because the link between politics and public policy evaluation has existed throughout evaluation history (Datta, 2011). It was for that reason, Chelimsky said that entering a political argument equipped with a methodological or technical appropriate evaluative case study is unwise (1987). Weiss echoed this sentiment by highlighting several ways in which politics might intrude on the evaluation process, given that programmes and policies are the result of political decisions. As a result, the very act of performing the evaluation is a type of political manoeuvring by forces opposing or supporting the programme or policies (1993). In that regard, public policy evaluation should be viewed in terms of its political role in society, where it is used to provide political legitimacy to programmes and policies. It should also be understood in relation to the politics involved in the process of policy evaluation (Balloch and Taylor, 2001). A stakeholder, for example, may prefer that the evaluation focus on the programme outputs rather than the outcomes or implications of these inputs on programme participants (Patton, 2008).

3.10. Evolution of Public Policy Evaluation

Public policy evaluation in the present period has historic roots. Public policy evaluation has existed for as long as there have been governments. However, the policies and evaluations were often informal, ad hoc, and unsystematic. Rulers govern, and the ruled judge what rulers do, albeit they may not reveal their evaluations publicly for fear of retaliation. Wise rulers seek feedback on their actions and work to enhance the effectiveness of their governance. The Emperor of China instituted regular competence testing for public officials some four thousand years ago (Ko, 2017).

More importantly, public policy evaluation can also be traced back to Socratic's work, which established the need of finding evidence, critically evaluating reasoning and assumptions, analysing basic concepts, and following the consequences of what is said as well as what is done. His questioning style is now known as "Socratic questioning" and is the most widely used critical thinking training strategy. Socrates' questioning style emphasised the importance of clarity and logical consistency in investigating individuals who could not reasonably defend their confident claims to knowing. Confused meanings, insufficient proof, or self-contradictory beliefs frequently hid beneath smooth but mostly hollow speech (Foundation for Critical Thinking, 2016).

However, the contemporary public policy evaluation emerged out of two lessons from this period of substantial experimentation in society and government action: first, it became apparent that there isn't sufficient funding to accomplish everything that needs to be done; and second, even if there was sufficient funding, it takes more than funds to effectively address multifaceted human and social issues (Patton, 2023). Thus, public policy evaluation is viewed as an essential function that occurs throughout the policy process, rather than only at the end. It is undertaken to (a) determine the consequences of a public policy by explaining its influence, and (b) assess a policy's effectiveness or lack thereof using standards or criteria, previously set (Renyaan, 2023).

3.11. Public Policy Evaluation Approaches

Since public policy evaluation uses research methodologies, it is subject to the same qualitative and quantitative methodological and epistemological trials. This indicates that methodologies to public policy evaluation split between positivism and constructivism. Despite frequent calls for mixed methodologies in public policy evaluations, most public policy evaluations are conducted using solely qualitative or quantitative methodology (Revillard, 2023). The approaches are discussed as follows:

3.11.1. Qualitative Approaches

Overall, qualitative approaches corroborate the notion of causation. However, causation is determined not by relationships between variables, but by an examination of the processes by which it operates. The relationship between variables under the qualitative framework demonstrates how (by what numerous mechanisms) A produces B by analysing the empirical manifestations of these causal mechanisms that connect A and B. In doing so, it moves beyond the behaviourist logic that, in counterfactual methods, envisions the measure as a response to stimuli mechanism, with the intervention itself serving as a type of black box (Revillard, 2023).

Qualitative methodologies divide the intervention into a number of factors that are responsible for achieving (or avoiding) the desired outcome, which are subsequently investigated in greater depth using various qualitative techniques. In a comprehensive approach, the circumstances, thinking, and logic of action of those involved in the intervention (agents in charge of its implementation, target groups) are given special emphasis. It is also crucial to highlight that qualitative approaches to public policy evaluation cannot quantify the impact of a policy; rather, they can describe it (and its variations depending on context). Furthermore, this technique can answer other evaluation concerns, such as the relevance or coherence of treatments (Revillard, 2023).

3.11.2. Quantitative Approaches

However, the obligation to respond to the query of what would have occurred had it not been for of the intervention, with every other aspect of the case being exactly the same, compel policy evaluators to juxtapose situations with and without intervention 'all other things being equal', which led to the development of experimental methods in policy evaluation. Experimental and quasi-experimental quantitative techniques to evaluation are founded on a contrary perspective of cause and effect: to establish that A affects B, it must be demonstrated that, all other things being equal, if A is absent, so is B. It is used in policy impact evaluation to demonstrate that an intervention causes a certain impact by demonstrating that, all other things being equal, this impact would not occur in the absence of the intervention (Revillard, 2023).

Most policy evaluation experiments are field experiments, in the sense that they evaluate the intervention in the context of its actual implementation. Randomised controlled experiments compare an experimental group (getting the intervention) to a control group, with the goal of achieving equivalence of characteristics between the two groups by randomly assigning individuals to either group. When direct testing is not practicable, evaluators might use a variety

of quasi-experimental procedures to recreate comparison groups from previously existing events and data (rather than modifying reality as experimental protocols do). In these policy evaluation studies, methods such as difference-in-differences, discontinuity regression, and corresponding techniques are applied to assess the impact of the public policy through juxtaposing before and after results, situations on either side of an eligibility threshold prescribed in the public policy, and conditions of recipients and those who are not beneficiaries with the closest comparable characteristics (Revillard, 2023).

In the absence of real data, public policy evaluations can be conducted using computer simulations or laboratories. Microsimulation techniques, for example, can predict *ex ante* the expected impact of public policy by considering a wide range of metadata about the targeted beneficiaries and simulating changes in their condition (e.g., ageing, labour market changes, fiscal policies, etc.). This technique also enables a refined *ex post* evaluation study of the various consequences of a given policy on the targeted individuals. Laboratory experiments are also used to rigorously evaluate individual behaviour and discover unconscious biases. Such assessments, for example, can be extremely helpful in designing anti-discrimination regulations as part of an *ex-ante* evaluation process (Revillard, 2023).

Aside from that, cost-efficiency analysis can be incredibly useful in a quantitative method to evaluate the efficiency of public policy beyond its impact. This analytical technique is implemented by comparing the public policy results obtained with the cost of the public policy under consideration, as well as those of alternative policies (Revillard, 2023).

3.11.3. Mixed-Methods Approach

Public policy evaluation has been instrumental in formalising the use of mixed methods, resulting in the differentiation between several strategies for combining qualitative and quantitative approaches (sequential exploratory and explanatory, and convergent design). The systematic mixed methods approach includes quantitative, qualitative, and mixed methods studies, allow for the provision of answers to a broader array of evaluative questions and issues (Revillard, 2023).

3.12. Types of Policy Evaluation

Besides various approaches to policy evaluation, there are also different types of public policy evaluation. Theodoulou and Kofinis identified four broad types of evaluations that are mostly used

in public policy evaluation, which are: process evaluation, outcome evaluation, impact evaluation, and cost-benefit analysis (2004).

3.12.1. Process Evaluation

From the name, it is easy for one to recognise that this type of evaluation examines how well and successfully a policy is being implemented. Process evaluation is used to determine what may be done to improve policy implementation, to achieve the desired goals. However, this type of policy evaluation does not directly address whether the policy is reaching the anticipated outcome or impact (Theodoulou and Kofinis, 2004). This is further confirmed by Limbani *et al*, in arguing that process evaluation provides crucial information about the public policy implementation process, including how resources are used, how well stakeholders involved are working to execute the policy (*their role, participation, and reasoning of various actors*), and how are the contextual circumstances at play in favour or against the policy, and how all of these may influence the anticipated goals. In this way, process evaluation is deployed to understand contextual factors and elements related to the policy would have affect the implementation process and anticipated impact (Limbani *et al*, 2019).

It is critical for improving policies, implementing relevant programmes, and establishing future priorities. It is concerned with how an intervention is working, whether it is being given as anticipated, and evaluating the strengths and flaws in content and delivery. This type of evaluation draws mostly from individuals involved in the process of policy implementation or delivery of the policy programme to determine what works, how well it works, and features that are or may prove to be problematic (University of Edinburgh, 2023). This information is critical in discovering why a policy performs the way it does, identifying any flaws, developing solutions to the problems, and improving programme performance by indicating how remedies should be implemented and evaluated after carried out (Theodoulou and Kofinis, 2004).

3.12.2. Outcome Evaluation

Outcome evaluation focuses on the tangible intermediate effects of a policy but not the actual impact of the policy because that is the subject of impact evaluation (Theodoulou and Kofinis, 2004). This type of evaluation examines the policy's outcomes, including the changes brought about by the policy programme and its activities. The findings show whether the policy is effective in attaining its goals and making a difference in the lives of specific people, such as changes in children's and young people's thinking, attitudes, and behaviour for example (University of

Edinburgh, 2023). This type of evaluation is represented by Dean *et al*'s study, which explored whether wage subsidy support influenced the way that affected firms altered employment levels and composition in response to COVID-19-related changes in revenue or activity (Dean *et al*, 2023). According to Theodoulou and Kofinis, this type of evaluation is related to assessment of policy outcomes to determine whether it has achieved its legislative intent, goals; and programme outcomes (both positive and negative outcomes) (2004).

3.12.3. Impact Evaluation

This type of evaluation is most frequently referred to as policy evaluation. The goal of impact evaluation is to determine whether a given public policy or programme is having the intended impact as envisioned by the many policy actors that supported or opposed the policy. In contrast to outcome evaluation, impact evaluation seeks to determine whether the policy's adoption and implementation had any effect on the target population (Theodoulou and Kofinis, 2004). Also, impact evaluation is the process of determining the significance and reach of both positive and negative consequences of policy or policy programme. In contrast, effectiveness evaluations look at whether a project, programme, or policy succeeds in normal circumstances and through conventional implementation channels. Impact evaluations can also present complex ethical considerations, as they include performing research on human participants (Glewwe and Todd, 2022).

3.12.4. Cost-Benefit Analysis

A cost-benefit analysis compares the costs and benefits of a public policy. In most circumstances, cost-benefit analysis is employed when real-world expenses or costs are easily obtained, quantified, evaluated, and compared to several metrics or other policies to establish the efficacy or efficiency of government action. Cost-benefit analysis explores how to assign values to both the costs and benefits of a public policy (or programme related to the policy) for comparison reasons, allowing for policy prioritisation.

However, costs and benefits may not or never be accurate or representational of a policy's true impact. For starters, it is extremely difficult to assess the intangible costs and benefits incurred by individuals and society because of public policy. For instance, it is incredibly difficult to estimate the intangible costs endured by society, such as the probable for increased crime or public health care costs, or the long-term loss of employment opportunity and market participation by those individuals who could have lifted themselves out of poverty if they had still been eligible for welfare

assistance. Similarly, many intangible benefits, such as the advantages gained by a well-educated community, may not be immediately obvious for many years, and some intangible benefits are impossible to quantify, such as the quality of life (Glewwe and Todd, 2022).

3.13. Challenges Related to Public Policy Evaluation

According to Agustino, effective public policy evaluation is limited by challenges of (a) uncertainty of policy objectives, (b) causality relationship, (c) the influence of policy spreads, (d) difficulty in obtaining data; and (e) official resistance (2017). It is also argued that public policy evaluations are not carried out systematically, so it is difficult to test causality to determine that impacts are indeed caused by these policies, policy impacts usually spread beyond policy objectives, difficulties in obtaining data primary, available secondary data is often invalid, resistance of programme officials who feel they are being watched, evaluations tend to see less impact or are less valid, but prefer to measure and evaluate output only (Muttaqin, 2022b)

3.14. Institutionalisation of Public Policy Evaluation

3.14.1. What Does Institutionalisation of Public Policy Evaluation Mean

Public policy evaluation institutionalisation, according to Lazaro, is a systematic process of incorporating evaluation processes (2015) into the public policy making cycle. This could be illustrated by Switzerland, where evaluation is practiced in many policy sectors, the government, parliament, and the highest auditing agencies, as well as the establishment of a national evaluation society (Jacob *et al*, 2015). This means that policy evaluation practice should be embedded in all institutions participating in public policy making, particularly those (government and legislature) that are important to the country's or state's democratic system. This is addressed eloquently by Jacob *et al*, who state that policy evaluation should be incorporated in the governance architecture (2015) and championed by the presidency (head of executive) and legislature (Gaarder and Briceno, 2010).

The architecture of governance is intricately linked to the political system used in a country, because all the institutions of governance are determined by the political system. What this imply is that, for the public policy evaluation system to be effective policy evaluation should not be exclusively a function of government or academia. However, all the centres of political authority or institutions linked to the political authority should be part and play a meaningful role in the public policy evaluation system.

3.14.2. Why Public Policy Evaluation Should be Institutionalised

Public policy evaluation research has mostly concentrated on the application of evaluation findings, ignoring the institutional structures that accompany public policy evaluation (Hanberger, 2011). Consequently, strong institutional frameworks are essential for protecting the autonomy of the policy assessment system and the evaluation institutions themselves (Parkhurst, 2017). The most prevalent types of public policy evaluation's governance or regulatory framework are legislations, regulations, resolutions, and memorandums of understanding, although some countries' policy evaluation is inscribed in their constitution (OECD, 2020).

These policy frameworks are critical because they outline the tasks and responsibilities of each institution participating in the public policy review system. Overall, they clearly define the role of evaluation in the public policy cycle (OECD, 2020). They also create governance mechanisms that shape and drive the public policy evaluation agenda. They also ensure that the policy evaluation process is efficient and legitimate (Hanberger, 2011). More crucially, Patton rightly argued that institutionalising public policy evaluation improves the state's ability to enhance public policies and programs (1999).

3.14.3. Enablers of Public Policy Evaluation Institutionalisation

Studies on the institutionalisation of public policy evaluation have linked institutionalisation to the examination of the efficacy of the state in addressing social problems (Horber-Papazian and Baud-Lavigne, 2018). However, such interrogations do not occur spontaneously, but rather because of crises, which could be financial crises, natural disasters, or pandemics. Following crises, public policy evaluation processes are frequently updated and enhanced (OECD, 2020). This might be seen in Europe, where, following slow economic growth in the 1970s and 1980s, certain countries began demanding public policy evaluation (OECD, 2020). Other research, however, have found that in some countries, significant public policy evaluation has manifested because of strict accountability criteria imposed by foreign development banks over the use of money (Olejniczak *et al*, 2016).

According to the existing literature, the following are some of the factors that could lead to the proper institutionalisation of public policy evaluation. Some of these include a favorable environment for conducting evaluations, a diverse set of actors at the interface of different universes, the inclusion of an obligation to evaluate in the national Constitution, the emergence of political strategies that use evaluation to achieve political goals (including the use of clauses in

laws that require evaluation), and the use of evaluation results in both politics and public administration (Horber-Papazian and Baud-Lavigne, 2018). In addition, several studies have identified the involvement of key evaluation advocates, such as the Congress, President, and Finance Minister, to drive the process (Gaarder and Briceno, 2010), as a precondition for the institutionalisation of policy evaluation.

3.14.4. Obstacles of Public Policy Evaluation Institutionalisation

Some research on the institutionalisation of public policy evaluation emphasised the importance of political authority commitment as a crucial facilitator for successful public policy evaluation governance. Thus, political authority's lack of interest in policy evaluation is a key impediment to the institutionalisation of public policy evaluation (OECD, 2018). This is extremely reasonable given that a public policy evaluation system will only be effective if it is incorporated in the governance architecture (Jacob *et al*, 2015); and championed by the political power - the presidency and legislature (Gaarder and Briceno, 2010).

3.15. International Perspective on Institutionalisation

According to the Organisation for Economic Cooperation and Development, public policy evaluations are institutionalised using the legal frameworks, such as the (a) supreme laws (constitutions), (b) primary legislations; and (c) secondary legislations (frameworks, regulations, and guidelines) (OECD, 2020). These legal anchors are discussed as follows.

3.15.1. Constitution

Constitutional clauses or provisions which mandates either the legislature and/or executive to evaluate public policies and related public programmes (interventions) with the purpose of improving policy making, efficiency; and effectiveness of the state interventions, are essential in terms of embedding the practice of public policy evaluation. This could be exemplified with the French, Switzerland constitutions, which refer to public policy evaluation (OECD, 2018).

3.15.2. Primary Legislation

In terms of the entrenching public policy evaluation, some of the countries have embedded evaluation clauses into the public management laws. These includes provisions which requires public institutions to designate capacity or individuals to conduct policy evaluation. These laws include Foundations for Evidence-Based Policymaking Act of 2018 from the USA, Government

Policy Evaluations Act in Japan, Framework Act on Government Performance Evaluation in Korea (OECD, 2018).

3.15.3. Secondary Legislation/Frameworks

These policy frameworks provide guidelines, norms, and standards as well as criteria, amongst others, related to the public policy evaluation. These frameworks include regulations and prescripts issued or passed by the executive (government) related to public policy evaluations across government. These pieces of policy frameworks can be traced in countries like Brazil, Argentina, Norway, Romania, Colombia, and Costa Rica amongst others (OECD, 2018).

3.16. South African Perspective on Institutionalisation

According to the work of Rabie (2010), Mtshali (2014), de Coning and Rabie (2014), Kimaro (2018) and Masilo *et al*, (2021) public policy evaluation in South Africa is institutionalised through the following legal frameworks (a) Constitution, (b) White Paper on Service Delivery, (c) Public Finance Management Act, (d) Public Audit Act, (e) Public Service Act, (f) Green Paper: Improving Government Performance, (g) Green Paper National Strategic Planning, (h) Government-wide Monitoring and Evaluation System, (i) National Evaluation Policy Evaluation Framework; and (j) Evaluation Competence Framework for Government and Standard for Evaluation. The frameworks are discussed as follows.

3.16.1. Constitution

Rabie (2010) and Mtshali (2014) identified Chapter 10 of the Constitution as a cornerstone for monitoring and evaluation in South Africa since this section of the constitution establishes core ideals that underpin public service, including, among others (a) promotion and maintenance of a high standard of professional ethics, (b) efficient, economic and effective use of state resources, (c) public administration must be development-oriented, (d) services must be provided impartially, fairly and equitably without bias, (e) public administration must be accountable; and (f) good human resource management and career development practices must be cultivated to maximise human potential. Mtshali also highlighted Chapters 4, 7, and 9 of the Constitution to emphasise government accountability, identifying it as one of the key elements of monitoring and evaluation in government (2014).

Furthermore, Kimaro added that Section 92 of the constitution requires cabinet members are answerable to Parliament both collectively and individually for the use of their powers and the

performance of their duties. The clause also requires Cabinet Members to submit detailed and timely reports to Parliament on subjects under their authority. Section 133 of the Constitution mandates that members of the province's executive council report to their respective provincial legislatures (2018).

3.16.2. White Paper on Transforming Public Service

Rabie identified the White Paper on Transforming Public Service Delivery (Batho Pele / White Paper) as essential for the establishment of monitoring and evaluation in South Africa because it calls for government departments (both national and provincial) to establish performance management systems that include developing service delivery indicators and measuring performance (2010). In addition to that, Mtshali pointed that White Paper outlines criteria for providing public services that are efficient and effective. He contends that the White Paper encourages government departments to place importance on service delivery and that public services are not a luxury; consequently, people should come first and be treated as government consumers (2014). Furthermore, Kimaro draws a critical contrast between the Constitution and the White Paper, arguing that the Batho Pele principles operationalise citizens' right to quality services, as embedded in the Constitution (2018). Essentially, Kimaro (2018) and Mtshali (2014) see the Batho Pele principles as crucial for monitoring and evaluating South Africa's public services.

Aside from that, Rabie emphasises an important issue about the White Paper, that it delegates responsibility for monitoring compliance with the principles to high echelon in the public service. She put forwards that the White Paper prescribes that senior manager (a) should be assigned the responsibility for delivering specific results for a specified level of resources and obtaining value for money in the use of those resources; and (b) that managerial responsibilities and authorities be delegated to the lowest possible level (2010). In addition to that, the public administration introduced various measures, notably the White Paper on Transforming Public Service Delivery, to redesign and adapt the public sector's culture to create a more effective environment. The White Paper on Transforming Public Service Delivery of 1997 provides the basis for service delivery strategies prepared by departments in the national and provincial realms of government, to improve the provision of quality and equal services (Masilo *et al*, 2021).

3.16.3. Public Audit Act

According to Kimaro Public Audit Act is an important legislative framework that establishes monitoring and evaluation in South Africa. In defense of this, she referred to sections 4 (1) and 20 (1) of the Public Audit Act, which provide that the Auditor-General is tasked with auditing the financial and performance of public administration institutions across all government sectors and levels (2018). In doing so, she contends that the Public Audit Act serves not only as a foundation for monitoring and evaluation of the public administration, but also as a commitment to monitoring performance and scrutiny of the financial resources allocated and spent by government departments.

3.16.4. Public Service Act

Kimaro also pointed the Public Service Act as a piece of legislation that establishes monitoring and evaluation in the public administration through the Public Management Watch System and the Performance Management and Development System. She argues that these are key public service mechanisms established by the Department of Public Service and Administration to monitor and evaluate performance, particularly executive performance. Despite that, she pointed out that these systems measure, and reward success based on activities and outputs, rather than outcomes. In that, she argued that the system is counterproductive in terms of institutionalising the outcome-based monitoring and evaluation that the South African government is attempting (2018).

3.16.5. Public Finance Management Act

Mtshali argues that the Public Finance Management Act establishes and supports government monitoring and evaluation. To support that, he cited section 38(1), which states that the directors-general or heads of department, trading entity, or constitutional institution must establish effective, proficient, and transparent financial and risk management and internal control systems, as well as a reasonable procurement and supplying framework that is equitable, impartial, open to competition, and reasonably priced (2014). Kimaro supports this assertion, claiming that the Public Finance Management Act requires accounting officers to monitor and report on institutional performance, and that the act's goal is to regulate financial management in national and provincial governments to ensure that all revenue, expenditure, assets, and liabilities are managed efficiently and effectively. Financial management comprises monitoring expenditure and performance through funds allocated against predetermined objectives (2018).

3.16.6. Municipal Systems Act

Kamiro argues that the Municipal Systems Act is another piece of legislation that creates a framework for monitoring and evaluation at the local government level of the public administration. Section 38 of the Municipal Systems Act exhibits this by mandating municipalities to create a Performance Management System that is proportionate to their resources, best suited to their circumstances, and compatible with the priorities, objectives, indicators, and targets. Section 40 of the act also emphasises the importance of establishing a performance management culture in the administration, including the office bearers and political structures. Additionally, it requires municipalities to establish mechanisms to monitor and evaluate their performance management system, which should ideally include an M&E system (2018).

3.16.7. Green Paper: Improving Government Performance

According to Rabie, the Green Paper in Improving Government Performance: Our Approach Based (2009) is another important anchor for monitoring and evaluation in public administration because it allows for the planning of service delivery programs through the delivery chain (Impact, Outcome, Outputs, Inputs), and the implementation is operationalised through performance contracts and performance assessments of the highest echelon of the public administration (2010).

To substantiate this, Rabie used the Green Paper's recommendations that the government should develop and implement an outcomes chain or result chain to successfully deliver services. The intended objectives are articulated, metrics for performance evaluation are selected and defined, performance indicators are tracked or monitored, and essential actions and inputs are realised. To put this into effect, the President and Premier communicate the executive's service delivery priorities to Ministers and Executive Council Members. Implementation status is evaluated and communicated at biannual meetings and mitigating factors are instituted if concerns occur. Thus, the fulfillment of such service delivery imperatives will be included in the performance contracts or agreements of the executive, particularly the President, Premier, Ministers, and Members of the Executive Council (2010).

Mtshali agrees with Rabie's sentiments, in arguing that the Green Paper is an important framework that provides monitoring and evaluation duties as part of performance management, with the executive signing and filing performance contracts or agreements that include service delivery standards. The Green Paper emphasises the necessity of commitment to service delivery

and implementation; progress and challenges will be assessed with the purpose of recommending mitigation strategies. Furthermore, he argues that the Green Paper admits that the focus on outputs has not produced the intended results, and that the government should prioritise outcomes to improve service delivery (2014). Masilo *et al*, believes it is for that reason the results-based management model was established in South Africa, allowing public administration to develop policies that respond to citizens' service delivery needs. This strategy also ensured that the planned objectives of government initiatives, among others, were linked to achieve the desired results (2021).

3.16.8. Green Paper National Strategic Planning

Kimaro also cited the National Strategic Planning Discussion Paper (2009) as a critical foundation for prescribing and encouraging the development and execution of monitoring and evaluation in public administration. To substantiate this, she cited the Green Paper, which stipulates that good planning comprises of long-term predetermined objectives and key performance targets that must be evaluated during the implementation phase. She continued to argue that the monitoring and evaluation processes and their outputs should inform the planning process, as outlined in the discussion paper (2018).

3.16.9. Government-wide Monitoring and Evaluation System

In the case of South Africa, the setting up of a Monitoring and Evaluation System inside the offices of the Presidency, Premiers in the Provinces, and in local government is very crucial since it built and formalised a system of monitoring and evaluation in the public administration (de Coning and Rabie, 2014). According to Rabie, a Government-Wide Monitoring and Evaluation System is a crucial framework in institutionalisation of monitoring and evaluation in South Africa because it outlines the (a) importance and principles of M&E and M&E systems, (b) guidelines for implementing M&E at the institutional level, including potential division of responsibilities, and (c) the implementation process for affecting the GWM&ES in government. The framework also establishes concepts, techniques, and standards for monitoring and evaluating public administration to improve its effectiveness (2010). To highlight the significance of the framework, de Coning and Rabie used Gauteng Monitoring and Evaluation Framework established based on the GWM&ES, which gives the goals, objectives, frameworks, principles behind the framework, and positioning of the monitoring and evaluation (2014).

Furthermore, this framework seeks to (a) embed a management system that links all the micro internal management systems such as strategic and operational planning, budgeting, and in-year reporting; (b) ensure that M&E responsibilities should be distributed throughout the organisation, from the executive heads to accounting officers, programme managers, and dedicated M&E units, (c) improve M&E practices, thereby fostering a governance culture that responds to M&E findings; and (d) ensure that departments acquire internal capabilities to ensure that users of M&E data can incorporate findings into management decision-making, that managers can set up appropriate processes, and that practitioners can gather, analyse, and report valuable findings on time (Rabie, 2010).

Mtshali also believes that the framework is important because it (a) outlines institutional arrangements for monitoring and evaluation, (b) explains how the M&E system should be implemented, (c) defines key concepts in monitoring and evaluation, and (d) emphasises the importance of monitoring and evaluation in measuring government performance and determining government effectiveness in programme implementation (2014). Also, Kimaro concur with that sentiment in arguing that the framework is significant because it provides a road map for M&E practices in public services by developing a philosophy for embracing M&E and the benefits of operationalising the system. The framework also includes knowledge about M&E, introducing M&E, implementing the GWM&ES, and the genuine government-wide monitoring and evaluation system (2018). To add to that, Masilo *et al*, argue that this framework seeks to enhance effectiveness, accountability, and transparency at all levels of government and public institutions. The framework comprises tools such as standards, processes, strategies, plans, information systems, reporting lines, and indicators to assist all government departments in carrying out their M&E tasks efficiently (2021).

3.16.10. National Evaluation Policy Framework

The National Evaluation Policy Framework requires the public administration to create specialised unit within the departments entrusted with the evaluation role, and with the required skills, though the unit could be M&E Unit, Research Unit, or Policy Unit (de Coning and Rabie, 2014). In line with that, Mtshali also believes that, the framework is very important for evaluation in South Africa because it provides for (a) evaluation of government programmes, (b) minimum standards for planning so that effective evaluation can take place, (c) requires departments to formulate evaluation plans, (d) putting evaluation plans in the public domain and ensuring that they are peer reviewed and the results are communicated to different audiences, (e) ensure that evaluations

include recommendations and action plans, as well as monitor the recommendations; and (f) provide technical support and quality assurance for evaluations by the DPME and Office of the Premier; institutions of higher learning are to build evaluation capacity in the country, while PALAMA offers appropriate training courses. Furthermore, it was formulated with the aim of addressing the challenges facing evaluation in South Africa, including limited use of evaluation results, clarifying the confusion related to the difference between evaluation, audit, and research, lack of coordination between public service institutions involved in evaluations, fragmented evaluation approaches, and lack of institutionalisation of evaluation in government (2014).

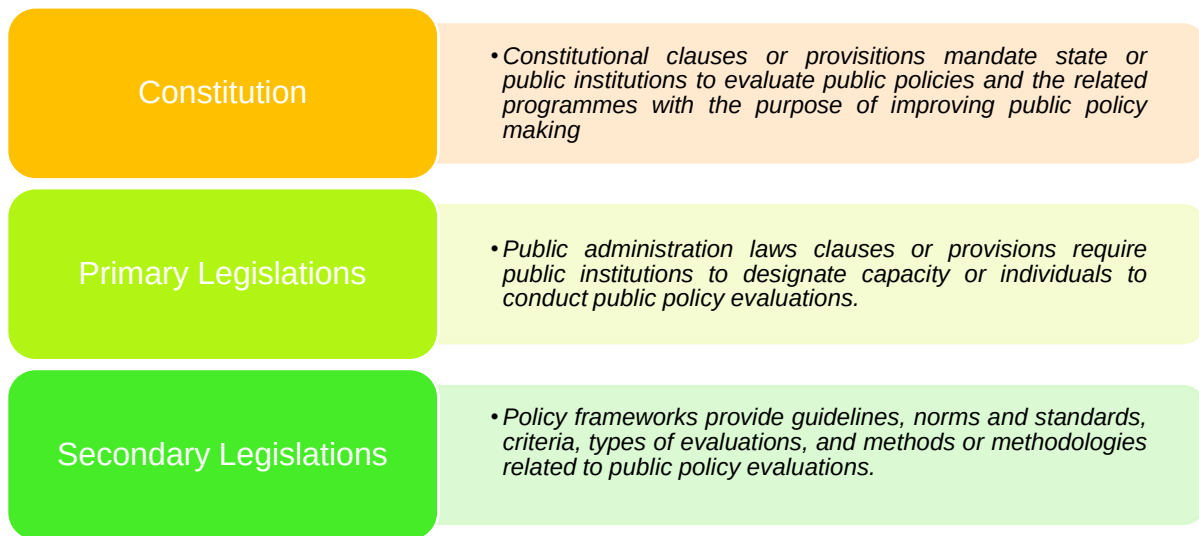
Besides that the policy framework (a) outlines the strategy for developing a National Evaluation System for South Africa, (b) specifies the types of evaluations that could be conducted in South Africa, (c) sets the pace and guides public service institutions in conducting evaluation by defining purpose, approaches, guiding principles, uses evaluation, and how to institutionalise it in the public administration; and (d) provides a link between service delivery programme (e) guidelines for developing the basis for minimum assessment criteria, competencies expected of government officials and evaluators, and increasing evaluation capacity in the public sector (Kamiro, 2018).

3.16.11. Evaluation Competence Framework & Standard for Evaluation

These frameworks are critical because they precisely define the duties and responsibilities of programme managers, monitoring and evaluation advisers, and evaluators in managing evaluation in the context of the implementation of South Africa's M&E system. These frameworks assign specialised responsibilities and functions in relation to the evaluation to the above-mentioned cohort of officials (de Coning and Rabie, 2014).

3.17. Institutionalisation Distinctive Features

Based on the work of Rabie (2010), Mtshali (2014), de Coning and Rabie (2014), Kimaro (2018), Organisation for Economic Cooperation and Development (2020) and Masilo *et al* (2021) it was learned that the institutionalisation of public policy evaluation is characterised by the legal anchors such as the constitution, primary legislations, and secondary frameworks.



These legal anchors are essential because they prescribe values, norms, and standards to be used when evaluating public policies. They also designate institutions responsible for the evaluation of public policies and allocated scope and responsibilities related to the policy evaluation.

3.18. Conclusion

The literature reviewed was undertaken to link public policy evaluation to the public policymaking. But most of all it was undertaken to determine how public policy evaluation is institutionalised. The objective was achieved because, amongst other things, the researcher learnt that public policy evaluation is institutionalised through legal anchors which include constitution, primary legislations such as acts; and secondary legislation which includes policy frameworks. These legal anchors are essential because they prescribe values, norms, and standards to be used when evaluating public policies. They also designate institutions responsible for the evaluation of public policies and allocated scope and responsibilities related to the policy evaluation. This was very essential because it allowed the researcher to use the legal anchors such as the constitution, primary legislations, and frameworks as key factors in the institutionalisation of public policy evaluation at the national legislature.

Unlike the international literature consulted, the South African literature on the institutionalisation of public policy evaluation focus exclusively on public policy evaluation at the executive authority and overlooked the legislative authority. Thus, meaning the legal anchors studied were related to the public administration and did not cover legal frameworks related to the legislative authority.

The literature does not cover the role of the legislative authority and it does not also provide reasons related to the exclusion of the legislative authority in the implementation of South Africa's M&E system. As a result, the institutionalisation of public policy evaluation in South Africa has shed more light on the fundamental legislative frameworks that govern monitoring and evaluation at the public administration or executive authority, thus excluding the frameworks related to the legislative authority. That gives the impression that public policy evaluation functions or responsibilities are exclusively for the executive. Based on that, one may deduce that South Africa has a single-tiered system of public policy evaluation, which is championed by the Presidency, National Treasury, and Statistics South Africa. As a result, there is a literature deficit regarding the institutionalisation of public policy evaluation at the legislative authority, as well as its involvement in the implementation of the M&E system.

CHAPTER FOUR: PUBLIC POLICY EVALUATION SYSTEM

4.1. Introduction

This chapter looked at public policy evaluation systems used in other nations, as well as in South Africa. The goal was to learn more about the nature of available public policy evaluation system and learn about how and where they are distributed among domains of power such as the executive and legislative authorities. Also, learn about the advantages and disadvantages of their position in the power hierarchy. The researcher believes that the location of the public policy evaluation system influences its effectiveness, efficiency, and sustainability. Thus, the section is critical in relation to this study because it will illustrate the ramifications of the choices made regarding how public policy evaluation is institutionalised in the South African national legislature. The viewpoints on public policy evaluation are presented here.

4.2. Public Policy Evaluation System (International Perspective)

Public policy evaluation system involves various governance structures and agencies collaborating their efforts or contributions than isolated contribution. In the public policymaking space that implies various policymaking institutions including the executive, independent state agencies and legislature working together to determine the effectiveness of the public policies. It is for that reason, Lázaro believes, a policy evaluation system is defined as a framework for governance in which evaluation is an integral part of the policy and program life cycle (2015). This indicates that the system of public policy evaluation should be broadened to include more structures, institutions, and views that are more in line with the country's governance system (Vedung, 2009). This will ensure that the different initiatives connected to public policy evaluation and development at various levels are implemented holistically (OECD, 2020), changing it into a system rather than isolated areas and apparatuses. Thus, MPs should play an active part in public policy evaluation (Filgueiras and Queiroz, 2021), to attain the desired transparency, honesty, and accountability.

4.2.1. Regulation of Public Policy Evaluation

The policy evaluation system's efficacy is dependent on its political context and institutional frameworks (Filgueiras and Queiroz, 2021). Notably, public policy evaluation governance or laws differ by country; in some, it is governed by a constitutional article, but in others, it is governed by primary and/or secondary legislation. As a result, some institutions have the authority to evaluate policies, while others do not (OECD, 2018). That division of labour mirrors the country's political structure, allowing institutions to maintain their autonomy (Lupia, 2001), as well as the autonomy

of the evaluation system (Filgueiras and Queiroz, 2021). Legislations and regulations related to the public policy evaluation are essential because they designate institutions or restructures for public policy evaluation and assign public policy evaluation responsibilities including to the personnel involved.

However, it is worth noting that the obligation for public policy evaluation is frequently delegated in a variety of ways. Some governments assign policy evaluation to the executive power, while others delegate it to autonomous agencies that work on its behalf. Other countries transfer it to both executive and legislative authorities, while others use legislative authority to manage the evaluation process. The delegation of public policy evaluation functions to various levels of the state is explored below.

4.2.2. Evaluation Within the Legislative Authority

The function of policy evaluation is in Sweden's parliament. *Ex post* evaluations are conducted by Riksdag committees, the National Audit Office, and Government Committees of Inquiry and Public Authorities. Government investigation committees and public bodies also perform *ex ante* effect evaluations of public policy. The majority of Riksdag committees include evaluation groups made up of members from different political parties. These evaluation groups discuss on evaluation recommendations, conduct evaluations, and report to the committee. There is, however, a separation between the roles; evaluators (researchers and experts) create empirical components of the evaluation that are free of political prejudice. While MPs in evaluation groups agree on a description of the situation and observations of problems, evaluation reports include assessments and conclusions, findings are used for committee discussion, and solutions and actions are proposed (Astrom, 2013).

When parliament participates in policy evaluation, the executive has less influence and control over the process and consequences. Thus, allowing the legislative authorities to engage in policy evaluation ensures institutional autonomy in the policy evaluation system (Filgueiras and Queiroz, 2021). Furthermore, by involving the public through their representatives, the policy cycle is completed (Filgueiras and Queiroz, 2021). This judgement is understandable given that the executive is accountable for the implementation of public policies; consequently, the executive cannot be both a referee and a player at the same time. However, because legislators are not typically accountable for the implementation of public policy, the legislature is in a better position

to review them. One of the most essential aspects of this model of the public policy evaluation system is the inclusion of the public in policy evaluation to complete the policymaking process.

4.2.3. Evaluation Within the Executive Authority

Some countries assign policy evaluation functions to the executive authorities (OECD, 2018). As a result, specialised line ministries or agencies throughout the government promote and/or coordinate policy evaluation. This is seen in Chile, where policy evaluation functions are transferred to the executive (Department of Treasury) through a Memorandum of Understanding between the legislative and executive authorities, and policy evaluation system autonomy is assured by the hiring of external evaluators. In Spain, Mexico, and France, the executive authority oversees policy evaluation. The legislative authorities are not authorised to conduct policy evaluations. However, in Canada, the legislative authority assigned public policy evaluation tasks to the executive authority (and its agencies), leaving the legislative authority with just decision-making authority and control over the policy evaluation system (Filgueiras and Queiroz, 2021).

4.2.4. Institutions Outside Executive

Organisations established outside [and autonomous] of the executive authority are the most recommended options for conducting policy reviews (OECD, 2018). Supreme Audit Institutions are an excellent illustration of this policy review method since they keep CEOs accountable and ensure value for money. They evaluate government programme and identify effective and ineffective policies, as well as instances when policy benefits are dispersed unequally (OECD, 2016).

Autonomous organisations with budgetary independence create a stronger accountability framework. When granted the ability to perform ex post evaluations of public policies and programs, as well as to review the government's efficiency and effectiveness in enacting public policies. As a result, these institutions are important in guaranteeing government transparency and accountability (OECD, 2020).

4.2.5. Competing Institutions

In governments that strictly adhere to the principle of separation of powers, policy evaluation is not the purview of a single institution. This is done to maintain the evaluation system's independence or autonomy. For example, in the United States of America, two principals (president and legislative or congress) have delegated authority to evaluate public policy. As a

result, the Office of Information and Regulatory Affairs (OIRA) conducts policy evaluations for the administration, while the Government Accountability Office (GAO) performs policy evaluation functions on behalf of Congress (Filgueiras and Queiroz, 2021).

This means that the efficacy and institutional autonomy of the evaluation system are achieved by having two institutions provide evaluation information for each power (executive and legislative). Both have two independent entities that review policies on their behalf. That competition alone is essential for developing high-quality public policy evaluation.

4.3. South Africa's Policy Evaluation System (Local Perspective)

According to the literature, South Africa's monitoring and evaluation system is, among other things, executive-led, outcomes-based, closely related to budgetary allocation processes, strong leadership, value-based, legally anchored, and has committed human resources. The characteristics of the South African M&E system are listed below:

4.3.1. Executive - Led System

Rabie argues that, in accordance with international best practices, the M&E system should be led from the top by a capable, respected ministry to assure implementation and compliance. As a result of such premise, the South African system is championed by the Presidency (2010). Cabinet, as part of the executive, plays an essential role in evaluation by approving national evaluation plans, monitoring, implementing, and deciding on the closing of evaluation studies. To assist the executive, the Office of the Presidency established the Department of Planning, Monitoring, and Evaluation (DPME), which plays an important role in the operationalisation of the country's M&E system by providing a secretariat for each evaluation, partially funding the evaluation, or seeking external funding to encourage evaluations. DPME also serves as the curator of evaluation, implements evaluation findings, and partially funds evaluation (Kimaro, 2018).

Aside from that, the system depends on National Treasury and Statistics South Africa for execution because these institutions are very powerful and essential because have enormous banks of performance information which is key in the implementation of M&E system (Rabie, 2010). National Treasury also plays a significant role in the execution of the M&E system since the department assists with the implementation and monitoring of evaluation results through development plans and budgets in accordance with the Public Finance Management Act.

Treasury's role in the implementation of the M&E system began when the department began by providing regulations in terms of responsibilities and approaches to the monitoring process, including the strategic plans, annual performance plans, and quarterly performance monitoring system (Kamiro, 2018). Statistics South Africa also collects statistics through surveys and censuses and validates and authenticates any statistics supplied by government or public service institutions, as well as non-governmental organisations. Thus, to achieve the successful institutionalisation of M&E system in the South African public service, these champions—the Presidency, Treasury, and Statistics South Africa—must collaborate to raise knowledge of the system and, more crucially, secure buy-in from all departments (Rabie, 2010). In addition to that, Cloete believes that the Department of Public Service and Administration is a critical stakeholder in the implementation of the M&E system in South Africa because the department oversees the largest cross-cutting public evaluation exercise in the South African Public Service through the Performance Management and Development System. Performance agreements with managers include, among other things, key performance areas for managers, output assessment criteria used to measure performance, and time frame within which assessment and progress reports are completed (2005 and 2009). Whilst it is acknowledged that the evaluation agenda is set by the executive through the approval authority vested in the executive. It is worth noting that, in the South Africa's policy evaluation system sense of independence is operationalised through the procurement of services of the private corporations by the Department of Planning, Monitoring and Evaluation to undertake evaluations on behalf of the executive.

4.3.2. Outcome - Based System

According to Rabie, the general focus of M&E systems, as shown most clearly in nations that have restructured and refined their M&E systems (for example Australia, the United Kingdom, Mexico, and Uganda), is on the outcomes or impact of governmental programmes and policies. There is a shift away from accepting output or financial performance as an indicator of public programme success, however all the systems still have a significant financial performance focus, as one might anticipate given the ever-present financial pressures to which government is subject (2010). Furthermore, de Coning and Rabie argue that in South Africa, the Presidency's policy changes over the previous ten years strive to promote a culture of outcomes-based monitoring and evaluation methods in the South African Public Sector (2014). Mtshali (2014) supports this argument by arguing that South Africa's M&E system, based on the Green Paper: Improving Government Performance, enshrines the principles of outcome performance management, which

includes amongst others, measurement of politically designated outcomes for accountability and focuses on sectors rather than departments.

Furthermore, both the Government-wide Monitoring and Evaluation System and the Treasury Guidelines emphasise the importance of outcomes and the ability of the public administration to report on those outcomes. This is based on the fact that the GWM&ES aims to enhance the evaluation of results and their effects throughout all facets of administration, promote sector-specific and topical evaluation reports, improve the M&E of national outcomes in relation to the Constitution and government's Programme of Action, provincial outcomes and impact in relation to Provincial Growth and Development Plans, and municipal outcomes in relation to Integrated Development Plans, but fails to provide specific details (Rabie, 2010). In essence, The GWM&ES aim to improve the evaluation of results and impact across the government in terms of different national, provincial, and local outcomes to provide a holistic performance picture. However, it does not identify the repercussions of good or poor performance, nor how this will be communicated, used, or improved (Rabie, 2010).

4.3.3. Linked to Budgeting System

Rabie argues that for the M&E system to be sustainable, it should be entrenched in fundamental government procedures such as budgeting and funding requests, based on an appraisal of international standards (2010). In this regard, the Public Finance Management Act is extremely useful because it requires Heads of Departments to monitor and report on institutional performance to ensure that all revenue, expenditure, assets, and liabilities are managed efficiently and effectively by government departments. This monitoring includes assessments to determine whether expenditure is in conformity with the predetermined objectives (Kimaro, 2018).

4.3.4. Strong Leadership

According to de Coning and Rabie, an efficient and effective M&E system is dependent on solid leadership in the groups responsible for its implementation. This is based on the idea that monitoring and evaluation are inherently interconnected functions that require monitoring and evaluation data from a variety of sources, including those outside of traditional organisational boundaries. Solid and strong leadership plays a critical role in building partnerships with relevant institutions that are part of the M&E system to establish a strong M&E system. In South Africa, the executive (Ministers or Members of the Executive Council), Accounting Officers (Director-

Generals and Heads of Departments), and bureaucratic executives (Senior Managers) are considered to fulfill leadership roles related to the monitoring and evaluation system (2014).

4.3.5. Value - Based System

The other defining feature of an effective M&E system is that the M&E function(s) are perceived and thought to contribute value to the organisation's operations, and that the results are utilised. M&E should be viewed as a beneficial tool that allows the organisation to be more efficient and effective in carrying out its mandate. Aside from that, important to the M&E system is that the ideals of transparency, responsibility, and accountability of the institutions within the public administration be incorporated as part of their culture (de Coning and Rabie, 2014). Mtshali reiterated this sentiment, noting that the value system and culture of the institutions are highly crucial in the institutionalisation of the M&E system, and part of that value system will include values such as transparency, openness, honesty, trustworthiness, and accountability (2014). To support the idea for a value-based system, Kamiro highlighted the Constitution, which emphasises principles such as transparency, development-oriented, efficiency, and accountability that the public administration must uphold. Statistics South Africa implements values such as relevance, accuracy, timeliness, accessibility, interoperability, coherence, methodological soundness, and integrity as part of the South African government's monitoring and evaluation system (2018).

4.3.6. Governance

Mtshali contends that Government-Wide Monitoring and Evaluation constitutes the cornerstone for the institutionalisation of the M&E system in South Africa, because it assigns M&E responsibilities to all levels in the public service, ranging from political office bearers, down to the programme managers (2014). Also, the National Evaluation Policy Framework, is very crucial because it (a) established the South Africa's National Evaluation System, (b) provide guidelines for evaluations in the entire public service, (c) promotes use of evaluation results as evidence in developing service delivery programme and its planning, (d) sets the evaluation norms and standards; and (e) sets and prescribes prerequisites and competencies required for evaluation; thus making the framework the essential legal anchor of monitoring and evaluation in the public administration (Kamiro,2021).

4.3.7. Human Resources

Mtshali argues that for the M&E system to be effective qualified and competent human resources related to monitoring and evaluation, intersectoral thinkers with the ability to integrate cross-cutting issues, possessing analytical, qualitative, quantitative, and statistical analysis skills are required (2014). Qualified and competent personnel are essential in the effectiveness of the evaluation system to design and undertake public policy evaluation responsibilities. However, it is also fair to highlight the significance of the design of the public policy evaluation. For example, in system where the bulk of the public policy evaluation duties is undertaken by private corporations and the competent and qualified personnel mainly manage the work of the private corporations is counterproductive. In the models where the qualified and competent personnel are afforded an opportunity to apply their data analysis skills and intersectoral thinking is very developmental because the personnel will develop. Such development through practices would be good for the organisation and the system itself.

4.3.8. Limitations of the South Africa's M&E System

Some of the criticism leveled at South Africa's M&E system includes, among other things, a failure to promote the use of information generated by the monitoring and evaluation system, because of which the system has failed to generate a large demand for monitoring and evaluation information; and a lack of resources to enable effective implementation of the M&E system. It should be noted that none of the constraints discussed thus far are related to the fact that this system is entirely executive, omitting legislative authority and the role it should play in strengthening the system.

4.3.8.1. Promote Use of Findings

Rabie argues that, in relation to institutionalisation, the M&E system must provide clear instructions, guidelines or regulations about the utilisation of monitoring and evaluation information. Thus, the GWM&ES essentially relate to enhancing the monitoring of results and impact across the entire government in terms of multiple national, provincial, and local outcomes to generate an overall performance picture. However, it does not specify what the consequences of good or poor performance will be, or how they will be communicated, used, or improved. Also, GWM&ES mentions promoting sectoral and theme evaluation reports, but fails to clarify the types, purposes, and applications of these reports. It requires departments to develop M&E strategies that define how M&E findings will influence strategic and operational planning, budget formulation and execution, and in-year and yearly reporting.

However, most departments already conduct programme evaluations, and all departments are mandated to report performance to various decision-makers, the Treasury, and the Auditor General. It is also too ambiguous in describing how M&E should be utilised to support departmental planning and reporting processes, ensuring uniformity across departments. Treasury's Programme Performance Information guidelines refer to regular audits of non-financial performance information where appropriate but fail to describe in any detail what this may entail (Rabie, 2010).

4.3.8.2. Inadequate Demand for M&E

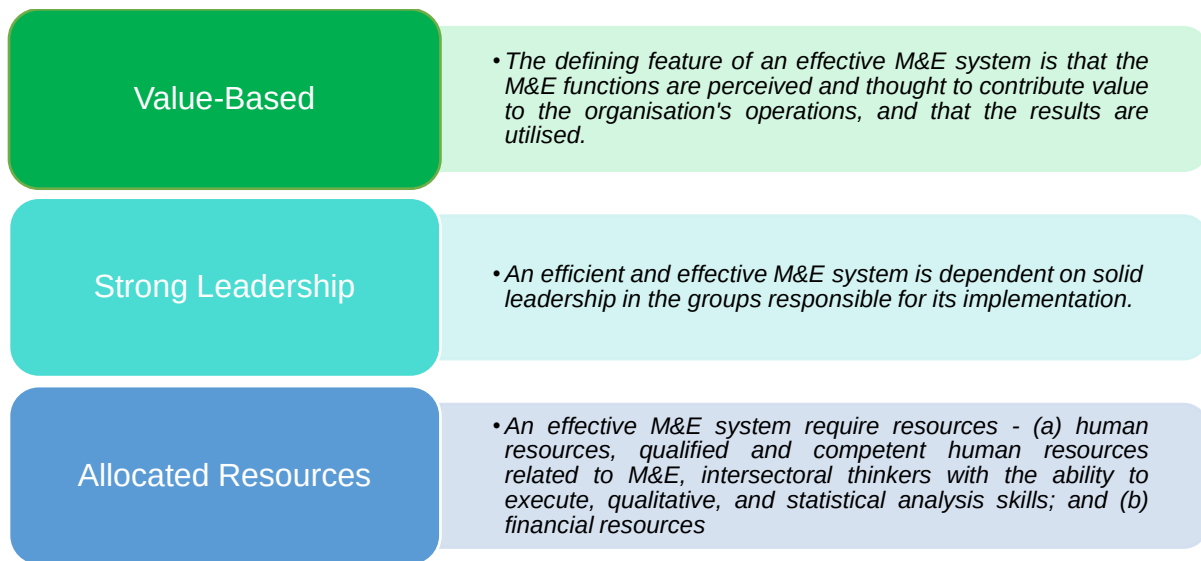
One of the prerequisites for an efficient and effective M&E system is a demand for M&E data. However, due to a lack of awareness of the significance of M&E among senior political and administrative officials, the system lacks champions, a link to planning, budgeting, and reporting processes, and a strong M&E culture in the public administration. To mitigate this, the public administration has attempted to create demand for monitoring and evaluation by training senior managers, such as Director-Generals and Deputy Director-Generals, on evidence-based policymaking and implementation (Kimaro, 2018).

4.3.8.3. Limited Resources

Another impediment to the M&E system's operationalisation is a lack of evaluation resources. The South African public service has severely low resources, which is counterproductive to creating the M&E culture (Kamiro, 2018). Resources deficiency include a shortage of skilled M&E specialists, but most critically, a lack of finances inhibits public administration institutions from filling vacant positions in their organisational structure. This was shown with Dube, who believe that some of the public administration at the local government level do not have personnel with data quality assurance skills, putting data verification and verification processes at risk (Dube, 2013). Also, the employed M&E professionals also experience reporting fatigue because of over-reporting due to a lack of skills and trained personnel (Phillips *et al*, 2014).

4.4. Distinguishing Features of the Policy Evaluation System

Based on the work of de Coning and Rabie (2014), Kamiro (2018), and Mtshali (2014), the researcher discovered that for the public policy evaluation system to be effective, amongst others, it must be valued by the organisation and its personnel, championed, and led by strong leadership, and dedicated resources must be available to operationalise the public policy evaluation system.



The availability of resources is critical because without financial resources, professionals cannot be hired to carry out public policy evaluation duties, and policy evaluation studies cannot be commissioned because those processes require funding. Furthermore, strong, and good leadership without resources is unlikely to drive and implement public policy evaluation functions.

4.5. Conclusion

To summarise the arguments made on the public policy evaluation system models, key elements that enable an efficient, effective, and sustainable public policy evaluation system were identified. One of the factors mentioned was legal anchors or governance, such as regulations and laws that incorporate evaluative values and procedures, as well as the system itself. These legal anchors are significant because they establish policy evaluation institutions and assign responsibilities to those structures and personnel to operationalise the public policy evaluation system. It was also noted that policy evaluation system design varied per country. In some nations, policy evaluation responsibilities are assigned to the executive, independent constitutional bodies, legislature; in others, they are assigned to both the executive and the legislature.

Regardless of the division of responsibilities, one of the most significant factors in determining the efficacy of public policy evaluation was the independence and institutional autonomy of policy evaluation systems. For the system to be efficient and effective its independence must not be questioned. As a result, some governments delegated policy evaluation to entities other than the executive authority. It is so because the executive authority is tasked with the responsibility of implementing public policies, and if they are allowed to choose which policies are evaluated, how

they are evaluated, which questions should be asked in the public policy evaluation, whether evaluations can be implemented, and how much budget is allocated for evaluation implementation. That translates to the executive authority being both a player and referee. Therefore, since independent institutions or legislated agencies are not entrusted with implementing policies, independent and legislated groups, or institutions outside of the executive authority are better positioned to evaluate the success of public policy.

Another important consideration was the value-based system. Meaning that for the system to be effective, value and trust must be placed in it so that the information it generates may be used to improve the organisation's product or service. Personnel in the organisation should value the system and believe that it is vital to their operations and adds value to their work.

Finally, the system's effectiveness is closely related to the competent leadership of the organisations tasked with evaluating public programmes. The leadership's primary responsibility is to establish, maintain, and enhance relationships and partnerships with all institutions and stakeholders involved in the system. This is significant since those stakeholders or institutions will be responsible for supplying data critical to policy evaluation.

CHAPTER FIVE – RESEARCH FINDINGS

5.1. Introduction

This chapter intends to present the findings from all the data sources consulted in attempt to answer the research questions and the objectives of the study. It should be noted that the themes emanating from the data obtained from the consulted sources were used to present the findings as follows; (a) institutionalisation of public policy evaluation, (b) application of the separation of powers; and (c) the role of Parliament in the implementation of the National Evaluation System. However, it is vital to highlight that the above-mentioned topics are the main themes, they have sub-themes that break down some of the conclusions found.

5.2. Institutionalisation of Public Policy Evaluation

According to the literature, public policy evaluation can be embedded in multiple layers, including the constitution, primary legislation, policy framework levels; and value based. This is based on the analysis, which found that legal anchors of evaluation include constitutional provisions, legislations and regulations, and detailed policy evaluation frameworks. As a result, the study evaluated the institutionalisation of public policy evaluation in the South African national legislature considering that.

5.2.1. Constitution

Upon reviewing the Constitution, as part of the document review technique used in this study, it was discovered that the Constitution of the Republic of South Africa provides Parliament's mandate, where in the public policy evaluation is implied. For example, the Constitution's preamble and founding provisions conceptualise and assign a greater constitutional role and function to Parliament. The preamble, among other things, states that the Constitution was adopted to:

Heal the division of the past and establish a society based on democratic values, social justice, and fundamental human rights.

Lay the foundations for democratic and open society in which government is based on the will of the people and every citizen is equally protected by law; and

Improve the quality of life of all citizens and free the potential of each person;
(Constitution, 1996).

This indicates that in carrying out its constitutional role, parliament must ensure that democratic values, social fairness, human rights, and applicable legislation are upheld. Also, section 42 (3) of the constitution requires of the parliament to (a) represent the people, (b) ensure government by the people under the Constitution, (c) provide a forum for public considering of issues, (d) passing legislations, and (e) scrutinise and overseeing the Executive. Furthermore, Section 55 (2) requires the Parliament to provide for mechanisms to ensure that all executive organs of state in the national sphere of government are accountable to it; and to maintain oversight of the exercise of national executive authority, including the implementation of legislation; and any organ of state (Constitution, 1996). Effective implementation of these constitutional obligations necessitates policy evaluation. By ensuring that the actions of the executive authority are within the confines of the Constitution, particularly democratic values, social justices, human rights, law, and that lives of the citizens are improved requires evaluative functions to be performed by Parliament.

As noted previously, this means that the constitution implies, rather than directly mentions, policy evaluation in respect to Parliament's mandate and role. This is due to the absence of a section or clause in the constitution that requires the evaluation or assessment of passed legislation considering Parliament's mandate. As a result, policy assessment or evaluation has been ingrained and integrated into the operation of Parliament. This can be exemplified with the (a) manifestation of evaluation in the work of Parliament, (b) interest in public policy evaluation; and (c) policy evaluation culture in Parliament which is discussed as follows.

5.2.1.1. Constitutional Provisions for Policy Evaluation

The study also found that, chapters 9 and 10 of the constitution did not only establish specialised constitutional agencies, but also assigned policy evaluation tasks and functions to these institutions to assist Parliament. Section 181 (1) identifies six (6) state institutions which were established to strengthen constitutional democracy in the Republic of South Africa, which include the (a) Public Protector, (b) South African Human Rights Commission, (c) Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities, (d) Commission for Gender Equality, (e) Auditor – General; and (f) Election Commission (Constitution, 1996).

Furthermore, it was found that section 196 (2) of the Constitution established the Public Service Commission as an independent institution that must be impartial, exercise its powers, and perform

its functions without fear, favour, or prejudice to maintain effective and efficient public administration and a high standard of professional ethics in the public service (Constitution, 1996). It is important to note that these specialised constitutional agencies were established outside the ambit of the executive authority and required to report to the legislative authority on their actions and fulfillment of their tasks.

For example, Section 181 (4 and 5) stipulates that no person or organ of state may interfere with the functioning of these institutions, and they are accountable to the National Assembly; they must report on their activities and performance of their functions to the National Assembly (Constitution, 1996). This implies that these institutions were established to assist Parliament in executing its oversight and accountability constitutional mandate. It is important to note that, the use of agencies to assist parliament in evaluating public policies is not uniquely South African.

5.2.1.1.1. Scope and Object of Policy Evaluation

Furthermore, chapters 9 and 10 of the constitution did not only establish these specialised institutions but also defined their scope and object of evaluation in carrying out their constitutional mandate. This means that each of these institutions is constitutionally required to assess public policies implemented by the Executive Authority considering their constitutional responsibilities and set parameters.

- *Public Protector*

Section 182 (1) of the Constitution prescribes, amongst others, that the Public Protector has power to investigate any conduct in state affairs, or in the public administration in any sphere of government, that is alleged or suspected to be improper or to result in any impropriety or prejudice (Constitution, 1996).

- *South African Human Rights Commission*

Section 184 (1) and (2) of the Constitution prescribes, amongst others, that the South African Human Commission must promote respect for human rights and a culture of human rights; promote the protection, development, and attainment of human rights; and monitor and assess the observance of human rights in the Republic. Also, the South African Human Commission has the powers, including the power to investigate and to report on the observance of human rights; to take steps to secure appropriate redress where human rights have been violated; to carry out research; and educate (Constitution, 1996).

- *Commission for the Promotion and Protection of the Rights of Rights of Cultural, Religious and Linguistic Communities*

Section 185 (1) and (2) of the Constitutions prescribes, amongst others, that the Commission for the Promotion and Protection of the Rights of Rights of Cultural, Religious and Linguistic Communities must promote respect for the rights of cultural, religious and linguistic communities and to promote and develop peace, friendship, humanity, tolerance and national unity among cultural, religious and linguistic communities, on the basis of equality, non-discrimination and free association. Also, the commission has the power, including the power to monitor, investigate, research, educate, lobby, advise and report on issues concerning the rights of cultural, religious, and linguistic communities (Constitution, 1996).

- *Commission for Gender Equality*

Section 187 (1) and (2) of the Constitution prescribes, amongst others, that the Commission for Gender Equality must promote respect for gender equality and the protection, development, and attainment of gender equality. Also, the Commission, has the power including the power to monitor, investigate, research, educate, lobby, advise and report on issues concerning gender equality.

- *Auditor - General*

Section 188 (1) and (2) of the Constitution prescribes, amongst others, that the Auditor – General must audit and report on the accounts, financial statements and financial management of all national and provincial state departments and administrations; all municipalities; and any other institution or accounting entity required by national or provincial legislation to be audited by the Auditor – General. In addition to be duties prescribed in subsection (1), and subject to any legislations, the Auditor – General may audit and report on the accounts, financial statements and financial management of any institution funded from the National Revenue Fund or a Provincial Revenue Fund or by a municipality; or any institution that is authorised in terms if any law to receive money for a public purpose.

- *Electoral Commission*

Section 190 (1) of the Constitution prescribes, amongst others, that the Electoral Commission must manage elections of national, provincial, and municipal legislative bodies in accordance with national legislation; ensure that those elections are free and fair; and declare the results of those

elections within a period that must be prescribed by national legislations and that is as short as reasonably possible.

- *Public Service Commission*

Section 196 (4) of the Constitution prescribes, amongst others, that the powers and functions of the Commission are to promote the values and principles set out in Section 195, throughout the public service; to investigate, monitor and evaluate the organisation and administration, and the personnel practices, of the public service; to propose measures to ensure effective and efficient performance with the public service; and to provide an evaluation of the extent to which the values and principles set out in section 195.

5.2.2. Primary Legislation

It was discovered that there is no legal basis for public policy evaluation under public administration statutes or legislation. This suggests that Parliament has not enacted any public administration legislation relating to public policy evaluation, which would establish the standards, requirements, and legislative mandate for policy evaluation.

It should be noted, however, that there is Financial Management of Parliament Act 10 of 2009 that regulate the financial management of Parliament in a manner consistent with its status in terms of the Constitution; ensure that all revenue, expenditure, assets and liabilities of Parliament are managed efficiently, effectively, and transparently; provide for the responsibilities of persons entrusted with financial management in Parliament; and provide financial management norms and standards for provincial legislation. Section 15(2)(d) of the Act requires the Annual Performance Plan to define performance targets for each of the performance metrics and indicators used to assess Parliament's (and Provincial Legislatures) success in meeting the objectives and outcomes outlined in the Strategic Plan. As a result, this Act requires the following sorts of reports: (a) in-year evaluations; and (b) quarterly strategic evaluation reports (Financial Management of Parliament Act, 2009).

It is vital to stress that the monitoring and evaluation expressed by this legislation is institutional, thus evaluation of the public policy passed and implemented by the executive authority does not find expression in the legislation referring to the monitoring and evaluation of Parliament as an institution. This means that the evaluation referred in the Act is related to the appraisal of

parliament as an institution to enable the Secretary to Parliament to report or account to the Presiding Officers.

5.2.3. Secondary Legislations / Policy Framework

The researcher also checked if Parliament has regulations, guide, circular or policy framework which was drafted to guide the process of assessing the impact of public policies or legislation. According to Filgueiras and Queiroz, policy framework is essential because it detail the process that is used to select which policies to evaluate, how they should be evaluated, and which results are relevant in measuring the effectiveness of the public policy and accountability (2021). Thus, the existence of the policy framework will not only serve as a guide but will support the implementation of quality public policy evaluation, by ensuring that it is conducted in a credible and rigorous manner (OECD, 2020).

In response to that most of respondents (70%) reported that the Parliament does not have a policy framework which regulates the process of assessing the impact of public policies on people of South Africa and service delivery. Some of the respondents were also very honest to disclose that they were not sure whether that kind of policy framework exist or not. However, some of the respondents (20%) reported that there is a framework.

Notably, one of the respondents went further to explain that the policy framework does not exist however Parliament is in the process of compiling that policy framework:

No, but the present Annual Performance Plan 2023/24 cites the establishment of a framework for conducting impact evaluations of legislation as one of the key points [PR#10].

However, other respondents were adamant that Parliament should have its own policy framework to ensure effective policy evaluations are designed and executed.

Parliament will need to adopt a policy framework for evaluation so that it may conduct evaluation without duplicating the job of the PSC and DPME [PR#07]; and

Parliament should have its own legislative scrutiny system, which includes a committee for legislative scrutiny of bills [PR#06].

On the other hand, the researcher found that there is Monitoring and Evaluation Framework for the South African Legislative Sector 2013. This framework establishes baseline requirements for effective M&E functioning by adopting appropriate M&E systems in the South African Legislative Sector; hence, the framework applies to all legislative institutions in the Republic of South Africa. It also aims to provide a reliable and trustworthy mechanism for evaluating the legislative institution's progress toward the delivery targets contained in its strategic plan, annual performance plan, and other policy documents, to provide tangible results or outcomes. The framework also specifies monitoring and evaluation principles, norms, and standards, as well as the approach and types of evaluations that legislators may conduct. The framework also specifies and assigns tasks to agencies/stakeholders involved in the monitoring and evaluation of the South African Legislative Sector. These institutions include the Auditor - General, the Public Service Commission, the National Statistical Agency, and the National Audit Office (SALS, 2013).

Unfortunately, this framework is related only to Parliament as an institution and the other Provincial Legislatures. Thus, meaning it is not about evaluation of the public policy public administration-wide, but instead it is related to the appraisal of Parliament (and Provincial Legislatures) as an institution for the Accounting Officer to report to the Executive Authority of Parliament. In that, it means legislature's framework is below the status of the framework used by the executive authority. The executive authority's frameworks are applicable to all spheres of the public administration (government-wide) whilst the legislature's framework is institutional.

5.2.4. Value - Based System

The Constitution prescribes the values and principles against which the executive authority (public administration) should be judged. More crucially, such principles apply to administration in all spheres of government, state organs, and public enterprises. Section 195 (1) of the Constitution prescribes that public administration must be governed by the democratic values and principles enshrined in the Constitution, including the following principles:

- a) A high standard of professional ethics must be promoted and maintained,*
- b) Efficient, economic, and effective use of resources must be promoted,*
- c) Public administration must be development oriented,*
- d) Services must be provided impartially, fairly, equitably and without bias,*

- e) *People's needs must be responded to, and the public must be encouraged to participate in policymaking,*
- f) *Public administration must be accountable,*
- g) *Transparency must be fostered by providing the public with timely, accessible, and accurate information,*
- h) *Good human resource management and career-development practices, to maximise human potential, must be cultivated; and*
- i) *Public administration must be broadly representative of the South African people, with employment and personnel management practices based in ability, objectivity, fairness, and the need to redress the imbalances of the past to achieve broad representation (Constitution, 1996).*

It should be emphasised, however, that the values and principles listed above are not the only ones in the Constitution. Other values and principles exist in other sections of the Constitution, including the founding values of human dignity, the achievement of equality and the advancement of human rights and freedoms, non-racialism and non-sexism, supremacy of the constitution and the rule of law; and universal adult suffrage, a national common voters roll, regular elections, and a multi-party system of democratic government to ensure accountability, responsiveness, and openness (Constitution, 1996). This implies that the Chapter 9 and 10 institutions, in evaluating the Executive Authority they draw from these values. For example, the Auditor - General is putting into practice the principles of efficient, economic, and effective use of public resources, as well as accountability, while evaluating financial accounts and management.

5.2.4.1. Personnel Value Policy Evaluation

As previously noted, Section 55 (2) requires Parliament to oversee the exercise of national executive authority, including the implementation of legislations, to ensure that policies are implemented effectively and efficiently. The views expressed by respondents alluded to the fact that policy evaluation function is embedded in Parliament's work through the oversight, accountability, and public participation functions placed upon the legislative authority. This was shared not exactly in those words, but as follows:

Policy formation remains the area of the Executive; nonetheless, Parliament should evaluation the policies that the administration has produced to determine the efficacy [PR#09].

I believe that evaluation is vital in creating an effective Parliament, but it must take a collaborative, participatory approach. The mandate for public participation requires this. It is not hyperbole to claim that tackling social issues and advancing South Africa's growth rests on our ability to use data to inform our decisions [PR#10].

The views expressed above means that, without evaluation, Parliament will struggle to effectively oversee the executive authority. It will be difficult to determine if the executive authority was efficient in implementing public policies. Also, it will be difficult to establish the impact of public policy on the lives of citizens. For Parliament to understand the impact of public policies on members of the public (both positive and bad) demands public policy evaluation. As a result, in executing its mandate implies that Parliament should undertake evaluation of public policies.

5.2.4.2. Interest in Public Policy Evaluation

Furthermore, the respondents were asked if in their knowledge and experience, the Presiding Officers or Members of Parliament have ever requested for an evaluation of the impact of the legislations. This question was posed to determine not only the interest in evaluation, but also whether or if evaluation is part of the parliament's civil duties. 50% of respondents said that the Presiding Officers and/or Members of Parliament had called or requested assessment of the impact of the legislations, whilst 20% of respondents were unsure, with the remaining 30% responding negatively and said no.

In support of the position, some of the respondents mentioned panel reports as one of the impact evaluations of legislations sought by the Presiding Officers. It was reported as follows:

There have been various announcements emphasising the need of evaluating both Parliament's performance and the impact of government execution. The 2009 Independent Panel Review was a self-assessment designed to evaluate Parliament's outcomes and performance. The 2015 High-level panel was a similar exercise, but focused on impact, with the goal of evaluating outcomes and impacts [PR#10].

Based on that, it is apparent that evaluation is an important aspect of Parliament's operations. As a result, the legislative authority implements evaluations to improve the effectiveness of

parliament itself as well as to determine the effectiveness of executive authority by assessing the impact of the legislations passed.

5.2.4.3. Evaluation Culture in Parliament

In triangulating the data gathered, the researcher also implemented a content analysis technique on the Parliament's reports, like the Announcements, Tabling, and Committee (ATC) reports. This scrutiny of the ATC reports was undertaken to determine whether indeed Parliament conducts evaluative activities to carry out its constitutional duties. The ATC reports did not only confirm that the Presiding Officers have ordered that impact evaluation studies be undertaken by Parliament to assess the impact of laws enacted since 1994, but also that other evaluative exercises are built into committee activities, such as oversight visits and public hearings. The following are the reports related to the evaluation activities undertaken by Parliament. They include reports from the High-Level Panel, Joint Monitoring Committee, Independent Panel, Public Hearings, and Oversight visit reports.

a) Joint Monitoring Committee Reports:

- *Report of the Joint Monitoring Committee on the Improvement of Quality of Life and Status of Women on the impact of the Equality Act on the lives of women and people with disabilities – Gender Sector, dated 14 February 2007*
- *Report of the Joint Monitoring Committee on Improvement of Quality of Life and Status of Children, Youth and Disabled Persons on the impact of the Equality Act on the lives of women and people with disabilities – Disability Sector, dated 30 May 2008*

b) High Level Panel Report:

- *Report of the High-Level Panel on the Assessment of Key Legislation and the Acceleration of Fundamental Change, November 2017*

c) Independent Panel Report:

- *Report of the Independent Panel Assessment of Parliament, September 2014*

d) Public Hearings

- *Report of the public hearings on the impact of the Promotion of Equality and Prevention of Unfair Discrimination Act (Act No. 4 of 2000) on women and people with disabilities (16-19 October 2006).*
- *The Impact of the Expanded Public Works Programme (EPWP) and other Programmes Directed to the Creation of Jobs (Public Hearing on Job Creation and Poverty Alleviation)*
- *Report of the Select Committee on Appropriations on the hearing on the National Health Insurance grant in the 2012/13 financial year, dated 18 June 2013. What capacity constraints impacted on these outcomes.*
- *Report of the Portfolio Committee on Agriculture, Forestry and Fisheries on Public Hearings on the Marine Living Resources Amendment Bill [B30 – 2013] dated 13 November 2013. The objective was to determine how the Amendment Bill, if passed, will impact people's lives, particularly the previously disadvantaged small-scale fishers.*
- *Public Hearings on Efficacy of the Environmental Impact Assessment Regime in South Africa. The Portfolio Committee on Water held public hearings on Environmental Impact Assessment (EIA)*
- *Report of the Portfolio Committee on Trade and Industry on the colloquium on the relationship and impact of transfer pricing on beneficiation or value addition as set out in the Industrial Policy Action Plan and on broadening participation as outlined in the Broad-Based Black Economic Empowerment Act, dated 20 May 2015.*
- *Report of the Portfolio Committee on Economic Development on the public hearings on the Small Medium and Micro Enterprise's access to funding, dated 31 March 2011 - The committee wanted to ascertain the extent to which Government's SMME services are reaching and addressing the needs of the people.*

e) Oversight Visits

Furthermore, the ATC reports, as shown in Table 4 below, reveal that Parliament has conducted oversight visits, among other things, with evaluative objectives. Meaning that the oversight's goal was to address evaluative questions, such as efficiency (value for money) and the success of

government projects. However, it should be highlighted that most of the oversight visits were made with the goal of conducting an impact assessment. Thus, policy evaluations are also carried out through what could be referred to as 'evaluative site visits,' but are more commonly known as oversight visits.

Committee	Oversight Visit (Date)	Evaluative Objective
Water Affairs & Forestry	Limpopo and North-West (15/11/2006)	Evaluating management effectiveness, in areas of veld and fire control The impact of the mining sector on the state of rivers in these two provinces
Social Development	Mpumalanga Social Development (03/02/2010)	The impact the local municipalities National Development Agencies and SASSA projects have on poverty alleviation
Agriculture, Forestry & Fisheries	Eastern Cape and KwaZulu Natal (01/06/2010)	Assess the implementation and impact of government-funded farmer support programmes such as the Comprehensive Agricultural Support Programme and Micro Agricultural Financial Institutions of South Africa
Economic Development	Western Cape and KwaZulu Natal (30/03/2011)	Assess the impact of the financial services co-operatives funded by the South African Microfinance Apex Fund's
Public Enterprises	Transnet Projects (07/08/2012)	Assess the impact of Transnet's infrastructure projects and the Phelophepa Health Train on communities in terms of job creation, skills development and the promotion of local businesses and localisation.
Public Enterprises	Kusile and Medupi Power Stations (28/08/2012)	Assess the impact the construction has on the immediate communities around the power stations
Labour & Public Enterprises	Transnet and Medupi Coal Station (27/22/2012)	Assess the progress made in the construction of the power station and the impact of the construction on the immediate communities around the power station.
Labour & Public Enterprises	Sheltered Employment Factory at Ndabeni (27/11/2012)	Assess that these factories achieve their objectives
Social Development	Kwazulu-Natal Social Development (18/06/2013)	Assess the successes or impact the NDA funded projects have had in the lives of the beneficiaries, particularly in eradication of poverty and job creation.
Public Enterprises	Transnet Port of Durban (22/10/2013)	Assess progress that has been made in the expansion of the port, the social impact of the project and the conditions of workers.
Public Enterprises	Eskom's Medupi Power Station (10/09/2013)	Assess the impact of the new labour agreements.
Economic Development	Durban, Mpumalanga, and Gauteng Provinces (17-19/11/2009)	Assess the extent of customs fraud and its impact on trade and economic development.
Economic Development	North West Province (29-30/07/2010)	Investigate and ensure effective and efficient implementation of projects funded by Government and assess the value for money on those projects. Determine and explore the impact of Development Finance Institutions and Economic Regulatory Bodies in communities

Economic Development	Limpopo Province (05-06/08/2010)	Investigate and ensure effective and efficient implementation of projects funded by Government and assess the value for money on those projects. Determine and explore the impact of Development Finance Institutions and Economic Regulatory Bodies in communities
Economic Development	Khayelitsha Township, Durban, Newcastle and Harding (26-28/01/2011)	Ascertaining the impact of SAMAF funding to the Financial Services Cooperatives and the impact of the finance support on poverty alleviation and job creation
Economic Development	Port Elizabeth (10-12/08/2011)	Determine the impact of Coega Industrial Development Zone on job creation
Economic Development	(17/11 – 07/12/2012)	Assess the impact of the financial intervention by Khula and SAMAF prior to the merger; and • Evaluate the impact of economic programmes on creation of decent jobs and other NGP and IPAP 2 targets
Economic Development	Durban Harbour (22/07 – 02/08/2013)	Assess the impact of projects visited on key national objectives such as job creation, SMME and development of Co-operatives, localisation, and rural development.
Energy	(24/07/2013)	impact of Carbon Tax on energy supply in South Africa and the Southern African Development Community (SADC)
Social Development	Gauteng Social Development (05/02/2014)	Evaluate the implementation of the Older Persons Act, Children's Act, and the Prevention of and Treatment for Substance Abuse Act by visiting old age homes, children's home, child and youth care centre and the rehabilitation centre. Assess the successes or the impact the NDA funded projects have had on the lives of the beneficiaries, particularly in the eradication of poverty and job creation
Agriculture, Forestry & Fisheries	Free State Province (29/07-02/08/2013)	Determine the effectiveness of the Mechanisation Programme funds were utilised in the Free State Province
Agriculture, Forestry & Fisheries	Kwazulu-Natal Province (17/02/2015)	Assess the effectiveness in which the Department's Mechanisation Programme funds were utilised in KZN and to determine whether the Mechanisation Programme was making a positive difference in the lives of people on the ground – value for money;
Public Service and Administration	Eastern Cape and Kwazulu-Natal (03/02/2015)	Evaluate impact of the grant funding to assess whether it had created more jobs opportunities for the youth after individuals or community acquired the
Social Development	Limpopo Social Development (18/02/2015)	To assess and evaluate the impact of the Expanded Works Programme through the Home Community Based Care and Early Childhood Development programmes has had in creating employment for women, youth, and people with disabilities

Public Enterprises	Transnet Port of Durban (05/08/2015)	Assess the socio-economic impact of the investments in terms of job creation, skills development, promotion and support of local businesses and the beneficiation.
Transport	North West Province (09/02/2016)	Assess whether the budget allocation for provincial road maintenance grant was used for its intended purpose and whether there was value for money
Sport and Recreation	KwaZulu-Natal (16/02/2016)	Assess the impact of facilities built for sport and recreation through the assistance of the Sport for Social Change programme
Finance	Kwa-Zulu Natal (14/10/2015)	Assess efficiency, effectiveness, and value for money in services delivered by the KZN Province, in line with the fiscal oversight role of the Committee
Tourism	Free State Province (01/06/2017)	To evaluate support for sustainable livelihoods with regards to Small, Medium and Micro Enterprises; and to evaluate the implementation of the tourism Social Responsibility Implementation projects in the province
Small Business Development	Mpumalanga Province (31/03/2017)	Assess the impact of financial and non-financial support given to cooperatives by the Department and its agencies on triple challenges antagonising South Africa
Small Business Development	Free State Province (14-18/08/2017)	Assess the impact of financial and non-financial support given to enterprises and co-operatives by the Department and its agencies on triple challenges antagonising South Africa;
Tourism	Western Cape Province (15/11/2017)	To evaluate support for sustainable livelihoods with regards to Small, Medium and Micro Enterprises, and to evaluate the implementation of the Working for Tourism programme in Western Cape
Tourism	Limpopo Province (15/11/2017)	To evaluate support for sustainable livelihoods with regards to Small, Medium and Micro Enterprises, and to evaluate the implementation of the Working for Tourism programme in Limpopo Province.
Economic and Business Development & Trade and International Relations	West Coast District Municipality (14/11/2018)	assess the progress and the potential impact of the implementation of the Presidential Infrastructure Coordinating Commission, particularly with Strategic Integrated Project 5 on the Saldanha/ Northern Cape Development Corridor.
Employment and Labour & Public Accounts	UIF Head-Quarters (03/02/2021)	Assess the level and effectiveness of internal controls and internal audit
Home Affairs	Ports of Entry in Limpopo and Mpumalanga (26/01/2021)	Assess the impact of the congestion by migrants entering South Africa

Small Business Development	Covid-19 Debt Release Fund programme (12/05/2021)	Assess the impact of financial and non-financial support given to enterprises by the Department and its agencies on triple challenges antagonising South Africa
Public Enterprises	Medupi and Kusile Power Stations and SAFCOL (24/11/2021)	Assess the socio-economic impact of the companies in the communities in the adjacent areas, with specific focus to support to small and medium enterprises, skills development, job creation and transformation in general
Agriculture, Land Reform and Rural Development	Agricultural Research Council & Onderstepoort Biological Products (19-22/04/2022)	Understand the contribution and impact of the services provided by both the ARC and OBP on service delivery, the broader agricultural sector development and sector transformation
Agriculture, Land Reform and Rural Development	Gwatyu Farms (22/03/2022)	Assess the impact of PESI on the livelihoods and sustainability of emerging farmers that have benefitted from the Initiative. Assess the impact of climate change and climate change-related disasters on agricultural production and farming communities including Government's response to the impact
Tourism	North West Province (29-31/03/2023)	Implementation and economic impact of Home Stays in North West Impact of COVID-19 in the sector and the provincial government management and response thereof to date

Table 3: Oversight visits with evaluative objectives

5.2.5. Strong Leadership

According to de Coning and Rabie, an efficient and effective M&E system is dependent on solid leadership in the groups responsible for its implementation. This is based on the idea that monitoring and evaluation are inherently interconnected functions that require monitoring and evaluation data from a variety of sources, including those outside of traditional organisational boundaries. Solid leadership plays a critical role in building partnerships with relevant institutions that are part of the M&E system to establish a strong M&E system (2014).

In that regard, the legislative authority has strong and capable leaders such Speaker of the National Assembly and Chairperson of the National of the National Council of Provinces (executive), Secretary to Parliament (accounting officer); and bureaucratic executives (senior managers). Aside from that the specialised constitutional agencies, as they were established to assist parliament, also have their own executive (Public Protector, Chairpersons of Commissions or Commissioners; and Auditor-General), accounting officers (Chief Executive Officers, and Director-General); and senior managers. These are leaders that can play a critical role in developing relationships with other institutions outside of Parliament that are part of the policy evaluation system, such as specialised constitutional agencies, to construct an effective M&E system.

5.2.6. Availability of Resources

In terms of the conceptual framework, human resources were identified as crucial to the effectiveness of public policy evaluation. However, the researcher argues that the allocation of financial resources is also critical to the successful implementation of the public policy evaluation system. As a result, assessments of the institutionalisation of public policy evaluation encompassed both human and financial resources, as detailed below.

5.2.6.1. Human Resources

According to Mtshali for the M&E system to be effective qualified and competent human resources related to monitoring and evaluation, intersectoral thinkers with the ability to integrate cross-cutting issues, possessing analytical, qualitative, quantitative, and statistical analysis skills are required (2014). In terms of human resources, it is a common knowledge that the national legislature employs qualified and competent legislative researchers from all relevant subjects in portfolio committees that monitor all government ministries. These researchers have a wide range of skills across all sectors of government, as well as technical competences in study design, data gathering, and data analysis that are relevant to impact assessments. Furthermore, the study

found that, the legislature has monitoring and evaluation personnel, while their numbers are small in comparison to portfolio committee researchers, whose skills and competency might be useful in creating and performing impact evaluation studies. Also, content advisors represent another level of qualified professionals. All these individuals are qualified and competent to assist the legislature in creating and performing public policy evaluations to establish the efficiency and effectiveness of previously passed laws.

The competency of the parliamentary support staff was determined by the fact that none of the respondents who participated in the study from Parliament had a qualification lower than a master's degree. It was a master's degree and a doctorate in philosophy, accompanied by more than 10 years of experience in their field of expertise. Meaning, if given the opportunity to apply their skills rather than focusing on secondary research (or desktop studies), they would not only develop the capacity of parliamentary support staff but also the capable national legislature to deliver sound and robust policy evaluations, assisting the legislature in maintaining a strong position in terms of public policy positions.

Aside from that, the specialised constitutional agencies which were established to assist the legislative authority have their own personnel who are qualified and competent in the field of each constitutional agency. Given that the constitutional agencies are specialised in various disciplines, each agency's personnel are specialised in designing and carrying out specialised policy evaluations.

5.2.6.2. Financial Resources

In terms of financial resources, respondents were asked if parliament has talks about allocating financial resources for the legislature's public policy evaluation. In response, respondents stated that parliament had not explicitly debated or prioritised finances for public policy evaluation.

For example, 90% of parliament support staff who participated in the study stated that the legislative authority had not expressly considered and allocated financing for public policy evaluations to determine outcomes and impact. Although some reported this, bodies such as the Standing Committee on Public Accounts hold similar debates on a periodic or casual basis.

In sporadic ways, I believe SCOPA has had these discussions and are supported by the work of the Parliamentary Budget Office to look at budget allocations and implications for delivering on the NDP goals [PR#10]

“Sometimes departments do not provide full details of the impact studies and methods followed to measure impact. More funding for research can assist” [PR#03].

These thoughts reflect that the legislative authority has not prioritised financing for Parliament to conduct public policy evaluations or research on the impact of passed laws. However, it is reasonable to accept that the existence of posts such as policy analysts and M&E specialists in parliament's organisational structure indicates that some funds have been allotted for M&E duties, even if those amounts are insignificant.

5.3. Application of the Principle of Separation of Powers

The second goal of the study was to investigate the application of separation of powers in public policy evaluation. The doctrine of separation of powers emphasises the independence whilst the system of checks and balances emphasis interdependence between the executive, legislative, and judicial arms of the state. However, the research study's criteria exclusively included executive and legislative authorities. Thus, the performance of the evaluation functions involves both the legislative and executive authorities.

As noted, the Republic of South Africa, is not using the separation of powers as defined by the Montesquieu and others but instead as a parliamentary or Westminster system and system of checks and balances is being used. The system of checks and balances is different from the separation of powers because it is characterised by overlapping mandates; in that all the arms of the states are involved in the business of the other authorities as a way of checking or balancing the power of the other authorities. This was or could be exemplified by the members of the executive authority (members of the cabinet) being members of parliament, which goes against separation of powers proposition that no personnel should serve under more than one authority. Also, the executive is deeply involved in the law-making business, yet it is the legislature which is mandated to pass and amend legislations as part of its constitutional duties. The legislature is also being deeply involved in the execution of the laws or public policies, through its committees constantly visiting policy implementation sites in the form of oversight visits monitoring the

progress of the implementation of public policies and tracking budget expenditure. This goes against the principle of independence, as proposed in the separation of powers but fully compliant with the principles of interdependence.

5.3.1. Institutional Separation

The performance of the public policy evaluation functions, as previously said, suggests some level of institutional separation. For example, the legislative authority has specialised constitutional bodies, such as the Public Protector, South African Human Rights Commission, Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities, Commission for Gender Equality, Auditor – General, Election Commission; Independent Authority to Regulate Broadcasting; and Public Service Commission which were established in terms of chapter 9 and 10 of the constitution of the Republic of South Africa; particularly section 181 (1) to 192 and section 196 (2) (Constitution, 1996).

More importantly, according to section 181 (4 &5) prescribes that no person or organ of state may interfere with the functioning of the institutions, and they are accountable to the National Assembly; they must report on their activities and performance of their functions to the National Assembly. Also, section 196 (2) prescribes that the Public Service Commission is independent (3) organs of the state must assist and protect the Commission, (5) is accountable to the National Assembly; and (6) must report at least once a year to the National Assembly and to the provincial legislatures (Constitution, 1996). This indicates that these specialised constitutional agencies are independent of the executive authority and accountable to the legislative authority. Thus, means that these institutions are related or affiliated to the legislative authority.

On the executive authority's behalf, the Office of the Presidency established the Department of Planning, Monitoring, and Evaluation to coordinate the filing of evaluation plans for government departments, fund the implementation of evaluation studies, procure services from private service providers to conduct evaluations, and oversee and manage the evaluation process, including the peer reviewing process.

The separation of institutions for public policy evaluations suggests that the executive and legislative branches are institutionally separated. Because of this split, South Africa has two principals for public policy evaluation; as a result, institutions are related or linked to each domain of power. This institutional separation is crucial for public policymaking because it enables each

authority to generate independent knowledge and information about the effectiveness and efficiency of South African public policies. This will successfully equip each authority with sufficient knowledge to examine public policy issues and make well-informed independent decisions on public policy stances. Furthermore, having two independent public policy evaluation principals from different realms of state power contributes to maintaining autonomy and power equality by offering two institutions to support executive and legislative authorities.

This is not a unique practice, in other countries, public policy evaluation is not the task of a single institution to preserve independence and autonomy, to give substance to the system of checks and balances (Filgueiras and Queiroz, 2021). This system of policy evaluation can be observed in the United States of America where the evaluation responsibilities are allocated to two institutions such as Government Accountability Office linked to the Congress and Office of Information and Regulatory Affairs which is linked to the Cabinet (Filgueiras and Queiroz, 2021). Thus, the way public policy evaluation system is configured in South Africa reflects the balance of power between the executive and legislative authorities in terms system of checks and balances.

5.3.2. Overlapping of Public Policy Evaluation Functions

In the case of public policy evaluation, the system of checks and balances is vividly clear, most especially the shared functions, where both the executive and legislative authorities are involved in public policy evaluation.

5.3.2.1. Involvement of Legislature in Policy Evaluation

As previously stated, Parliament's mandate for evaluation or policy evaluation is implied rather than prescribed in the Constitution. Public policy evaluation finds expression in Parliament's oversight role or exercises, which includes Independent Panel Assessments, Joint Committee Assessments, public hearings, and oversight visits.

Beyond that, the constitution established and mandated constitutional agencies to assist Parliament in oversight and holding the public administration accountable for the implementation of public policies. These specialised constitutional agencies are established outside the ambit of the executive authority, and subject only to the constitution and the law, and they must be impartial and must exercise their powers and perform their functions without fear, favour, or prejudice. More importantly, these specialised agencies are accountable to the legislative authority, and must

report on their activities and the performance of their functions to the National Assembly at least once a year (Constitution, 1996).

This implies that, the Constitution delegated the evaluation function to the specialised constitutional agencies. This is demonstrated by the fact that the terms evaluation, evaluate, assess, research, examine, and investigate appear solely in Chapters 9 and 10 and not in Chapter 4 of the Constitution which details the powers and function of Parliament. The specialised agencies perform those evaluative functions to assist Parliament in ensuring that the policies themselves and their implementation are consistent with human rights, values and principles enshrined in the Constitution of the Republic of South Africa. As noted previously, these specialised agencies include the Public Protector, South African Human Rights Commission, Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities, Commission for Gender Equality, Auditor – General, Electoral Commission, Independent Authority to Regulate Broadcasting, and Public Service Commission.

In this regard, it is believed that the constitutional provisions establishing these constitutional agencies were drafted with the objective of allowing Parliament to obtain alternative information for oversight and accountability purposes through these agencies. That alone ensures the legislative authority's independence, allowing it to avoid relying on the executive for oversight and policy implementation information.

5.3.2.2. Involvement of Executive in Policy Evaluation

The executive established the Department of Planning, Monitoring, and Evaluation to coordinate and implement policy evaluation functions on behalf of the Executive Authority. Respondents confirmed that the national executive oversees approving evaluation plans and reports, and the legislative authority is not involved.

...For example, the evaluation report is presented to the internal EXCO, and subsequently to the cluster. The clusters will then recommend where the report should be presented until it gets to the cabinet [PR#11].

It should be noted that having two autonomous institutions affiliated with distinct authorities of the state were configured in this manner to ensure institutional independence, which is consistent with the doctrine of separation of powers.

5.3.2.3. Functional Overlap Between Executive and Legislature

In practice, these institutions (executive and legislative authorities) are interconnected and have functional overlap. Since the DPME is part of the public administration and a full department, its executive authority (Minister) and accounting officer (Director-General) is accountable to Parliament through its committees. Thus, the oversight requirement establishes a link between the legislature and DPME, and that relationship allows the legislature to participate in the public policy evaluation functions of the executive authority through the DPME.

For example, it was reported that the legislative authority oversees Department of Planning, Monitoring, and Evaluation, thereby monitoring its performance of the public policy evaluation functions and occasionally recommends areas for evaluation via the Portfolio Committee on Planning, Monitoring and Evaluation and Standing Committee on Public Accounts amongst other:

The portfolio committee providing oversight on the DPME is new and only started its work this year, but the committee's oversight and accountability role will be vital in the implementation of the NES and the policy framework [PR#04],

*Oversight bodies must ensure compliance across the departments [PR#03],
Oversee that the system achieves its intended purpose and not compromised through any undue influence [PR#08],
Make the necessary recommendations for timely interventions [PR#01]; and*

For example, we recently completed an evaluation on the National Food and Nutrition Security Plan and Restitution, which we have shared with the Portfolio Committee on Agricultural Land Reform and Rural Development, and we have been invited to come and present the two evaluations on February 6th, 2024 [PR#12].

Also, it was reported that the national evaluation plans and evaluation projects coordinated and implemented by the Department of Planning, Monitoring and Evaluation are approved by the national cabinet:

Cabinet approves national evaluation plans; thus, evaluation reports are sent to Cabinet for approval. However, this I know, even before I joined the DPME, that there is a process

where after the evaluation reports are completed are then sent to Cabinet for tabling [PR#12].

It is important to note that the national executive, cabinet ministers are members of the national legislature. In this way, both the legislature and executive set the evaluation agenda by approving the evaluation plans and completed policy evaluation reports. That approval power is very crucial because it enables the executive and legislators to determine which policy evaluations are to be implemented and which ones will not. As a result, no evaluation can be implemented without their consent.

Besides that, it was also revealed that, even though it is not documented in the GWM&ES and NEPF, it is expected of the legislative authority to play an important role in enforcing the execution of the Department of Planning, Monitoring, and Evaluation's recommendations and findings by the national departments:

Parliamentarians play a crucial role in post-evaluation phases, noting recommendations and using information to inform decision-making at the that level [PR#11].

So, it is expected that portfolio committees will use evaluation reports to perform oversight functions, such as checking or requesting that the department come and present on the evaluation findings, checking how the department has used the findings, and checking if the department has developed an improvement plan. Parliament can then track progress on the implementation [PR#12].

5.3.2.4. Dual Role by Constitutional Agencies

In addition, some of the specialised constitutional agencies, designated to undertake public policy evaluations to assist the legislative authority are also part of the national evaluation system implemented by the Department of Planning, Monitoring and Evaluation. For example, the Public Service Commission and Auditor – General collaborates with the Department of Planning, Monitoring, and Evaluation. Both the Auditor – General and Public Service Commission are listed as a stakeholder in the National Evaluation System's implementation frameworks; particularly the Government-wide Monitoring and Evaluation and the National Evaluation Policy Framework.

During the interviews, the Public Service Commission was also confirmed as a stakeholder in the implementation of the National Evaluation System.

On the other hand, the Public Service Commission's budget is appropriated by the Department of Public Service and Administration rather than Parliament. Meaning that, while the Public Service Commission is a specialised constitutional agency, in practice it is an office or agency within the Department of Public Service and Administration that is also part of the executive authority due to its budget allocation. In this way, the Department of Public Service and Administration, could influence the Public Service Commission's agenda. Also, the Public Service Commission could affect how the national evaluation system operates, through its participation. However, it should be emphasised that the Public Service Commission bill seeks to remedy that issue by requiring that its budget be approved by Parliament to preserve its independence.

5.3.3. Integration of the entire Policy Evaluation System

Unlike the executive authority, the legislative authority lacks a policy framework that governs policy evaluation, as previously noted. The lack of such a policy framework means that there are no specifics or prescriptions for the types of evaluation, procedures, or methodologies that may be used, coordinating mechanisms and other measures to improve the evaluation practices in Parliament and specialised constitutional agencies. However, the sole mechanism in place is the constitutional provision, which requires the specialised constitutional agencies to report to the legislature authority.

On the other hand, the National Evaluation Policy Framework was developed with the goal of harmonising policy evaluation among government departments within the entire public administration. There is no legislation aimed at elevating policy evaluation or improving the integration of evaluations conducted by state institutions to improve policy-making decisions. Thus, there is coordination in terms of evaluations carried out by government departments through the National Evaluation System. However, because that policy framework does not apply to constitutional agencies other than the government departments, there is no integration of evaluations undertaken by the executive and legislative authorities. As a result, the South African policy evaluation system overall lacks coherence and coordination. However, the legislation will apply to all state institutions, regardless of authority of government.

5.4. Role of Parliament in the National Evaluation System

This section aims to provide answers to one of the study's fundamental pillars of the study, which is the question of Parliament's role in the execution of the National Evaluation System and National Evaluation Policy Framework put in place by the Department of Planning, Monitoring and Evaluation. The researcher asked this question to (a) assess whether South Africa has a single-tiered evaluation system; and (b) clarify the role of Parliament in the implementation of the aforementioned frameworks, given that the frameworks themselves are silent on the subject.

5.4.1. Parliamentary Requests for Public Policy Evaluations

To gather comments on Parliament's role in the implementation of the National Evaluation System, respondents were asked if Parliament had ever requested that the Department of Planning, Monitoring and Evaluation perform public policy evaluation on its behalf. This was predicated on the idea that, if the legislative authority is not active in public policy evaluation, the Department of Planning, Monitoring and Evaluation will be designated as the institution to undertake evaluations for both government and Parliament. In response to that, most respondents (80%) stated that, to their knowledge, Parliament had never requested that the Department of Planning, Monitoring, and Evaluation conduct an evaluation or impact assessment of any public policy or legislation.

"No, nothing" [PR#03]

"No, not that I am aware of" [PR#04]

"Not to my knowledge" [PR#08]

While the other proportion (20%) responded that they were not aware if the Portfolio Committee Department of Planning, Monitoring, and Evaluation or other Committees had ever made such a request:

I am not sure if the Portfolio Committee on Public Service and Administration, or the Portfolio Committee on Planning, Monitoring, and Evaluation, has ever requested [PR#01].

Not really unless there are other committees. What is lacking is better coordination of the work done by the DPME and how such can be processed through various committees [PR#09].

On the other hand, some of the respondents reported that there is an unwritten expectation from parliament to request DPME to undertake evaluations, as a result the department has received the recommendations from Parliament relating to the evaluations that could be undertaken by the department.

“We get those kinds of recommendations from Parliament to say there is a need for us to evaluate programme or project X or whatever.....remember, that it will come through a cabinet resolution or decision. That recommendation will then be carefully channelled until it reaches the DPME, and that is how the cabinet operates [PR#11].

It is not written or documented, but I believe Parliament can also request that DPME do specific evaluations using the National Evaluation System. In 2014, the DPME received a recommendation from SCOPA to evaluate the scholar transport programme [PR#12].

At the heart of the commentaries above, is that the department has never been asked DPME to conduct policy evaluations on behalf of Parliament, except for recommendations for programmes or projects that may be evaluated by the DPME.

5.4.2. Oversight Role over the National Evaluation System

In response, to the question on the role of the legislature in the National Evaluation System, several respondents from Parliament stated that Parliament, is only performing oversight roles to verify that the frameworks are effective in accomplishing the intended strategic objectives:

*Oversight bodies must ensure compliance across all departments [PR#03],
Oversee that the system to ensure that the system meets its intended purpose and is not undermined by any improper influence [PR#08]; and
Make appropriate recommendations for timely interventions [PR#01].*

Based on these sentiments, it is obvious that Parliament is not directly involved in the implementation of public policy evaluation studies conducted under the national evaluation system. All the parliamentarians are doing is oversight the department to ensure that the executive is meeting its obligations and attaining the annual targets.

These statements from parliamentary officials suggest that Parliament is performing its usual oversight functions over the department. That alone implies that Parliament regards those frameworks as departmental initiatives that do not necessitate active participation of Parliament to improve its oversight and accountability functions.

5.4.3. Ex Post Facto Role in the National Evaluation System

Although Parliament is not engaged in the formulation, planning, or implementation of evaluations. However, from the Department of Planning, Monitoring and Evaluation point of view, Parliament is expected to play a more critical role in the implementation of the evaluation findings and recommendations:

Parliamentarians play a crucial role in post-evaluation phases, noting recommendations and using information to inform decision-making at the that level [PR#11].

So, it is expected that portfolio committees will use evaluation reports to perform oversight functions, such as checking or requesting that the department come and present on the evaluation findings, checking how the department has used the findings, and checking if the department has developed an improvement plan. Parliament can then track progress on the implementation [PR#12].

This means that, while Parliament is not involved in the development of the evaluation agenda, however the Department of Planning, Monitoring and Evaluation anticipate and hope that Parliament will use the end-products of its evaluation. The use of the evaluation results, include noting and acknowledging the evaluation recommendations, promote or ensure that the recommendations are implemented by the relevant departments, and most importantly, use the evaluation reports by parliamentarian as a point of reference when making policy decisions or to inform oversight visits.

5.4.3.1. DPME Reports to the National Executive

Furthermore, it was stated that the Department of Planning, Monitoring, and Evaluation does not report directly to Parliament on public policy evaluations. According to respondents, the evaluation reports are conveyed to the Presidency through the relevant structure's internal clusters and EXCOs before reaching the national cabinet. Thus, the department's evaluations are primarily

intended for the executive (cabinet), although they are transmitted to Parliament at the discretion of the national executive.

For example, the evaluation report is presented to the internal EXCO, and subsequently to the cluster. The clusters will then recommend where the report should be presented until it gets to the cabinet [PR#11].

I am aware that there is a process in place for presenting the evaluation findings to Cabinet. The evaluation reports are subsequently sent to the Chairpersons of Portfolio Committees or Portfolio Committee connected to the program that was being evaluated [PR#12].

The gist of these sentiments is that the Department of Planning, Monitoring, and Evaluation is obligated to submit evaluation reports to the national executive but is not obligated to table evaluation reports to the national legislature. This is supported by the statement that evaluation report copies are subsequently sent to Portfolio Committees or the Chairperson of those committees. In general, reports in Parliament are sent to the Speaker for tabling, who subsequently submits them to the appropriate committees for consideration; and such reports are included in the Announcement, Tablings and Committee (ATC) report. Since DPME does not adhere to this procedure, copies of reports sent directly to committees do not appear on the ATC, meaning they are not tabled.

5.4.3.2. Legislature to Compete with the Executive

Some of the respondents reported that Parliament should not limit its role to simply overseeing the implementation of the DPME's evaluation, but rather compete with the executive authority on this initiative to ensure that public policy evaluations are initiated and implemented from both fronts. For example, it has been stated that if public policy evaluations are initiated and implemented by both authorities, the design quality will improve, ensuring that the evaluation designs, methodologies, and results are bias-free and open to criticism. Furthermore, through this, the Parliament will be able to make policy decisions:

I believe that Parliament must play a thriving supply-side role. When the executive is aware that Parliament performs periodic evaluations of the outcomes and impact

of legislation (and its implementation), there will be more incentive for the Executive to be rigorous in its evaluation [PR#10].

Parliament administration more especially Content Advisors and Researchers Specialists were supposed to play meaningful role to provide evaluation studies for various committees in Parliament as a way of measuring programme performance and for policy-decision making [PR#09].

This indicates that when these institutions (*executive and legislature*) compete and complement one other in public policy evaluation, the outputs will improve. Such competition is beneficial not only to the evaluation's rigor, but also for the policy decision-making powers, as it ensures that public policy evaluation system itself is not effective and efficient. Furthermore, the executive authority will profit from this competition because it will result in evidence-based design of departmental programmes, thereby enhancing the lives of South African citizens.

More initiative-taking evaluation by Parliament, I believe, will result in a more comprehensive grasp of what it takes to better people's lives, rather than simply rhetoric. Furthermore, isolating Parliament's contribution to outcomes and impacts will assist Parliament in better understanding the levers of accountability, which should have a more favourable impact on Executive action." However, it will also stimulate the demand for evaluations. Parliament should demand consistent monitoring and thorough evaluations to guarantee that each department genuinely prepares, executes, monitors, and evaluates its programmes based on compelling evidence [PR#10].

5.4.3.3. Improving the Public Policy Evaluation in Parliament

It also emerged that public policy evaluations to determine the impact of the legislations is very critical in the execution of the parliament mandate. The previous evaluations which were undertaken by Parliament including the Independent Panel Review and High-Level Panel reports were the starting point from which Parliament need to build from. Although those reports were assessing the impact of the legislations, however, those processes did not follow conventional evaluation approaches and methods to generate those reports. Thus, there is a need for parliament create a framework for evaluation to assist the legislature is engaging in proper impact evaluation studies related to the public policies. This was articulated as follows:

There is a need for public policy evaluation. The High-Level Panel Report was an excellent start in ensuring that the impact of legislation is evaluated. The implementation of the Oversight and Accountability Model and the Public Participation Model is crucial for measuring the impact of legislation [PR#05],

The High-Level Panel Report was another type of evaluation, however the way it was conducted lacked an effective approach for evaluating the impact of the legislation. Private enterprises were supposed to be appointed, to undertake the evaluation and report to the panel, rather than the process being led by the President as it was the case [PR#09]; and

Implementing Civic Technology can help measure the genuine impact of legislation [PR#03].

The 2009 Independent Panel Review was a self-assessment designed to evaluate Parliament's achievements and performance. The 2015 High-Level Panel was a similar exercise, but with a focus on impact. Both assessments did not use standard evaluation methodologies or standard research methodologies, but the goal was to analyse outcomes and impacts [PR#10].

These sentiments admit that Parliament have engaged in the evaluation of the legislations however, that needs to be improved going forward. As a result, they offered varied suggestion of what the assessment of impact of legislations should include to be effective. For example, respondent #05 is recommending the use of Oversight and Accountability and Public Participation Models for legislation impact assessment. Whilst respondent #09 is decrying the approach used and effectively recommending that independent firms should be used to assess the impact of the legislations. Also, respondent #10 recommends that proper evaluation methodology and respondents #02 argued that civic technology should be used in assessing the impact of the legislations. Effectively, this simply implies that the absence of the legislative framework regulation impact evaluations is hindering the legislative authority from engaging in effective public policy evaluations. It is so because evaluation frameworks will define what impact evaluation is, how it should be undertaken in

terms of the approaches and methods to be use. Without that, evaluations will have gaps as highlighted in the above sentiments.

5.4.3.4. Independent Public Policy Evaluation

To elicit views on the legislative authority's reliance on the executive authority's performance of public policy evaluation, officials were asked if Parliament, in their opinion, should rely on evaluation studies conducted by the executive authority to assess whether legislation produces the intended or unintended results or impacts.

In response to that, all respondents (100%) agreed that Parliament should be independent of the executive authority, but that the legislative authority should perform its own independent public policy evaluations to assess the impact of legislation. One of the reasons given was that the administration does not share comprehensive details about the procedures and methods utilised in their own impact assessment, hence the legislative authority should undertake its own independent evaluations:

*Parliament must be able to conduct its own independent evaluation [PR#01];
and
Sometimes departments do not provide full details of the impact studies and
methods followed to measure impact. More Funding for research can assist
[PR#03].*

Some respondents went even further to stressed that considering the constitutional role of Parliament, to oversee the executive in the implementation of public policy and ensuring that the administration is held accountable for their acts, as prescribed in section 55 (2) which requires Parliament to oversee the exercise of executive authority, including the implementation of legislations, to ensure that policies are implemented effectively and efficiently (Constitution, 1996). For example, it reported that:

For accountability, the Executive must present to Parliament the results of assessments they have done; however, it is imperative that Parliament collect its own evidence on the outcomes and impact of Executive implementation, and not to replicate evaluations done by the Executive, but to validate, verify, and supplement

that information, including by using evidence and data it receives through the activities of committees when conducting oversight and public participation [PR#10].

This indicates that for Parliament to effectively carry out its oversight and accountability mandate over the executive, must undertake public policy evaluations as a validation mechanism. This will provide organisational independence in the sense that the legislature will not be influenced by the executive, in charge of implementing the public policies being assessed.

5.4.3.5. Parliament - led Public Policy Evaluation

Furthermore, respondents were asked if they believed Parliament should conduct policy evaluations to ascertain the impact of legislation. In response, they answered positively, stating that Parliament will gain from engaging in parliament-led impact evaluation of legislation:

Most definitely, Parliament must undertake its own impact assessment of legislations [PR#01]; and

Absolutely, because this will empower Committees with plethora of knowledge on various subject matters [PR#09].

Some of the respondents supported their position by stating that one of the requirements for establishing effective law-making is the availability of data that allows one to assess the legislation's achievements and deficiencies. Thus, it is important for Parliament to prioritise understanding the impact of passed legislation. For instance, it was stated that:

Yes, parliament-led policy evaluation is planned for the seventh Parliament. Because one of the challenges of legislating is understanding the results of the present legislation and having the data to do forecasting and testing scenarios and reviewing your alternatives for the best potential outcomes for the legislation being produced or proposed bills [PR#10].

However, political dynamics relating to the party line were raised as an issue in connection to successful legislating; that is, data is sometimes overshadowed by political position.

Yes, parliament should conduct parliament-led policy evaluations to assess the impact of legislation. However, political parties' agendas always have a stronger influence in law making than data-based legislation [PR#03].

CHAPTER SIX – DISCUSSION/INTERPRETATION OF FINDINGS

6.1. Introduction

This discussion of the results is based on the study findings and the literature that was reviewed concerning the subject under consideration in connection to the research objectives specified at the start of the research process. The discussion is structured as follows (a) public policy evaluation system, (b) legal anchor of public policy evaluation, (c) disincentives and incentives for policy evaluation, (d) application of separation of powers in policy evaluation; and (e) role of Parliament in the National Evaluation System.

6.2. Public Policy Evaluation System

The study found that the public policy evaluation system in South Africa is a two-tiered system. It is a two-tiered system because policy evaluation is not the responsibility of one authority of the state but instead the function of both the legislative and executive authorities. As a result, there are institutions aligned with each realm of power, where Department of Planning, Monitoring and Evaluation is aligned with the executive authority and specialised constitutional agencies are aligned with the legislative authority. This is not a unique practice, in other countries, public policy evaluation is not the task of a single institution to preserve independence and autonomy, to give substance to the system of checks and balances (Filgueiras and Queiroz, 2021). Thus, the way public policy evaluation system is configured in South Africa reflects the balance of power between the executive and legislative authorities in terms system of checks and balances. This system of policy evaluation can be observed in the United States of America where the evaluation responsibilities are allocated to two institutions such as Government Accountability Office linked to the Congress and Office of Information and Regulatory Affairs which is linked to the Cabinet (Filgueiras and Queiroz, 2021).

Having two independent public policy evaluation principals from separate domains of state power helps to maintain autonomy and equality of power by providing two institutions to support executive and legislative authorities. This divide is critical for public policymaking because it allows each authority to generate independent knowledge and information about the effectiveness and efficiency of public policies in South Africa. This would effectively provide each authority with enough knowledge to discuss public policy issues and make informed, independent decisions about public policy stances.

However, according to the findings, South Africa's public policy evaluation system is two-tiered on paper but only one-tiered in practice. This is due to the executive authority's successful development and implementation of a well-coordinated and regulated public policy evaluation system, which the legislative authority does not or cannot match. Furthermore, the legislative authority plays no substantial role in the execution of the executive authority's public policy evaluation system, which ensures a balance of power between these spheres of power in terms of public policy evaluation.

This means that in South Africa, the public policy evaluation system is driven and dominated by the executive authority, making the executive authority the most powerful domain of power not only in public policy evaluation but also in public policy. As a result, the executive authority initiates approximately 90% of legislative proposals or bills (Parliament, 2024), and it designs and implements more evaluations than the legislative authority does.

6.3. Institutionalisation of Public Policy Evaluation

According to the literature reviewed, both international and local, public policy evaluation is institutionalised at three levels in terms of legal anchors such as the constitution, primary legislation, and secondary legislations. This analogous model was also used to investigate and explain the institutionalisation of public policy evaluation in South Africa and the national legislature, as described below:

6.3.1. Constitution

The study found that Constitution of is the first anchor of public policy evaluation in the Republic of South Africa. The first point of entry is the preamble, founding provisions, section 42 (3) and section 55 (2) of the constitution which conceptualise and assign a greater constitutional role and function to Parliament (Constitution, 1996). It is through that constitutional mandate Parliament bears an obligation to undertake policy evaluation, to be effective in executing its constitutional duties. This is consistent with Strom's argument that both *ex ante* and *ex post* evaluations are critical tools for providing policy information to parliament for it to fulfill its civic duty. These feedback mechanisms were designed to promote accountability and democratic control (2000). It is for that reason Zantsi, argues that Parliament of South Africa is an inherently evaluative institution, because its Constitution defines the oversight mandate and further requires Parliament to, amongst others, demonstrate transparency, accountability, effectiveness and promote good governance (2019).

Also, the study found that, section 181 – 196 of the Constitution allocates the evaluation responsibilities to the specialised constitutional agencies, to undertake policy evaluations to assist Parliament in executing its constitutional duties. It is so because, the provisions contained in Chapter 9 and 10 of the Constitution, require of these specialised constitutional agencies to report to Parliament in relation to the performance of these allocated functions (Constitution, 1996). This way of entrenching policy evaluation can also be found in the Constitution of the Republic of France. For example, Article 47-2 of the Constitution of the 5th Republic of France mandates the Cour des Comptes to assist the government and parliament in the evaluation of public policies, amongst other duties (OECD, 2020). More importantly, the Constitution of South Africa transferred policy evaluation functions to six specialised constitutional agencies rather than a single institution as it is the case in the French Constitution. The list expands when other statutory agencies, such as the Financial and Fiscal Commission, Independent Communications Authority of South Africa, National Youth Development Agency; and Pan South African Language Board are included. That is one of the advantages of South Africa's approach to public policy evaluation when compared to other countries. This ensures that Parliament has access to the vital information and data it needs to oversee and hold the administration accountable. Given that parliaments frequently lack information to evaluate the administration's execution (asymmetric information) (Bundi, 2015).

Article 134 of Mexico which requires that the economic resources of the Mexican state be managed and used efficiently, effectively, and transparently and that the results of such use be assessed by technical agencies (OECD, 2020). Similarly, the Constitution also prescribes the values and principles to guide each institution in undertaking its evaluation duties. These values and principles include founding values and those mentioned in section 195 (1) of the Constitution which govern the public administrations, such as high standard of professional ethics, efficient, economic, and effective use of resources, people's need be met, public participation, and others (Constitution, 1996).

It should be noted, however, that in terms of the legislative authority the constitution does not have a stipulation which allocates the policy evaluation responsibilities, but it is implied by the virtue of its constitutional mandate to oversee and hold the executive accountable in the implementation of the passed legislations. It is also implied by the fact that the specialised constitutional agencies are required to report to Parliament in relation to the assessment or

evaluation activities performed. In that way, then Parliament is expected to use that information to improve policy making process or improve oversight and accountability functions of the legislative authority.

This means that the foundation and building elements that form the framework for the public policy evaluation system are outlined in the Republic of South Africa Constitution. Given that the constitution is the overarching legislation, such foundation building blocks cannot be specific. As a result, primary legislation is required to clearly outline the roles of each authority, provide specific details in terms of who has authority (legislative mandate in terms of public policy evaluation), and how public policy should be coordinated according to the designated institutions.

6.3.2. Primary legislation

Unlike the in the United States of America, and Republic of South Korea amongst others, South Africa does not have a legislation which regulates public policy evaluation the study found. For example, in the United States of America, the Foundation for Evidence-Based Policymaking Act of 2018 elevates policy evaluation by requiring all agencies involved in policy or programme evaluation to develop evidence strategically and methodologically in a coordinated manner. This Act also requires agencies to create annual evaluation plans that detail the precise evaluations that each agency intends to carry out (Foundation for Evidence-Based Policymaking Act, 2018). In addition, the Republic of South Korea enacted the Government Performance Evaluation in 2006 with the goal of improving the efficiency, effectiveness, and accountability of government administration by establishing the fundamental principles, institutional foundation, management strategies, and execution plans on which evaluations can be carried out. Furthermore, the legislation strives to strengthen and consolidate the numerous performance management systems of all state institutions; given that before the year 2006, the performance management and evaluation systems of the Korean government were dispersed and comprised of multiple programmes under several agencies (Roh, 2018).

The absence of such legislation in South Africa, implies that public policy evaluation has not been integrated into the public administration laws and that policy evaluation has not been elevated to a higher level as a critical function in policymaking. Also, the absence of such legislation is depriving the institutions involved in the policy evaluation a legislative mandate, and or elevation of the institution as an authority in terms of setting the standards and issuing advice relating to policy evaluation. That could be one of the reasons why the Department of Planning, Monitoring,

and Evaluation lacks a legislative mandate, relying on policy frameworks rather than public administration laws passed by parliament. Also, that could be another reason why specialised constitutional agencies rely on memorandum of understanding for them to collaborate.

Lack of such legislation also limits the legislative sector's ability to coordinate public policy evaluation efforts to ensure that they feed into the legislative cycle, as well as allow the legislature to issue requests for evaluations to be conducted on its behalf to obtain independent information for use in assessing the impact and outcomes of public policies. As a result, individual activities are more isolated than joint efforts within the system of public policy evaluation. This indicates that public policy evaluation is distributed throughout all specialised constitutional agencies, with different methodologies and procedures for policy evaluation that do not communicate with and feed into one another. Such law is also important, and it is implemented through secondary legislation such as policy frameworks and circulars.

6.3.3. Secondary Legislation

Most parliamentary officials who participated in the study (90%) indicated that there is no framework for public policy evaluation, with only one acknowledging that the framework does exist. Indeed, there is a framework, as the researcher reviewed the Monitoring and Evaluation Framework for the Legislative Sector as part of the document review process. However, the fact that the majority of respondents are unaware of it suggests that the framework only exists on paper and not in practice. Furthermore, respondents from the DPME and Parliament stated that the legislative branch has not played a role in the conceptualisation and implementation of public policy evaluation, except to recommend areas for evaluation, and that there is no role the legislature play according to the public policy evaluation framework, only unwritten expectations relating to the evaluations conducted by the DPME. This means that, unlike the executive branch, which has a variety of policy frameworks governing public policy evaluation in public administration, the legislative branch has not sufficiently institutionalised public policy evaluation to ensure its institutional independence from the executive branch in terms of policymaking. This could also be corroborated by the fact that the parliament's monitoring and evaluation unit is institutional rather than government wide.

Therefore, the availability of sound and operational policy framework is vital because it gives operational details relating to the compilation of evaluation plans, timing of evaluations, evaluation selection criteria, and many other specific aspects (OECD, 2020). Considering this, it is not a

surprise that some respondents voiced concern about parliament's impact evaluations, which did not use conventional evaluation methods. These frameworks give a consistent and systemic mechanism of conceptualising and formulating the evaluation, compiling, and analysing the data collected, and creating and understanding the outcomes (HM Treasury, 2011). Thus, the non-operationalisation of policy evaluation framework deprives Parliament of a mechanism for producing evidence related to the impact evaluation of legislations and programmes in a systematic and consistent manner.

In this way, the legislative authority is at a disadvantage compared to the executive authority. That finding is consistent with Furubo and Sandhal, who argue that legislature has the lowest level of institutionalisation of policy evaluation equated to the executive authorities across all countries (2002). As a result, policy evaluation is mainly practiced within executive (government) rather than parliament (Speer *et al*, 2015). This is because the executive authority has Government-wide Monitoring and Evaluation and the National Evaluation Policy Framework, which gives detailed guidelines for designing and implementing evaluation projects with government departments. These frameworks include definitions and types of evaluation that can or could be conducted, as well as standards to follow when conducting evaluations, among other things.

This means that the executive authority is ahead of the legislative authority in terms of institutionalising public policy evaluation in South Africa. The executive authority established monitoring mechanisms throughout the public administration, including local government, by implementing the Government-wide Monitoring and Evaluation and the National Evaluation Policy Framework. Also, through these frameworks, the executive authority has allocated human resources to carry out public policy monitoring and evaluation responsibilities, thereby creating active players or actors who contribute to the execution of the national evaluation system. That alone allows the executive authority to gather sufficient knowledge and information on how public policies work or do not work. While the legislative authority does not. As a result of these frameworks, the executive authority has conducted numerous public policy assessment studies, while the legislative authority has conducted only a few.

Furthermore, lack of sound policy frameworks, compels the national legislature to rely largely on public hearings, oversight visits, and other means to gather information about the implementation of public policy. In that, the legislature answers evaluative questions without using traditional

primary research and evaluation methods and approaches, instead, commission policy research or evaluation studies or exercises that will provide solid evidence for policymaking.

However, it should be noted that, this is not intended to minimise the importance of parliament's oversight visit programmes. Oversight visits are particularly beneficial for oversight and verification, as well as for environmental scanning. To source credible responses and evidence to evaluative questions, data production, collection, and analysis processes must be systematic, and methods used should be sound. However, during oversight visits, data is collected in a form of PowerPoint presentations, meetings with stakeholders or panels, visual observations, and questioning. All these actions, including the questions asked, are neither standardised nor systematic.

6.3.4. Value – Based System

The study's findings revealed that parliament support personnel respect and value public policy evaluation dearly because they hold the view that it will benefit parliament not only the execution of oversight and accountability obligations, but also in law-making. As a result, several parliaments support personnel were adamant that the legislature does not conduct its own public policy evaluation studies to determine the impact or results of passed laws. For those reasons, they believe parliament should be heavily involved in the agenda-setting and implementation of the National Evaluation System. That would allow specialists such as legislative researchers, content advisors; and M&E specialists to learn more about the efficiency and effectiveness of public programmes so that they may assist and advise their portfolio committees appropriately.

Other respondents were unwavering in their argument that parliament should conduct its own parliament-led public policy evaluations to, among other things, (a) enable parliament to compile its own evidence relating to the outcomes and impact of the public policies implemented by the executive, (b) forecast, test available scenarios and appropriate public policy options for the best outcome in relation to the proposed legislations, (c) verify, validate and supplement the information which acquired through the public participation, (d) improve understanding of what works and what does; what does it take to improve people's live than political rhetoric; and (e) improve its public policy decision-making powers. This means that parliamentary support personnel place a high importance on public policy evaluation as a tool for elevating parliament's work and making it more efficient and effective in performing its constitutional duty.

Furthermore, the study discovered that the public policy evaluation mandate implicit in the constitution for legislative authorities is highly influenced by the constitutional values and principles entrenched in the Republic of South Africa's constitution. The constitution, among other things, stipulates ideals like efficiency, effectiveness, responsiveness, punctuality, justice, transparency, responsibility, ethical behaviour, human dignity, and development orientation. This finding is consistent with de Coning and Rabie's argument that principles such as accountability, openness, and responsibility should be embedded in the M&E system to become part of the culture (2014).

6.3.5. Strong Leadership

In terms of leadership, the study revealed that there is no major disparity in terms of the leaders' roles related to the monitoring and evaluation system. For example, the national legislature has executive (Speaker of the National Assembly and Chairperson of the National Council of Provinces), accounting officer (Secretary to Parliament), and senior managers. Also, the specialised constitutional agencies have executive (Public Protector, Auditor-General, Chairperson of Commissions and or Chairpersons of the Commission), accounting officers (Chief Executive Officers, and Director-General) and various specialised senior managers. The above-mentioned personnel are regarded as or deemed strong leaders which plays a critical role in the formation of partnerships with other institutions outside their organisations essential for the development and effectiveness of the M&E system. The above-mentioned leaders are considered as strong leaders, which could play a significant role in the building of partnerships with institutions outside their organisations that are key to the development and success of the M&E system.

That finding is consistent with de Coning and Rabie, who argued that an efficient M&E system is dependent on solid leadership in the groups responsible for its implementation. This is based on the idea that monitoring and evaluation are inherently interconnected functions that require monitoring and evaluation data from a variety of sources, including those outside of traditional organisational boundaries. Solid leadership plays a critical role in building partnerships with relevant institutions that are part of the M&E system to establish a strong M&E system. In South Africa, the executive (Ministers or Members of the Executive Council), Accounting Officers (Director-Generals and Heads of Departments), and bureaucratic executives (Senior Managers) are considered to fulfill leadership roles related to the monitoring and evaluation system (2014).

This means that the leadership of the legislative authority, along with the executive authority or accounting officers of the specialised constitutional agencies, could formalise a partnership to coordinate and collaborate their efforts, ensuring that the efforts are not isolated pockets but rather an interconnected network or policy evaluation system. Such collaboration could allow the legislative authority to request and/or task specialised constitutional agencies to undertake specific public policy evaluations at a given point. That would benefit the legislative authority because the legislative authority's executive would be in a better position to synchronise and synergise the activities of the specialised constitutional agencies, ensuring a strong legislative authority that is not dependent on the executive authority. It is this partnership that allows the executive authority to commission and conduct public policy evaluations through the Department of Planning, Monitoring, and Evaluation, which coordinates evaluation plans from various departments, provides partial funding, appoints service providers, and manage the entire (government-wide) evaluation process.

6.3.6. Availability of Resources

The study discovered that the legislative authority has not allocated resources specifically for public policy evaluation. This was evidenced by the fact that legislative authority did not explicitly address the allocation and prioritisation of funding for public policy studies. That is also the most significant hindrance to the effective implementation of the public policy evaluation system; without specific financing, evaluation studies cannot be commissioned, and no additional staff members to the staff establishment can be recruited. It is acknowledged that legislative authority does have professionals such as legislative researchers, content advisors, and M&E specialists to successfully carry out public policy evaluation responsibilities. However, they may not be sufficient, and as a result, they may become fatigued, given that the public policy evaluation duties would be additional to the responsibilities they already undertake. As a result, deliberations regarding the allocation of financial resources are critical.

On the other hand, it is also fair to argue that parliament does appropriate funds to the specialised constitutional agencies to execute their constitutional mandate. Also, the specialised constitutional agencies have specialised personnel on their staff establishments which are capable and qualified to design and undertake specialised public policy assessments. It is at that point which highlights the need for the legislative authority to collaborate and partner with the specialised constitutional agencies in implementing public policy evaluation. Because with the pool of resources combined between the parliament and specialised constitutional agencies, the

legislative authority would make to commission and undertake effective evaluations that isolated pockets of initiatives.

In this sense, the legislative authority lags the executive authority. Since, with the implementation of GWM&ES and NEPF, the executive authority ordered the creation of specialised units within the departments entrusted with the evaluation roles and with the appropriate skills such as the Monitoring and Evaluation Units, Research Units; and Policy Units to operationalise the National Evaluation System (de Coning and Rabie, 2014). Meaning the executive authority allocated funds for the employment and compensation of M&E personnel who contribute to the National Assessment System, and for the annual public policy evaluation studies.

6.3.7. [Dis &] Incentives for Policy Evaluation

Based on the findings, it is positive to note that the institutionalisation of policy evaluation in South Africa is configured at the state level rather than only at one arm of state. Most economies have expressly assigned tasks for policy evaluation within the executive (OECD, 2019). Even if there are still gaps, such as the lack of public administration legislation governing policy evaluation and clear policy frameworks at the legislative authority, this demonstrates that policy evaluation in the South African public policy making cycle is essential. This provides an opportunity for the advancement of public policy evaluation practice in South Africa. According to one of the respondents, the competing needs for policy evaluation at the legislative authority would prompt in more evaluations being undertaken by the executive authority and the use of evaluation products to better public policy programmes and citizens' lives.

The other incentive is that legislators have demonstrated an interest in policy evaluation, as seen by their calls for evaluation of the impact of legislation introduced since 1994, as well as their participation in evaluative public hearings and oversight visits. This implies that Members of Parliament are interested in policy evaluation. That is consistent with the premise that members of Parliament, as representatives of the citizens and taxpayers who finance the implementation of the public policies through taxes and are the target of the same public policies, should be interested in public policy evaluation (Speer *et al*, 2015).

However, one of the disincentives is the lack of primary legislation and policy framework, notably in the legislative authority. The absence of such a legal framework implies the absence of rules or regulations requiring parliamentarians to request evaluation, including those from specialised

constitutional agencies. The power of such primary and secondary legislation clauses has proven beneficial in Switzerland since Swiss parliamentarians are compelled to request evaluations in many policy domains, including the legality, expediency, and efficacy of selected public programmes (Verone *et al.*, 2020). As a result, Switzerland has one of the most advanced parliamentary evaluation cultures in the OECD (Jacob *et al.*, 2015). Furthermore, the lack of such legislative frameworks deprives not only Parliament, but all other institutions participating in policy evaluation, of a uniform method for institutionalising the use of evaluation results and monitoring the execution of recommendations. It is surprising, though, that the national legislature has not enacted a legislation that encourages evidence-based public policy making, which would have elevated public policy evaluation and utilisation of findings and recommendations to improve policy making. It is also surprising that the Parliament opted for an institutional monitoring and evaluation framework rather than a broad framework (*public administration-wide*) to ensure that the public administration is evaluated against the values and principles enshrined in the Constitution, not just those in section 196.

Furthermore, the study discovered that Parliament has never called for or recommended that an evaluation or impact evaluation clauses be inserted in legislation to provide a sound or solid foundation for evaluating the law's impact after adoption. That is counterproductive to and disincentives development of the sustainable culture of public policy evaluation in South Africa. The requirement to conduct policy evaluation should be incorporated into the laws through sunset legislation or the addition of evaluation clauses. Thus, in that way parliament elicit the impact evaluation of legislation (Bussmann, 2010).

6.4. Application of Separation of Powers in Policy Evaluation

The study's major purpose was to assess how the doctrine of separation of powers is implemented in South Africa through public policy evaluation. Through that the researcher intended to evaluate the way public policy evaluation is institutionalised in relation to the power relations between executive and legislative authorities in the legislative making landscape.

Based on the literature and document review covered, it was found that there are three variants of separation of powers, such as true separation of powers, system of checks and balances; and exogenous models. In case of South Africa, the constitution does not mention or have a clause on separation of powers or checks and balances, but the division of powers and functions according to the three realms of power such as the legislature, executive and judiciary authorities

give the impression that the Republic of South Africa subscribes to the notion of separation of powers. Also housing these authorities in different locations where the executive is housed in Pretoria, legislature in Cape Town; and Judiciary in Bloemfontein; also gives an impression or confirmation that indeed South Africa subscribes to the notion of separation of powers. However, in practice it is evident that the Republic of South Africa subscribes to the system of checks and balances.

It is vital to note that, according to the findings, South Africa does not follow the classic separation of powers, but rather a system of checks and balances between the domains of authority. This system of checks and balances generates a highly complex interaction between the executive and legislative branches, with some functions shared and personnel mixing, to mention a few. By implication, this form of separation of powers combines the powers of the executive and legislative branches into a single authority, which is dominated by the executive in terms of governance. As a result, aspects of the constitutional design or structure are applicable in the public policy evaluation system, as policy evaluation is a component of governance. This means that the public policy evaluation system in South Africa has the same characteristics and falls prey to the same faults or suffer similar pitfalls as the system of checks and balances in governance.

6.4.1. Institutional Separation

One of the things that the system of checks and balances model inherited from its predecessor, the separation of powers, was the existence of three spheres of power: legislative, executive, and judicial authority. This could also be witnessed in South Africa's public policy evaluation space, where each authority has its own institution in charge of public policy evaluation. For example, under the constitution, there are specialised constitutional agencies formed to assist the legislative authority with public policy evaluation, whereas the Department of Planning, Monitoring, and Evaluation conducts policy evaluations on behalf of the executive authority. In essence, this ensures that legislative authority does not rely on information provided by the executive and that the legislature has autonomy in making policy decisions. Similarly, the executive would be independent in terms of policy decisions.

6.4.1.1. Specialised Constitutional Agencies

The specialised constitutional agencies, such as the Public Protector, South African Human Rights Commission, Commission for the Promotion and Protection of the Rights of Cultural,

Religious, and Linguistic Communities, Commission for Gender Equality, Auditor-General, Electoral Commission, and Public Service Commission, were established outside the purview of executive authority. According to the constitution, these institutions are independent and must report to the national assembly on the assessment undertaken in the financial year. Furthermore, the constitution specifies the principles to be used in evaluating public administration as well as the objects of evaluation for each agency, ensuring that no agency's mandate overlaps with that of another.

6.4.1.2. Department of Planning, Monitoring and Evaluation

The Department of Planning, Monitoring, and Evaluation was founded under the purview of the executive authority and public administration. The DPME's mandate is derived from secondary legislation established by the executive authority to execute the National Evaluation System. Although the DPME derives most of its values from the constitution, main and secondary legislations in implementing the National Evaluation System, the executive authority determines the object of evaluation through the approval powers.

6.4.1. Matching Institutions

Based on the findings, the architecture of policy evaluation is characterised by two complementing institutions. The executive authority established the Department of Planning, Monitoring, and Evaluation to conduct public policy evaluations on its behalf. Parliament and specialised constitutional agencies serve as "*watchdogs*" in the legislative authority, evaluating policies to improve oversight, accountability, and policymaking, among other functions.

It should be noted that having two autonomous institutions affiliated with distinct authorities of the state while performing similar responsibilities is not exceptional. This setup may also be found in the United States of America, where the U.S. Government Accountability Office provides evaluation for the Congress and the Office of Information and Regulatory Affairs (OIRA) evaluates for the Cabinet (Filgueiras and Queiroz, 2021). The institutions are organised in this setup to ensure institutional independence. That is highly significant since it balances power between parliament vis-à-vis executive to ensure that the executive does not influence the legislative authority's policy decisions.

6.4.2. Overlapping Public Policy Evaluation Functions

Another distinguishing characteristic of the system of checks and balances is that the domains of political authority are not autonomous and share some political functions (Civildaily, 2017 and McLeod-Simmons, 2023). This notion of shared political functions was clearly demonstrated by Calabresi, in arguing that the legislature is engaged in the business of enforcing the law; it should be noted that the President is equally involved in the business of drafting laws. Presidents make law via issuing executive orders, proclamations, and/or signing statements. Furthermore, the court is deeply involved in the legislative process, and that violates the principle of separation of powers (2012). This example of shared political functions is very relatable in the South Africa, amongst others, because section 55 (1) allocates powers to Parliament to consider, pass, amend or reject any legislation before the Assembly; and initiate or prepare legislation, except money Bills. Section 84 and 85 (2) (d) also allocate law-making powers to the executive authority preparing and initiative legislations and allocating the powers to the president to assent to and signing bills, referring bills to Parliament and Judiciary.

In the same wavelength of shared political functions, the study found that there are shared public policy evaluation functions between the executive and legislative authorities, thus leading to the conclusion that the system of checks and balances adopted by the Republic of South Africa is reflected in the execution of public policy evaluation duties.

The findings of the study also found that the legislature, is involved in the implementation of the public policy evaluations undertaken by the Department of Planning, Monitoring and Evaluation through the Portfolio Committee of Planning, Monitoring and Evaluation and Standing Committee on Public Accounts to mention few. For example, it was found that legislature through the Portfolio Committee of Planning, Monitoring and Evaluation oversees the Department of Planning, Monitoring and Evaluation in implementing the public policy evaluation via the GWM&ES and NEPF national evaluation system. Also, it was found that committees like Standing Committee on Public Accounts have proposed evaluation studies for the Department of Planning, Monitoring and Evaluation to undertaken and it was undertaken related to the scholar transport. It was also found that the legislature is expected to play a crucial role in the enforcement of the implementation of the recommendations emanating from the evaluation reports produced by the Department of Planning, Monitoring and Evaluation.

6.4.2. Overlapping Functions of the Specialised Constitutional Agencies

This functional overlap is not only being observed on the legislators but also at the specialised constitutional agencies. The study also found that specialised constitutional agencies such as the Public Service Commission and Auditor – General are serving as critical implementing partners of the public policy evaluations implemented by the Department of Planning, Monitoring and Evaluation under the National Evaluation System. The same specialised constitutional agencies were established in terms of the constitution to support the legislative authority undertaking policy evaluations to assist legislature in overseeing and holding the executive accountable, by ensuring that the legislature is provided with alternative information, so the legislature is not heavily dependent on the information provided by the executive. This implies that, the specialised constitutional bodies serve in both executive and legislature authorities.

6.4.3. Personnel - Mixing

The other distinguishing characteristic of the system of checks and balances is the personnel mixing. This is one of the fundamental differences between the system of checks and balances model and its predecessor, is that the predecessor (*true separation of powers model*) object to personnel mixing. The true separation of powers argues that no personnel should serve in more than one realm of power. However, system of checks and balances allows for the personnel to serve in more than one realm of power.

That is clear in the public policy evaluation, because for example, the study found that the public policy evaluation in South Africa is set by the cabinet. Meaning, the cabinet exercise the approval power the evaluation plans and completed evaluation reports. The same cabinet members 'executive' who set the agenda for the evaluation of public policies in the public administration are members of parliament. Thus meaning, the same lawmakers at the executive authority level public policies initiate and endorsed them at the legislature as members of parliament. Similarly, the same lawmakers who initiate the public policies and responsible for the implementation of those policies also adjudicate over which public policies to be evaluated; set the evaluation agenda for the public policy evaluation. Moreover, is very critical power for the executive because they would allocate funds and have a control over the expenditure for evaluation or not allocate funds for certain evaluations.

6.4.3. Executive Dominance in Public Policy Evaluation

The findings of the study demonstrate executive dominance over the legislature in public policy evaluation space. This is based on the finding that; public policy evaluation is well institutionalised at the executive authority than at the legislative authority. For example, through the Department of Planning, Monitoring and Evaluation the executive set the evaluation agenda, by compiling and coordinating evaluation plans, approve the evaluation plans and evaluation reports for the entire public administration. Yet, at the legislative authority the evaluation plans of the specialised constitutional agencies are not compiled, coordinated; and approved by the legislature.

This is based on the finding that, the monitoring and evaluation framework (legislative sector monitoring and evaluation) currently in place is institutional. It was issued to enable the accounting officer (secretary to parliament) to report or account to the executive authority (speaker of parliament) in relation to the resources of parliament. It does not include provisions related to the compilation, coordination of evaluation plans, submission of evaluation reports of the specialised constitutional bodies to the national assembly. It does not also a provision for public administration wide public policy evaluation to enable the legislative authority to acquire public administrative wide information related to the efficiency and effectiveness of the public policies.

In this way, since the executive authority collects and analyse most of the information related the implementation, efficiency; and effectiveness of the public policies, the executive authority has a competitive advantage or control over the legislative authority in terms of the public policymaking process. The information at the executive authority's disposals enables it to determine what policies work, how well they work thus what amendments are necessary compared to the legislative authority. That information would enable the executive to have its legislative proposals being accepted easily as opposed to having them being heavily scrutinised and amended by parliament.

This dominance of the executive over the legislature is not solely based on the information acquired by the executive but also due to the personnel overlap. Cabinet members who are members of the executive are members of the legislature. Meaning the same executive authority tasked with the responsibility to implement public policies, initiate public policies, set the evaluation agenda of the same public policies; and they also add numbers during the plenary in voting in favour the proposed public policies or bills. Also, the president who is the head of the executive has the authority to veto or assent the legislative proposals from the legislature. The

personnel and functions overlap between the executive and legislature is linked primarily to the application of the system of checks and balances. The true or pure separation of powers model does not allow such overall, but the system of checks and balances *allows for such considerable overlaps between the executive and legislature* (Hinks, 2021). It is also argued that such functional overlaps between the executive and legislature fuses the legislative and executive power. In arguing for the separation of powers, Montesquieu warned that combining legislative and executive functions leads to lack of liberty, because the same joint executive and legislature that creates tyrannical laws will execute them tyrannically (Waldron, 2013). This interrelationship and shared or overlapping functions, conjoin the executive and legislative authorities; thereby eroding the independence between the executive and legislative authorities.

Executive dominance in the space of public policymaking process is not a surprise finding considering that South Africa is using system of checks and balances as opposed to the separation of powers. The system of checks and balances is often criticised for empowering the executive authority more than the legislative authority. According to the Carolan, despite the system of checks and balances being meant to establish a strong legislative authority (to oversee and hold accountable the) and weak executive authority, the model has created the opposite where the balance of power between the two has shifted in favour of the executive authority (Carolan, 2009). Thus, in practice, executive authority is the most powerful domain of power through the stabilisation of political parties, which has enabled political leaders to better organise the relationship between the executive and legislative authorities and impose party politics, castigation, and cohesion (Kopecky, 2004).

By implication, more powerful executive authority reduces the power of the legislature into rubberstamping the executive decisions than holding them accountable and scrutinise their performance. That is made possible by voting through party lines.

6.4.4. Institutional Autonomy of the Public Policy Evaluation System

As previously stated, South Africa's public policy evaluation system is dominated by executive authority. This means that the executive has more power than the legislative authority, which should be overseeing the executive's implementation of public policy evaluations. The executive authority exerts control over public policy evaluation by establishing the public policy agenda, controlling expenditure or allocation related to public policy evaluation, and determining the questions to be answered through the evaluation. It is acknowledged that private corporations are

recruited to conduct public policy evaluations on behalf of the executive authority or the Department of Planning, Monitoring, and Evaluation to ensure the independence and autonomy of the evaluation system. That is fair; nonetheless, it should be noted that evaluation questions are determined by the executive authority rather than private enterprises. Control over the expenditure in terms of the implementation of the public policy evaluation, determining the evaluation questions, which public policies or related public policy programmes to be evaluated, and approving the evaluation plans and evaluation reports ultimately makes the executive authority more dominant and in control of the public policy evaluation.

The executive authority's dominance in public policy evaluation stems not only from its ability to set the public policy agenda, control the evaluation expenditures, and determine the evaluation questions. However, the legislative authority's inactivity or sluggish in the public policy evaluation is also a significant factor. That might be attributed to the system of checks and balances, which eventually allowed the legislative authority to delegate public policymaking power to the executive authority. Implying that executive authority is more powerful than legislative authority in the realm of public policy evaluation.

Such dominance by the executive authority tarnishes the institutional autonomy of public policy evaluation system because the same executive authority that initiates most public policies in South Africa and tasked with implementing public policies; is also in charge of the public policy evaluation. That makes the executive authority functions as both a referee and a player. Thus, it is an anomaly, that the legislative authority which is separate from the public administration and entrusted with holding the executive accountable for implementing public policies; is led by the executive authority when it should be the one in charge of evaluating public policies.

This claim is supported by Filgueiras and Queiroz in arguing that with parliament involved in policy evaluation, the executive has less influence and control over the policy evaluation process and outcomes. Thus, granting the legislative authority the power to drive in policy evaluation ensures institutional autonomy in the policy evaluation system. Furthermore, by involving members of the public through their representatives or parliamentarians, it completes the policy-cycle (2021).

It is for that reason; parliamentary officials strongly expressed their belief that the legislative authority should conduct parliamentary-led public policy evaluations or compete with the executive authority. Arguing that parliament-led evaluations will not only raise demand for public

policy evaluations but would also allow MPs to gain a better understanding of how public policies are implemented and their influence on society. By implication, such information would improve public policy decision-making. That position is backed by Lupia, Fligueiras and Queiroz in arguing that preserving institutional autonomy of each institution (Lupia, 2001) involved in the evaluation system guarantees the autonomy of the evaluation system itself (Filgueiras and Queiroz, 2021).

Others on the hand, firmly feel that the legislative authority should be extensively involved in the National Evaluation System being implemented by the executive authority. Such involvement would allow MPs to influence the evaluation agenda for public initiatives. It was also discovered that the legislative authority had launched such a move at some point but did not see it through to completion. Thus, competitive legislative authority is crucial to the efficiency, efficacy, and long-term viability of the public policy evaluation system because it fosters trust in the system and policymaking processes.

6.5. Role of Parliament in the National Evaluation System

The findings revealed that, the South Africa's public policy evaluation system is not a singled-tiered system; both executive and legislative authorities have institutions or entities that conduct evaluations on their behalf. Additionally, it was discovered that the legislature is involved in the implementation of the National Evaluation System through oversight and accountability. Since, the Department of Planning, Monitoring and Evaluation is a fully fledged department rather than a statutory entity within the President's Office, the legislative authority is essentially in charge of overseeing the departmental programmes' implementation. Thus, the Department of Planning, Monitoring and Evaluation's accounting officer and executive authority must appear before legislative committees and present quarterly and annual reports. It was also discovered that the legislative authority suggests certain areas of the public policy evaluations to be considered by the executive authority when establishing the evaluation agenda. Also, the Department of Planning, Monitoring and Evaluation undertaken and completed some of the legislature's recommendations for evaluation. Finally, the study also found that the legislature is expected to enforce the implementation of the recommendations resulting from the evaluation findings. It is also anticipated or expected that the legislative authority will use the public policy evaluation results to inform the oversight visits of the appropriate portfolio committee when implementing oversight duties.

This finding is not surprising given that the system of checks and balances allows for functional overlap between executive and legislative authority. As a result, the legislature is directly involved in the executive's execution of the National Evaluation System. In a true separation of powers approach, such functional overlap is expressly prohibited, hence the legislature would not have played a part in implementing the National Evaluation System. That restriction could have been mitigated using specialised constitutional agencies to undertake policy evaluations in which legislative authority is interested in and play a role. However, this is not the case, as South Africa is using a system of checks and balances.

Surprisingly, the legislative authority is not actively involved in the development of the evaluation agenda, which would have ensured the public evaluation system's institutional autonomy. Its participation is permitted under the system of checks and balances, and it will develop and maintain trust in the system by ensuring that the executive power is not both referee and player at the same time. Its involvement could include deliberations on evaluation proposals and evaluation questions to ensure that executive and legislative power are balanced in terms of the policies being examined. That is exactly what Vile meant in arguing that power balances power (1998). That would be crucial in ensuring that the policy evaluation agenda is not defined solely by the executive power. In this way, the system will be effective and achieve institutional autonomy.

CHAPTER SEVEN – CONCLUSION

7.1. Introduction

The study shed light on how public policy evaluation is integrated into the functioning of the national legislature. The data gathered from respondents confirmed that the Parliament is evaluative in character, as required by its constitutional role. Also, the document review and content analysis performed also provided insight into clauses which implied that policy evaluation part of the workings of the national legislature, in the form of the impact evaluation reports such as independent panel, high-level panel, public hearing, and oversight reports. Also, some of the reports from the specialised constitutional agencies. However, it should be noted that the national legislature's institutionalisation of public policy evaluation lags that of the executive power. It can be argued that it is this latency that gives the executive authority greater influence and dominance in the realm of public policy evaluation and lawmaking.

7.2. Achievement of the Objectives of the study

The primary goal of the research was to determine how public policy evaluation is institutionalised to implement the system of checks and balances articulated in the theory of separation of powers. The following objectives were investigated to achieve the study's primary goal:

1. Explore and describe governance of public policy evaluation in South Africa

This objective was achieved in Chapter 5, notably sections 5.2 where it was described that in accordance with the findings that, the Constitution suggests, rather than explicitly says, policy evaluation in relation to Parliament's mandate and responsibilities. This is due to the absence of a section or clause in the Constitution requiring the evaluation or assessment of passed legislation within the scope of Parliament's mandate. However, to fulfill its constitutional requirements, Parliament is expected to execute evaluative functions and activities, hence policy assessment or evaluation find expression in some of the Parliament's operations. Also, the Constitution established specialised constitutional agencies to assist Parliament in carrying out its monitoring and accountability functions. These specialised constitutional agencies include, amongst others, the Public Protector, South African Human Rights Commission, Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities, Commission for Gender Equality, Auditor – General, Election Commission, and Public Service Commission. These institutions are required to report on their activities and performance of their functions to the National Assembly.

Furthermore, Chapters 9 and 10 of the Constitution established specialised constitutional agencies while also defining their scope and goal of evaluation in carrying out their constitutional duty. This means that each of these specialised constitutional agencies is constitutionally mandated to evaluate public policies enacted by the executive authority considering their constitutional duties and established parameters. Beyond that, the Constitution establishes the values and principles by which the executive authority (public administration) should be measured.

Aside from that, the study discovered that Parliament has not enacted any legislation (primary legislation) to elevate policy evaluation, establish standards, procedures, or legislative mandates for policy evaluation in South Africa. It was also discovered that Parliament lacks a policy framework (secondary legislation) outlining the procedure for selecting which policies to review, how they should be evaluated, and which outcomes are relevant in measuring the efficacy of public policy and accountability.

It should be noted, however, that Parliament has a Financial Management of Parliament Act 10 of 2009 and a Monitoring and Evaluation Framework of the South African National Legislative Sector, which anchors monitoring and evaluation, prescribes norms and standards, types of evaluations that can be conducted, and monitoring and evaluation principles for the legislative sector. However, that monitoring, and evaluation is institutional, which means that it was created only for the purpose of monitoring and evaluating Parliament (including Provincial Legislatures) as an institution, allowing the Accounting Officer to report to Parliament's Executive Authority. It is unrelated to the monitoring and evaluation of public policies conducted by the Executive Authority.

II. Explore the application the principle of separation of powers in public policy evaluation in South Africa

This goal was met in Chapter 5, notably Section 5.4, where it was discovered that it was found that in practice, the Republic of South Africa adheres to the system of checks and balances. One of the elements that the checks and balances model acquired from its predecessor, the separation of powers, was the existence of three domains of power: legislative, executive, and judiciary authorities.

Such institutional separation was observed in terms of public policy evaluation, where specialised constitutional agencies were established to assist the legislative authority with public policy evaluation, and the Department of Planning, Monitoring, and Evaluation conducted policy evaluations on behalf of the executive authority. It was also discovered that the system of checks and balances is distinguished by overlapping functions in terms of the roles performed by the domains of power. In the same vein as shared political functions, the study discovered that the executive and legislative authorities share public policy evaluation functions. The final component of the system of checks and balances is personnel mixing, which was also found in public policy evaluation duties. Cabinet ministers who hold executive authority positions are also members of parliament. Also, some of the specialised constitutional agencies intended to help parliament in assessing the executive authority are key partners of the National Evaluation System, which is being implemented by the executive. This implies that personnel serve in more than one realm of power. The observation of those three aspects in public policy evaluation led to the conclusion that the Republic of South Africa's checks and balances system is reflected in the performance of public policy evaluation duties.

Since the institutionalisation of public policy evaluation mirrors the application of the system of checks and balances, it is vulnerable and subjected to criticisms leveled at the system of checks and balances, such as the executive's dominance in the space of legislating and knowledge, making it more dominant and powerful than the legislature in public policy evaluation. Such unrivaled domination can be demonstrated by the fact that public policy evaluation is better institutionalised at the executive than at the legislative level. For example, through the Department of Planning, Monitoring, and Evaluation, the executive establishes the evaluation agenda, compiles, and coordinates evaluation plans, and approves evaluation plans and reports for the entire public administration. However, at the legislative authority level, the specialist constitutional agencies' evaluation plans are not developed, coordinated, or approved by the legislature. Furthermore, monitoring and evaluation are carried out within institutions rather than across the entire administration.

Furthermore, cabinet officials at the executive authority level develop public policies and endorse them in the legislature as members of parliament. Once those policies have been passed, the same executive authority that initiated them is responsible for putting them into action. It also has power over the public policy evaluation agenda-setting. The executive decides which public policies to assess, controls the budget allocation and expenditure for public policy evaluation,

through the approval power. Once those policy evaluations are completed, the legislature is supposed to compel the execution of the recommendations by the appropriate departments, as well as use the findings to inform parliament's oversight visits.

It is an anomaly, that the legislative authority which is separate from the public administration and entrusted with holding the executive accountable for implementing public policies; is led by the executive authority when it should be the one in charge of evaluating public policies. Such dominance by the executive authority tarnishes the institutional autonomy of public policy evaluation system because the same executive authority that initiates most public policies in South Africa and tasked with implementing public policies; is also in charge of the public policy evaluation. That makes the executive authority to be perceived as a referee and a player in the public policy evaluation landscape.

As a result, the implementation of public policy evaluation is consistent with the power imbalance generated by the checks and balances system, which shifted the balance of power in favor of the executive authority. It is so That makes it is easy for the executive authority to pass proposed public policies without the major challenge or scrutiny by the legislative authority, because the degree of information is unequal in favor of the executive. This may also provide some difficulties in carrying out oversight and accountability responsibilities.

III. To analyse the role of the legislative authority in public policy evaluation (national policy evaluation framework) in South Africa

This goal was met in Chapter 5, specifically in Section 5.5, where it was discovered that the public policy evaluation system is not a single-tiered system, because there are specialised constitutional agencies “*watchdogs*” conducting evaluations on behalf of the legislative authority and the Department of Planning, Monitoring, and Evaluation conducting evaluations for the executive authority. Also, the legislative authority oversees the implementation of the national policy evaluation framework and makes recommendations on the areas of evaluations to be considered when the Department of Planning, Monitoring, and Evaluation sets the evaluation agenda. It was also noted that the legislature is not mainly involved in the conceptualisation and implementation of the evaluation implemented by the executive but expected to enforce the implementation of the recommendations by the relevant departments.

7.3. Future Research

The study found that specialised constitutional agencies are delegated with power to conduct policy evaluation on behalf of the national legislative, whereas the Department of Planning, Monitoring, and Evaluation does so for the executive authority. It was also found that there is functional overlap between the executive and legislative authority in terms of the policy evaluation, therefore future studies may look into:

- *Demand for evaluations from the specialised constitutional agencies by Parliament.*
- *How the specialised constitutional agencies have synergised their assessment to assist Parliament with oversight and holding the executive accountable.*
- *The effect of the specialised constitutional agencies on the evaluation demand by parliament.*

These studies would shed light on (a) whether MPs request these institutions to conduct evaluations on their behalf, (b) how these specialised constitutional agencies have institutionalised their assessment to assist the legislature in carrying out its constitutional mandate, and (c) the role of specialised constitutional agencies in public policy evaluation. The findings of such studies may help to strengthen the evaluation culture within the watchdogs that oversee executive authority, as well as the efficacy of specialised constitutional agencies in supporting parliament in carrying out its constitutional tasks.

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ANNEXURE A: DATA COLLECTION INSTRUMENTS - RESEARCHERS

Introduction

My name is Bruce Lukhozi, and I am conducting research to fulfill the requirements for the Master of Management in Monitoring and Evaluation program at the University of the Witwatersrand. My research is concerned with the institutionalisation of public policy evaluation in South Africa. As a policy evaluation specialist, I have requested this meeting to solicit input on my topic. I've prepared a series of questions for you, and I'd appreciate it if you could answer them honestly. Please keep in mind that you are also welcome to raise issues related to the topic that you believe should be considered.

However, please note that:

- *Your participation is voluntary, and you are free to leave at any time.*
- *Your confidentiality is guaranteed (your name will not be mentioned, and any information that may reveal your identity will not be included in the report to keep you anonymous).*
- *You have a right to ask questions.*
- *The information or data you are about to provide will be used only for academic purposes and will not be used for financial gain or against you in any way,*
- *The proceedings will be recorded only for ease of reference by the researcher (myself) and will be kept for a period of five years.*

Do you give consent to willfully participate in the study?

- Yes
- No

Research Questions

* **PLEASE NOTE: Policy Evaluation** is used to refer to the assessment undertaken to determine whether the policy or legislation is producing the intended or unintended results or impact (*evaluating the impact of legislation*).

Biographical information

- Preferred Gender Category
- Racial Classification
- Highest Qualification
- Years of Experiences in Parliament
- Occupation or Designation

Core Questions

- Have Members of Parliament or Presiding Officers, in your experience, ever requested that an evaluation clause be inserted in a bill or piece of legislation?
- In your knowledge and experience, have the Presiding Officers or Members of Parliament, through Parliamentary committees, ever requested or undertaken an evaluation of the impact of legislation?
- Is there a document, policy framework, guidelines, or circular in Parliament that regulates or guides the implementation of the evaluation of legislation impact (Parliament-led evaluation studies)?
- Should Parliament, in your opinion, rely on evaluation studies done by the Executive Branch to assess whether the legislation is producing the intended or unintended results or impact?
- Has Parliament, through its committee, ever debated financial allocation for evaluating the impact of legislation?
- In your own opinion, should Parliament engage in Parliament-led policy evaluation to determine the impact of legislations?
- What is the role of Parliament, in your opinion, in the implementation of the National Evaluation System and National Evaluation Policy Framework implemented by the Department of Planning, Monitoring and Evaluation?
- How is the principle of separation of powers and independence of Parliament vis-à-vis the Executive is applied or observed in policy evaluation to ensure a system of checks and balances in South Africa?
- In your own knowledge, has Parliament, through its committees, ever asked the Public Service Commission to undertake public policy evaluation on its behalf?
- In your own knowledge, has Parliament, through its committees, ever asked the Department of Planning, Monitoring and Evaluation (DPME) to undertake public policy evaluation on its behalf?

- Is there anything else you would like to share related to assessing the impact of legislation in Parliament that you believe is important to include?

Thank you for taking the time to participate. Once again, I'd like to emphasise that all information provided will be used solely for academic purposes, and your identity will be kept private. When compiling a report, no information that could blow your cover will be used.

ANNEXURE B: DATA COLLECTION INSTRUMENTS – POLICY ANALYSTS

Introduction

My name is Bruce Lukhozi, and I am conducting research to fulfill the requirements for the Master of Management in Monitoring and Evaluation program at the University of the Witwatersrand. My research is concerned with the institutionalisation of public policy evaluation in South Africa. As a policy evaluation specialist, I have requested this meeting to solicit input on my topic. I've prepared a series of questions for you, and I'd appreciate it if you could answer them honestly. Please keep in mind that you are also welcome to raise issues related to the topic that you believe should be considered.

However, please note that:

- *Your participation is voluntary, and you are free to leave at any time.*
- *Your confidentiality is guaranteed (your name will not be mentioned, and any information that may reveal your identity will not be included in the report to keep you anonymous).*
- *You have a right to ask questions.*
- *The information or data you are about to provide will be used only for academic purposes and will not be used for financial gain or against you in any way,*
- *The proceedings will be recorded only for ease of reference by the researcher (myself) and will be kept for a period of five years.*

Do you give consent to willfully participate in the study?

- Yes
- No

Research Questions

* **PLEASE NOTE: Policy Evaluation** is used to refer to the assessment undertaken to determine whether the policy or legislation is producing the intended or unintended results or impact (*evaluating the impact of legislation*).

Biographical information

- Preferred Gender Category
- Racial Classification
- Highest Qualification
- Years of Experiences in Parliament
- Occupation or Designation

Core Questions

- Have Members of Parliament or Presiding Officers, in your experience, ever requested that an evaluation clause be inserted in a bill or piece of legislation?
- In your knowledge and experience, have the Presiding Officers or Members of Parliament, through Parliamentary committees, ever requested or undertaken an evaluation of the impact of legislation?
- Is there a document, policy framework, guidelines, or circular in Parliament that regulates or guides the implementation of the evaluation of legislation impact (Parliament-led evaluation studies)?
- Should Parliament, in your opinion, rely on evaluation studies done by the Executive Branch to assess whether the legislation is producing the intended or unintended results or impact?
- Has Parliament, through its committee, ever debated financial allocation for evaluating the impact of legislation?
- In your own opinion, should Parliament engage in Parliament-led policy evaluation to determine the impact of legislations?
- What is the role of Parliament, in your opinion, in the implementation of the National Evaluation System and National Evaluation Policy Framework implemented by the Department of Planning, Monitoring and Evaluation?
- How is the principle of separation of powers and independence of Parliament vis-à-vis the Executive is applied or observed in policy evaluation to ensure a system of checks and balances in South Africa?
- In your own knowledge, has Parliament, through its committees, ever asked the Public Service Commission to undertake public policy evaluation on its behalf?
- In your own knowledge, has Parliament, through its committees, ever asked the Department of Planning, Monitoring and Evaluation (DPME) to undertake public policy evaluation on its behalf?

- Is there anything else you would like to share related to assessing the impact of legislation in Parliament that you believe is important to include?

Thank you for taking the time to participate. Once again, I'd like to emphasise that all information provided will be used solely for academic purposes, and your identity will be kept private. When compiling a report, no information that could blow your cover will be used.

ANNEXURE C: DATA COLLECTION INSTRUMENTS – M&E ANALYSTS

Introduction

My name is Bruce Lukhozi, and I am conducting research to fulfill the requirements for the Master of Management in Monitoring and Evaluation program at the University of the Witwatersrand. My research is concerned with the institutionalisation of public policy evaluation in South Africa. As a policy evaluation specialist, I have requested this meeting to solicit input on my topic. I've prepared a series of questions for you, and I'd appreciate it if you could answer them honestly. Please keep in mind that you are also welcome to raise issues related to the topic that you believe should be considered.

However, please note that:

- *Your participation is voluntary, and you are free to leave at any time.*
- *Your confidentiality is guaranteed (your name will not be mentioned, and any information that may reveal your identity will not be included in the report to keep you anonymous).*
- *You have a right to ask questions.*
- *The information or data you are about to provide will be used only for academic purposes and will not be used for financial gain or against you in any way,*
- *The proceedings will be recorded only for ease of reference by the researcher (myself) and will be kept for a period of five years.*

Do you give consent to willfully participate in the study?

- Yes
- No

Research Questions

*** PLEASE NOTE: Policy Evaluation** is used to refer to the assessment undertaken to determine whether the policy or legislation is producing the intended or unintended results or impact (*evaluating the impact of legislation*).

Biographical information

- Preferred Gender Category

- Racial Classification
- Highest Qualification
- Years of Experiences in Parliament
- Occupation or Designation

Core Questions

- Have Members of Parliament or Presiding Officers, in your experience, ever requested that an evaluation clause be inserted in a bill or piece of legislation?
- In your knowledge and experience, have the Presiding Officers or Members of Parliament, through Parliamentary committees, ever requested or undertaken an evaluation of the impact of legislation?
- Is there a document, policy framework, guidelines, or circular in Parliament that regulates or guides the implementation of the evaluation of legislation impact (Parliament-led evaluation studies)?
- Should Parliament, in your opinion, rely on evaluation studies done by the Executive Branch to assess whether the legislation is producing the intended or unintended results or impact?
- Has Parliament, through its committee, ever debated financial allocation for evaluating the impact of legislation?
- In your own opinion, should Parliament engage in Parliament-led policy evaluation to determine the impact of legislations?
- What is the role of Parliament, in your opinion, in the implementation of the National Evaluation System and National Evaluation Policy Framework implemented by the Department of Planning, Monitoring and Evaluation?
- How is the principle of separation of powers and independence of Parliament vis-à-vis the Executive is applied or observed in policy evaluation to ensure a system of checks and balances in South Africa?
- In your own knowledge, has Parliament, through its committees, ever asked the Public Service Commission to undertake public policy evaluation on its behalf?
- In your own knowledge, has Parliament, through its committees, ever asked the Department of Planning, Monitoring and Evaluation (DPME) to undertake public policy evaluation on its behalf?

- Is there anything else you would like to share related to assessing the impact of legislation in Parliament that you believe is important to include?

Thank you for taking the time to participate. Once again, I'd like to emphasise that all information provided will be used solely for academic purposes, and your identity will be kept private. When compiling a report, no information that could blow your cover will be used.

ANNEXURE C: DATA COLLECTION INSTRUMENTS – CONTENT ADVISORS

Introduction

My name is Bruce Lukhozi, and I am conducting research to fulfill the requirements for the Master of Management in Monitoring and Evaluation program at the University of the Witwatersrand. My research is concerned with the institutionalisation of public policy evaluation in South Africa. As a policy evaluation specialist, I have requested this meeting to solicit input on my topic. I've prepared a series of questions for you, and I'd appreciate it if you could answer them honestly. Please keep in mind that you are also welcome to raise issues related to the topic that you believe should be considered.

However, please note that:

- *Your participation is voluntary, and you are free to leave at any time.*
- *Your confidentiality is guaranteed (your name will not be mentioned, and any information that may reveal your identity will not be included in the report to keep you anonymous).*
- *You have a right to ask questions.*
- *The information or data you are about to provide will be used only for academic purposes and will not be used for financial gain or against you in any way,*
- *The proceedings will be recorded only for ease of reference by the researcher (myself) and will be kept for a period of five years.*

Do you give consent to willfully participate in the study?

- Yes
- No

Research Questions

*** PLEASE NOTE: Policy Evaluation** is used to refer to the assessment undertaken to determine whether the policy or legislation is producing the intended or unintended results or impact (*evaluating the impact of legislation*).

Biographical information

- Preferred Gender Category
- Racial Classification
- Highest Qualification
- Years of Experiences in Parliament

- Occupation or Designation

Core Questions

- Have Members of Parliament or Presiding Officers, in your experience, ever requested that an evaluation clause be inserted in a bill or piece of legislation?
- In your knowledge and experience, have the Presiding Officers or Members of Parliament, through Parliamentary committees, ever requested or undertaken an evaluation of the impact of legislation?
- Is there a document, policy framework, guidelines, or circular in Parliament that regulates or guides the implementation of the evaluation of legislation impact (Parliament-led evaluation studies)?
- Should Parliament, in your opinion, rely on evaluation studies done by the Executive Branch to assess whether the legislation is producing the intended or unintended results or impact?
- Has Parliament, through its committee, ever debated financial allocation for evaluating the impact of legislation?
- In your own opinion, should Parliament engage in Parliament-led policy evaluation to determine the impact of legislations?
- What is the role of Parliament, in your opinion, in the implementation of the National Evaluation System and National Evaluation Policy Framework implemented by the Department of Planning, Monitoring and Evaluation?
- How is the principle of separation of powers and independence of Parliament vis-à-vis the Executive is applied or observed in policy evaluation to ensure a system of checks and balances in South Africa?
- In your own knowledge, has Parliament, through its committees, ever asked the Public Service Commission to undertake public policy evaluation on its behalf?
- In your own knowledge, has Parliament, through its committees, ever asked the Department of Planning, Monitoring and Evaluation (DPME) to undertake public policy evaluation on its behalf?
- Is there anything else you would like to share related to assessing the impact of legislation in Parliament that you believe is important to include?

Thank you for taking the time to participate. Once again, I'd like to emphasise that all information provided will be used solely for academic purposes, and your identity will be kept private. When compiling a report, no information that could blow your cover will be used.

ANNEXURE D: DATA COLLECTION INSTRUMENTS – DPME OFFICIALS

Introduction

My name is Bruce Lukhozi, and I am conducting research to fulfill the requirements for the Master of Management in Monitoring and Evaluation program at the University of the Witwatersrand. My research is concerned with the institutionalisation of public policy evaluation in South Africa. As a policy evaluation specialist, I have requested this meeting to solicit input on my topic. I've prepared a series of questions for you, and I'd appreciate it if you could answer them honestly. Please keep in mind that you are also welcome to raise issues related to the topic that you believe should be considered.

However, please note that:

- *Your participation is voluntary, and you are free to leave at any time.*
- *Your confidentiality is guaranteed (your name will not be mentioned, and any information that may reveal your identity will not be included in the report to keep you anonymous).*
- *You have a right to ask questions.*
- *The information or data you are about to provide will be used only for academic purposes and will not be used for financial gain or against you in any way,*
- *The proceedings will be recorded only for ease of reference by the researcher (myself) and will be kept for a period of five years.*

Do you give consent to willfully participate in the study?

- Yes
- No

Research Questions

Biographical information

- Preferred Gender Category
- Occupation or Designation
- Racial Classification
- Highest Qualification
- Years of Experience

Core Questions

* **PLEASE NOTE: Policy Evaluation** is used to refer to the assessment undertaken to determine whether the policy or legislation is producing the intended or unintended results or impact (*evaluating the impact of legislation*).

- Is South Africa's public policy evaluation system a single-tiered system?
- What role does parliament play in public policy evaluation implemented through the DPME's National Evaluation System?
- Has Parliament ever requested DPME to conduct public policy evaluation on its behalf?
- Has the DPME ever tabled an evaluation report in Parliament?
- Should Parliament rely on public policy evaluations conducted by the DPME or departments to make policy decisions?
- Should Parliament do its own public policy evaluation?
- Is there anything else you'd like to share with me about public policy evaluation that I didn't ask about but believe is vital to include?

Thank you for taking the time to participate. Once again, I'd like to emphasise that all information provided will be used solely for academic purposes, and your identity will be kept private. When compiling a report, no information that could blow your cover will be used.

