Guidelines for Public Administration and Management Delegations

12 June 2009
Presentation Outline

- International and public service perspective
- Legislative Context
- Purpose of effective delegations
- General conditions for delegation
- Delegation register
- Way forward
International Perspective

- The decentralisation of HR management functions and delegation of authority is part of a global trend in public service reform (since mid 1980’s) – regarded as good management practice.

- Decentralisation involved the unbundling of political and managerial powers and duties at central level to the lowest possible managerial level, particularly to the point of service delivery.

- That greater responsibility for financial, human resource and related administrative resources is delegated to line managers to empower delivery at grassroots.
Public Service Perspective:

- Since 1994: Government endorsed the decentralisation of public administration to the executive branch of government.

- The Public Service Act, 1994, extensively assigned HR functions to Executive Authorities (EA’s) and to a lesser extent, HoD’s.

- Powers related to organisational and staffing matters are conferred on EA’s.
Public Finance Management Act (PFMA):

- The PFMA provides that the EA of a department is responsible for:
  - Policy matters and outcomes;
  - Seeking provincial legislature approval and adoption of the department’s budget vote; and
  - Tabling of the department’s annual report and financial statements in the legislature.

- The HoD is responsible for:
  - Departmental outputs and implementation; and is
  - Accountable to the EA and provincial legislature for the management and implementation of the budget.
Public Service Act, as amended by Act 30 of 2007 (PSA):

- The PSA generally assigns the responsibility for planning, organising of work and the appointment of staff to EAs.
- Section 42A of the PSA provides that:
  - An EA may delegate to the HOD any power conferred on that EA; and
  - The HOD may delegate to any employee any power conferred on the HOD by the Act or delegated by the EA to the HOD.
Purpose of Effective Delegation

Promote Accountability by providing a clear and vertical division of work between:

- The Accountable Principal (who delegates vested powers or duties); and
- The Responsible Functionaries who are obliged to perform delegated powers and duties.

Promote Efficiency:

- The efficient performance of work necessitates a delegation of authority to the lowest possible level in the departmental hierarchy.
  - Clarifies the roles and responsibilities of EA’s, HoD’s and other employees.
  - Clarifies of roles of Line Managers and HR Managers.
General Conditions for Delegation

- An EA may delegate powers and duties to a HOD.
- Only the HoD may delegate powers and duties to functionaries.
- The PSA as amended did away with the previous practice whereby an EA may delegate to other employees.
- It is proposed that the Public Service Regulations be amended to provide that:
  - “An EA and Head of Department shall keep a register of delegations in the format prescribed by the Minister for the Public Service and Administration and submit the register annually to the Minister by 30 April of each year”.

We belong  We care  We serve
General Conditions for Delegation

- The accountable principal remains accountable for the execution of the power and duty (accountability is not delegated – responsibility is delegated).

- The Accountable Principal may revoke a delegation.

- The Accountable Principal must ensure that responsible functionaries have the required capacity to perform delegated powers and duties.

- Where powers and duties have been delegated to a certain post level, the incumbents of higher posts may only perform such powers and duties if authorized through delegation.

- Persons acting in a position performs the delegations associated with that position.
Delegation Register

- All powers and duties set out in the PSA and PSR that can be delegated are included in a template delegation register.
- Provides for the delegation of powers and duties by EA to HOD, and HoD’s to lower levels in one template.
- Tracks the delegation of power and duties from Accountable Principal (in whom it is vested) to the Responsible Functionary (including the post level).
- The delegations in electronic format will enable EAs to generate comparisons e.g. powers and duties per post level.
### Delegation Register Format

<table>
<thead>
<tr>
<th>Power or Duty Being delegated</th>
<th>Devolvement of Delegation</th>
<th>Responsible Functionary</th>
<th>Specific Delegation Conditions or Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section</td>
<td>Description</td>
<td>Accountable Principal</td>
<td>EA to HOD (Yes/No)</td>
</tr>
<tr>
<td>9 PSA</td>
<td>Appointments in the Public Service</td>
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<tr>
<td>9 PSA</td>
<td>Example: An executive authority may appoint any person in his or her department in accordance with this Act and in such manner and on such conditions as may be prescribed</td>
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</table>
Way Forward

- The current Public Service Regulations, 2001 are under review to be aligned to the PSA as amended.

- Following approval of the new PSR by the Minister for the Public Service and Administration a delegation guide and delegation template will be finalised to guide departments with developing new delegations.

- Following consultation, the delegation guide and template will be rolled out to all departments.

- Until such time as the new PSR has been promulgated departments should use the PSR, 2001.
Thank You