



the dpsa

Department:
Public Service and Administration
REPUBLIC OF SOUTH AFRICA

Private Bag X916, Pretoria ,0001.Tel: (012) 336 1000 Fax: (012) 336 1810

Private Bag X9148, Cape Town .Tel (021)467 5120 Fax: (021)465 5484

PUBLIC ADMINISTRATION AND MANAGEMENT DELEGATIONS

2022 REPORT ON COMPLIANCE BY DEPARTMENTS WITH THE DIRECTIVE ON PUBLIC ADMINISTRATION AND MANAGEMENT DELEGATIONS

Compliance as at 28 February 2022

Report approved by the Director-General: Public Service and Administration on 14 April 2022

TABLE OF CONTENTS

GLOSSARY OF TERMS AND ABBREVIATIONS	3
1. INTRODUCTION	4
2. CONTEXT.....	5
3. SUPPORT PROVIDED TO DEPARTMENTS	7
4. ASSESSMENT APPROACH AND COMPLIANCE STANDARDS	8
Assessment approach and methodology.....	8
Compliance standards.....	8
5. RATE OF COMPLIANCE.....	9
Compliance Overview	9
Departments with a History of Non-Compliance	11
Compliance Assessment Findings.....	12
Cabinet Approved Minimum Levels of Delegation	13
6. CONCLUSION.....	15
APPENDIX A: SUMMARY OF THE RATE OF COMPLIANCE BY DEPARTMENTS.....	16
APPENDIX B: STATE OF COMPLIANCE BY DEPARTMENTS.....	17
National Departments.....	17
Eastern Cape Province	24
Free State Province	27
Gauteng Province	31
KwaZulu-Natal Province.....	34
Limpopo Province	38
Mpumalanga Province.....	40
Northern Cape Province.....	44
North West Province	47
Western Cape Province	50
APPENDIX C: 2013 CABINET APPROVED MINIMUM LEVELS OF DELEGATION.....	52
APPENDIX D: SUMMARY OF DELEGATIONS IN ACCORDANCE WITH THE 2013 CABINET APPROVED MINIMUM LEVELS OF DELEGATION	54

GLOSSARY OF TERMS AND ABBREVIATIONS

“Department” means a national department, a national government component, the office of a Premier, a provincial department, or a provincial government component listed in Schedules 1, 2 or 3 of the PSA. Any reference to a department also refers to a government component.

“Directive” means the Directive on Public Administration and Management Delegations, 2014.

“DPSA” means the Department of Public Service and Administration.

“Executive Authority (EA)”, in relation to –

- (a) The Presidency or a national government component within the President's portfolio, means the President;
- (b) A national department or national government component within a Cabinet portfolio, means the Minister responsible for such portfolio;
- (c) The Office of the Commission, means the Chairperson of the Commission;
- (d) The Office of a Premier or a provincial government component within a Premier's portfolio, means the Premier of that province; and
- (e) A provincial department or a provincial government component within an Executive Council portfolio, means the member of the Executive Council responsible for such portfolio.

“HoD” means **Head of Department**, the incumbent of a post mentioned in column 2 of Schedule 1, 2 or 3 of the PSA.

“Minister” means the Minister for the Public Service and Administration.

“NDP” means the National Development Plan, Vision 2030.

“PAJA” means the Promotion of Administrative Justice Act, 3 of 2000.

“PFMA” means the Public Finance Management Act, 1 of 1999.

“Principal Functionary” means any EA or HoD upon whom a power is conferred or a duty is imposed through an empowering provision in terms of the PSA and PSR - the authority with original powers.

“PSA” means the Public Service Act, 1994, (Proclamation 103 of 1994) as amended.

“PSR” means the Public Service Regulations, 2016.

“SMS” means the Senior Management Service established in terms of the PSR.

1. INTRODUCTION

- 1.1 The purpose of the 2022 Report is to document the findings of the assessment conducted as at 28 February 2022 in respect of compliance by departments with the Directive.
- 1.2 The NDP, under the topic "Building a Capable and Developmental State" observed the importance of delegation and proposes that delegation, accountability and oversight be strengthened, as highlighted below -
- (a) promoting greater and more consistent delegations supported by appropriate systems of support and oversight;
 - (b) ensuring that staff at all levels have the authority, competency and support they need to do their jobs;
 - (c) effective delegation enhances staff morale, particularly for middle management who are given the authority to make day-to-day decisions;
 - (d) human-resources practitioners need to provide expert advice to managers to help them do their jobs effectively, and ensure they follow appropriate procedures and get the most out of their staff. These functions are not just about the enforcement of rules, but also about using discretion. Staff need to have sufficient confidence in their own abilities and to build their capability to delegate where appropriate. This needs to be backed by effective systems for the management of performance, so that oversight can be maintained and weaknesses identified at an early stage;
 - (e) levels of delegations vary from department to department. These inconsistencies create a degree of instability and makes it harder to establish clear lines of accountability;
 - (f) the lack of effective delegation slows down decision-making and impedes implementation; and
 - (g) accountability is weakened when paperwork has to be signed by multiple people or at multiple stages in the process. Streamlined processes are needed, that maintain checks and balances, while clarifying accountability and making it easier for departments to take decisions.

1.3 To advance the aspirations in the NDP in respect of delegations -

- (a) as a first phase, Cabinet approved the Principles of Public Administration and Financial Delegations and minimum levels of delegations on 7 August 2013. These Principles represent Government's policy position on how delegations should be managed and were aimed at promoting a more stable political and administrative interface by providing clear lines of accountability from EA to HoD and from the HoD to other performer levels.
- (b) Even though the delegations by principal functionaries are discretionary in terms of the PSA, the Cabinet at the request of the Forum of South African Directors-General, approved minimum levels of delegation in 2013. This provides for HoDs to approve the appointment and career incidents of employees at levels 13 and 14 (Director/Chief Director). Subsequently, EAs should retain the appointment and career incidents of HoDs and Deputy Directors-General; and
- (c) as the second phase, the Minister issued the Directive on Public Administration and Management Delegations, 2014, on 4 August 2014, to provide HoDs with greater delegations for the things they are responsible for.

2. CONTEXT

- 2.1 Delegation means the allocation of a power conferred or a duty imposed on a principal functionary to an employee (delegated official).
- 2.2 The delegation approach set out in section 42A(4) and (5) of the PSA, provides the empowering provision that an EA may delegate any power conferred or duty imposed on that EA to the HOD. Subsequently, a HoD may delegate any power conferred or duty imposed on that HoD or those delegated by the EA to that HoD, to any employee. An EA can delegate to the HoD only and not to employees. This empowering provision is applied to the discretion of a principal functionary.
- 2.3 The Directive incorporated the delegation approach set out in the PSA and prescribes standardised delegation registers for use by principal functionaries. The Directive further provides that a HoD is supported by the relevant departmental assurance bodies (e.g., legal services or other unit) to manage and monitor the system of delegations. Populated templates are provided for, on the DPSA website that departments may customize for their specific context.

2.4 It is important for principal functionaries to delegate for the following reasons:

- (a) Delegating contributes to the development of a professional public service and improve the quality of management and decisions-making. The SMS is established to promote a management culture of excellence based on the values and principles in section 195(1) of the Constitution and the provisions of the PSA, and to build managerial, professional and strategic expertise of members.
- (b) Managers tend not to accept accountability and responsibility and inhibit themselves from participating in administrative decision-making. Weak participation tends to produce de-motivating effects that impedes the development of a professional public service in the absence of delegations.
- (c) Delegation is a legal instrument, subject to the principles of just administrative action, the rule of law, lawfulness, procedural fairness and reasonableness as set out in PAJA. Delegation instruments may be subjected to litigation and principal functionaries should prevent litigation risks.
- (d) Principal functionaries are relieved from the day-to-day administrative decisions to focus on strategic matters and outcomes. This enhances the administrative / political interface.
- (e) To promote more effective and efficient decision-making processes while keeping lines of accountability within the administration clear and known.
- (f) To promote high quality decision-making.
- (g) The PSR and directives issued by the Minister provides clear rules, norms and standards to reduce the need for administrative decision-making based on political convenience. For example, employees are appointed on the basis of competency, following strict rules of advertising and employee selection.
- (h) Speeding up administrative decision-making. No administration can work effectively if all or most decision-making powers are wielded by principal functionaries. For a department to work smoothly decision-making powers are required down the hierarchical ladder.
- (i) Delegation optimises the use of resources and ensures a closer alignment between public administration and financial management. This synergises the powers and duties of HoDs in terms of the PSA and their powers and duties as accounting officers in terms of the PFMA.

3. SUPPORT PROVIDED TO DEPARTMENTS

- 3.1 Following the issuing of the 2021 Report on Compliance by Departments, letters with findings were sent on 11 May 2021 to all departments and the Offices of the Premier so as to convey the outcome of the 2021 assessment, to make proposals for enhancing compliance and to offer support by the DPSA. Non-compliant national and provincial departments were requested to indicate when they will be in a position to comply.
- 3.2 As a follow-up to the letters of 11 May 2021 a Circular was issued on 4 June 2021 for the 2021/2022 assessment. The circular:
- (a) Informed departments on the outcome of the previous assessment;
 - (b) Confirmed the assessment standards;
 - (c) Requested compliant departments to submit delegation registers if changes were effected after 1 March 2021; and
 - (d) Requested non-compliant departments to submit approved delegation registers by no later than 29 October 2021.
- 3.3 Capacity building workshops were conducted with all non-compliant departments and, on request, certain Provincial Executive Councils to assist with improving compliance ratings and to create awareness. All non-compliant departments attended the workshops. A total of 12 workshops were conducted as follows:
- (a) One (1) national workshop.
 - (b) Eight (8) provincial workshops coordinated by the Offices of the Premier for provincial departments. The Western Cape Province is fully compliant and was excluded from workshops.
 - (c) One (1) workshop with the North West Coordinating Committee of HoDs.
 - (d) Two (2) Provincial EXCOs, namely the Northern Cape and North West. The EXCOs were informed on the compliance of their respective departments and alerted to the anticipated amendments to the PSA, to devolve administrative matters to HODs, and the possible impact thereof on delegations in future.
- 3.4 Despite the above-mentioned support, the total rate of compliance by all departments of 71% is unacceptably low. Support to departments did not have the intended impact unless all principal functionaries comply with the Directive.

4. ASSESSMENT APPROACH AND COMPLIANCE STANDARDS

Assessment approach and methodology

- 4.1 The departments were informed through the Circular dated 4 June 2021 of the delegation compliance standards and when to submit delegation registers.
- 4.2 The DPSA moderated compliance of 158 out of the 161 departments listed in the schedules 1, 2 and 3 of the PSA. One national department, one national government component and one provincial department was not moderated for the reasons set out in Appendix B. Appendix B also provides for the reasons of non-compliance and proposals to effect improvements.
- 4.3 Following the approval of the report, letters will be forwarded to national departments and the Offices of the Premier to convey the findings. Departments may choose to challenge the outcome of the moderation. Following the receipt of further evidence, the compliance database will be updated accordingly.

Compliance standards

- 4.4 Compliance with the Directive was rated against two main outcomes, namely not complying and complying based on the standards set out below:

4.4.1 **Not Complying (Ratings 1, 2):**

- (a) Rating 1 - No evidence of delegations or delegations withdrawn.
- (b) Rating 2 - Not Complying: Delegations are in place in any format but do not comply with the Directive.

4.4.2 **Complying (Ratings 3 or 4):**

- (a) Rating 3 - Fully compliant: All four delegation registers are in the prescribed format and duly authorized, registers are updated with the latest legislative amendments with evidence of discretionary delegation of sections 9 and 13 of the PSA by the EA to the HoD (EA can only delegate to HoD) and delegation by the HoD to other performer levels. Minimum levels of delegation have not been implemented.
- (b) Rating 4 - Best Practice: Delegations comply with a 3 rating including delegation by an EA in accordance with the Cabinet approved minimum levels of delegation, which was approved in 2013.
- (c) The 2013 Cabinet approved minimum levels of delegation entails:
- EAs approve the macro structure of the department (SMS level) and the appointment of members of the SMS at levels 15 and 16 after concurrence by Cabinet or a provincial Executive Council.

- HoDs holding the posts at salary level 16, should be delegated the authority to approve the micro structure of a department (below SMS level) and approve the appointment of members of the SMS at levels 13 and 14.
- HoDs holding the posts at salary level 15, should be delegated the authority to approve the micro structure of a department (below SMS level) and approve the appointment of members of the SMS at level 13.

5. RATE OF COMPLIANCE

Compliance Overview

5.1 A summary of the rate of compliance of all national and provincial departments that were assessed is set out in Appendix A.

5.2 The total rate of compliance for the Public Service is set out in Table 1, below.

Table 1: Summary of the rate of compliance for the public service

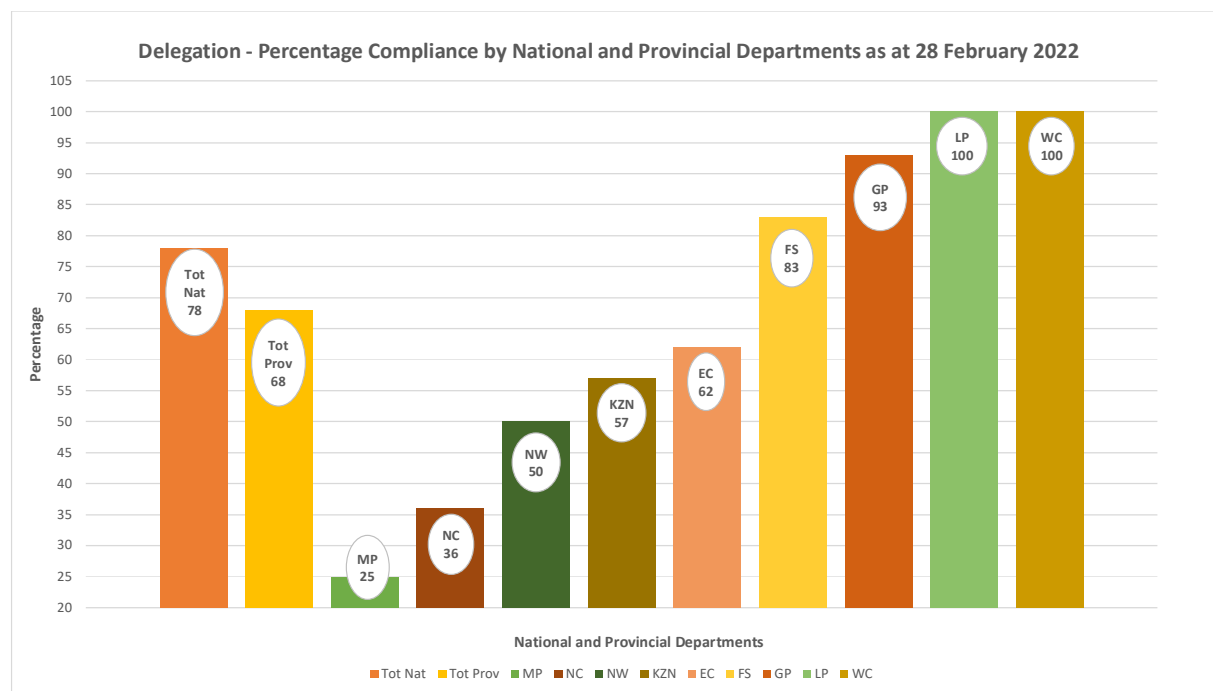
Total National and Provincial Departments Complying	2021 Percentage Compliance	2022 No. of Departments Compliant Against No. of Departments Assessed	2022 Percentage Compliance
Total for the Public Service	69	112 of 158	71
Total National Departments	76	35 of 45	78
Total Provinces	66	77 of 113	68

5.3 The summary in Table 1 indicates that:

- 71% of all departments assessed, complied with the Directive. This total compliance rate means that 112 out of a total of 158 departments that were assessed, complied with the Directive. The 2022 compliance increased with 2 (two) percentage points compared with the 2021 assessment
- At national level, 78% of national departments assessed, complied with the Directive.
- At provincial level, 68% of provincial departments assessed, complied with the Directive.

Graph 1: Percentage Compliance by Departments as at 28 February 2022

5.4 Graph 2 below illustrates the rate of compliance by departments at the national and provincial spheres of Government.



5.5 Graph 1 indicates that the following six provinces have achieved a compliance rating (rating 3 or 4) of more than 50%, in respect of their provincial departments:

- (a) Western Cape, 100% - all 13 departments.
- (b) Limpopo, 100% - all 11 departments.
- (c) Gauteng, 93% - 14 of 15 departments.
- (d) Free State, 83% - 10 of 12 departments.
- (e) Eastern Cape, 62% - 8 of 13 departments.
- (e) KwaZulu Natal, 57% - 8 of 14 departments

5.6 Three provinces have achieved a compliance rating (rating 3 or 4) of 50% and less than 50%, in respect of their provincial departments:

- (a) North West, 50% - 6 of 12 departments.
- (b) Northern Cape, 36% - 4 of 11 department.
- (c) Mpumalanga, 25% - 3 of 12 departments.

Departments with a History of Non-Compliance

5.7 The following twenty one (21) departments have not complied since the issuing of the Directive in 2014 or since the 2017 assessment (indicated in brackets):

(a) National Departments of-

- (1) Employment and Labour (since the 2017 assessment);
- (2) Human Settlements; and
- (3) Police.

(b) Provincial Departments of -

- (1) EC - Department of Social Development;
- (2) FS - Cooperative Governance and Traditional affairs;
- (3) FS - Sport, Arts, Culture and Recreation;
- (4) KZN - Cooperative Governance and Traditional Affairs;
- (6) MP - Culture, Sport and Recreation;
- (7) MP - Economic Development and Tourism;
- (8) MP - Education (since the 2017 assessment);
- (9) MP - Health;
- (10) MP - Human Settlements;
- (11) MP - Office of the Premier;
- (12) MP – Social Development (since the 2017 assessment);
- (13) MP – Treasury;
- (14) NC – Economic Development and Tourism (since the 2017 assessment);
- (15) NC – Health;
- (16) NC – Roads and Public Works;
- (17) NC – Transport, Safety and Liaison; and
- (18) NW – Health.

Compliance Assessment Findings

- 5.8 A detailed analysis of the assessment findings and ratings of individual national and provincial departments are set out in Appendix B.
- 5.9 Appendix B provides the reasons for non-compliance and proposals to effect improvements.
- 5.10 The assessment identified the following challenges that inhibit compliance:
- (a) Delegation registers are outdated and in most instances approved by the predecessors. In some instances, HoDs approve delegations before the date of approval by the EA. HODs should approve delegations on or after the date of delegation by the EA.
 - (b) Non-compliance derogates government's policy position to promote a more stable political and administrative interface. The assignment of delegations provide clear lines of accountability from EA to HoD, and from HoD to other performer levels to ensure greater stability and consistency. The following examples are cited below with regards to inconsistencies found:
 - There are conflicting delegations in cascading levels of delegations in respect of section 9 and 13 of the PSA. This creates uncertainty as to whether there are delegations or not for appointment matters.
 - Delegation to performer levels are nullified by conflicting conditions and limitations set. This creates the perception that delegation registers are prepared for mere compliance.
 - (c) Delegation registers submitted as evidence, are not approved, dated and signed, which compromises version control of approved delegation registers. It is difficult to decipher whether the incumbent principals have approved the delegations.
 - (d) Retention of delegated powers. Delegations conditions determine that a power to appoint an employee can only be exercised after or in consultation with an EA or HoD. Such conditions in effect means that the delegated functionary retains the power and therefore makes delegations superfluous.
 - (e) Delegation registers are not in the prescribed format.
 - (f) A HoD approved delegations of the EA. The PSA provides for the EA to only delegate to the HoD.

- (g) Principal functionaries perform powers and duties conferred on another party. Departments should be circumspect of original powers conferred on an EA and HoD in respect of discipline set out in section 16B of the PSA. It is impermissible for either the EA or the HoD to retain powers conferred on another party. The legal units of departments should quality assure delegations registers for legal soundness.
- (h) Delegations have been withdrawn by the EA without providing reasons or measures to rectify the circumstances that led to the withdrawal. Therefore, it is suggested that EAs confirm in writing to the Minister on the status quo of the withdrawn delegations.
- (i) Delegations are not updated with the latest legislative amendments and not quoted verbatim of the sections in the PSA and PSR. This leads to the wrong interpretation and context of the prescripts. Some departments are not aware that the 2001 PSR was withdrawn and replaced with the PSR 2016.
- (j) No evidence of HoD delegations were submitted.
- (k) Some departments have a history of not adhering to the Directive and are abdicating their responsibility to comply. The Directive is ignored.
- (l) Provincial departments are still using old nomenclatures of departments which are not aligned to the nomenclatures in Schedule 2 of the PSA. This will be corrected by alerting the Premier, through the Director-General of the province, to correct the misalignment.
- (m) The departments identified as non-compliant in respect of delegations compares very closely to the departments identified with compliance findings by the Office of Standards. The high vacancy rate (above 10%) in the senior management service of non-compliant departments is a contributing factor to the non-compliance by departments, which lead to delays in decision making and administrative processes in departments.

Cabinet Approved Minimum Levels of Delegation

- 5.11 The 2013 Cabinet approved minimum levels of delegation is explained in Appendix C. A summary of national and provincial departments who delegated in accordance with the minimum levels of delegation is set out in Appendix D.
- 5.12 Despite the Cabinet having approved the minimum levels of delegation, a principal functionary still has the discretion to delegate to other performer levels. The NDP observed the importance of delegation and advocates for greater delegation. Principal functionaries should demonstrate commitment and delegate appropriately in respect of the PSA and PSR to lower performer levels.

5.13 Of note, is that, the President and the EAs of centre of government departments have delegated in accordance with the Cabinet approved minimum levels of delegation, thereby setting an example and benchmark for the public service.

5.14 The variance in the compliance rate with minimum levels of delegation (rating 4), for the period 2021 and 2022, is set out in Table 2 below.

Table 2: Variance in compliance with the minimum levels of delegation

Total National and Provincial Departments Complying with Rating 4	2021 Percentage compliance (No. of Departments Assessed)	2022 Percentage Compliance (No. of Departments Assessed)
Total for the Public Service	29 (46 of 158)	32 (50 of 158)
Total National Departments	53 (24 of 45)	60 (27 of 45)
Total Provinces	19 (22 of 113)	20 (23 of 113)

5.15 Table 2, read with Appendix D indicates that:

- (a) Total for the public service – 32% (50 of 158) of all national and provincial departments assessed, delegated in accordance with the minimum levels. This represents an increase of three (3) percentage points in comparison with the 2021 results.
- (b) National departments – 60% (27 of 45) of departments assessed, delegated in accordance with the minimum levels. This represents a seven (7) percentage point increase in comparison with the 2021 results.
- (c) Provincial departments – 20% (23 of 113) of departments assessed, delegated in accordance with the minimum levels. This represents an increase of one (1) percentage point in comparison with the 2021 results. The Northern Cape and Mpumalanga provinces have not delegated in accordance with the minimum levels at all.

6. CONCLUSION

- 6.1 Since the issuing of the Directive on 4 August 2014, the DPSA published, populated example delegation registers for departments to use. Capacity building initiatives to assist departments were undertaken.
- 6.2 Principal functionaries who do not comply with the Directive may in terms of section 16A of the PSA, risk themselves to disciplinary steps. The Minister may also report to the Cabinet or, through the relevant Premier, to the Executive Council of the relevant province, any non-compliance by an EA with the Directive.
- 6.3 HoDs, SMS members and human resource practitioners should be subjected to working sessions on improved compliance with the PSA and PSR. It is suggested that the DPSA as a collective, including the Office of Standards conduct working sessions with national and provincial departments who have compliance findings against them. The provinces of North West, Northern Cape and Mpumalanga should be prioritized.
- 6.4 To promote compliance with the Directive in the 6th administration, the Director-General: Public Service and Administration will communicate to HoDs and the Offices of the Premier with regards to the status of compliance and proposals to enhance compliance.
- 6.5 Within a legislative system that provides for discretionary delegations by EAs, the rate of compliance remained unacceptably low. It is therefore a challenge to implement a common delegation framework. Sound public administration, building a capable state and professionalizing the public service should not be subjected to decisions for political expedience. Therefore, an amendment to the PSA to devolve administrative and human resource matters to HoDs is supported. This amendment will also align the powers of HoDs in terms of PSA and the PFMA.

End of Report prepared by the Branch Negotiations, Labour Relations and Remuneration Management of the DPSA.

APPENDIX A: SUMMARY OF THE RATE OF COMPLIANCE BY DEPARTMENTS

Compliance includes rating 3 or 4

Total National and Provincial Departments Complying	2021 Percentage Compliance	2022 No. of Departments Compliant Against No. of Departments Assessed	2022 Percentage Compliance
Total for the Public Service	69	112 of 158	71
Total National Departments	76	35 of 45	78
Total Provinces	66	77 of 113	68

State of Compliance: Provincial Departments

Provincial Departments Complying	2021 Percentage Compliance	2022 No. of Departments Compliant Against No. of Departments Assessed	2022 Percentage Compliance
Total for the Provinces	66	77 of 113	68
Eastern Cape	62	8 of 13	62
Free State	75	10 of 12	83
Gauteng	93	14 of 15	93
KwaZulu-Natal	57	8 of 14	57
Limpopo	91	11 of 11	100
Mpumalanga	25	3 of 12	25
Northern Cape	36	4 of 11	36
North West	50	6 of 12	50
Western Cape	100	13 of 13	100

End Appendix A

APPENDIX B: STATE OF COMPLIANCE BY DEPARTMENTS

National Departments

No.	National Departments	2022 Rating	28 February 2022 Moderation Comments
1	ND Agriculture, Land Reform and Rural Development	3	Fully compliant
2	ND Basic Education	4	Fully compliant and delegated in terms of the minimum levels
3	ND Civilian Secretariat for the Police Service	4	HoD approves PSA and PSR delegations on 6 July 2021 PSA and PSR must be dated on each page. Correction requested Fully compliant and delegated in terms of minimum levels
4	ND Communications and Digital Technologies	2	No evidence of PSA and PSR delegations by the HoD It is proposed that the HoD approves PSA and PSR delegations
5	ND Cooperative Governance	4	Fully compliant and delegated in terms of the minimum levels
6	ND Correctional Services	4	Fully compliant and delegated in terms of the minimum levels
7	ND Defense	3	Fully compliant
8	ND Employment and Labour The Department has not complied with the Directive since the 2017 compliance assessment	2	No evidence of 2016 PSR delegations by the EA to the HoD. EA utilizing PSR 2001, which has been repealed It is proposed that the incumbent EA approves PSA and PSR delegations The principle is observed that HODs should approve delegations on or after the date of delegation approved by the EA to the HoD It is proposed that the HOD approves PSA and PSR delegations after approval by the EA

2022 Report on Compliance with the Directive on Delegations

No.	National Departments	2022 Rating	28 February 2022 Moderation Comments
9	ND Forestry, Fisheries and the Environment	2	<p>No evidence of PSA and PSR delegations by the HOD following delegations by the EA</p> <p>The principle is observed that HODs should approve delegations on or after the date of delegation approved by the EA</p> <p>It is proposed that the incumbent HoD approves PSA and PSR delegations</p>
10	ND Government Communication and Information System	4	Fully compliant and delegated in terms of the minimum levels
11	ND Health	4	Fully compliant and delegated in terms of the minimum levels
12	ND Higher Education and Training	3	Fully compliant
13	ND: Home Affairs	4	<p>Fully compliant and delegated in terms of the minimum levels</p> <p>However, it is proposed that the incumbent EA and HoD approves PSA and PSR delegations</p>
14	<p>ND Human Settlements</p> <p>The Department has not complied since the issuing of the Directive in 2014</p>	2	<p>PSA delegations provided are not in the prescribed format</p> <p>Delegations in terms of the PSA was last approved in 2009</p> <p>Delegation registers not updated with the latest amendments to the PSA see section 13(1) of the PSA</p> <p>No evidence of PSA delegation from the HOD to other performer level.</p> <p>PSR, 2016, delegations signed by the EA in April 2016 and by the HOD in March 2017</p> <p>It is proposed that the current incumbent EA and HoD approves PSA and PSR delegations</p>
15	ND Independent Police Investigative Directorate	4	<p>Fully compliant and delegated in terms of the minimum levels of delegation</p> <p>However, it is proposed that the incumbent EA and HoD approves PSA and PSR delegations</p>

2022 Report on Compliance with the Directive on Delegations

No.	National Departments	2022 Rating	28 February 2022 Moderation Comments
16	ND International Relations and Cooperation	4	Fully compliant and delegated in terms of the minimum levels
17	ND Justice and Constitutional Development	4	Fully compliant and delegated in terms of the minimum levels
18	ND Military Veterans	4	Fully compliant and delegated in terms of minimum levels of delegation
19	ND Mineral Resources and Energy	4	Fully compliant and delegated in terms of minimum levels of delegation
20	ND National School of Government	2	<p>The Minister approved PSA delegations in January 2020</p> <p>No evidence of PSA delegations by the HoD on, or after the date of approval by the Minister</p> <p>No evidence of PSR delegations by the incumbent EA and the Principal</p> <p>The principle is observed that HODs should approve delegations on or after the date of delegation approved by the EA</p> <p>It is proposed that the incumbent EA and HoD approves PSA and PSR delegations</p>
21	ND National Treasury	4	<p>Fully compliant and delegated in terms of minimum levels of delegation</p> <p>However, it is proposed that the incumbent EA and HoD approves PSA and PSR delegations</p>
22	ND Office of the Chief Justice	4	Fully compliant and delegated in terms of minimum levels of delegation
23	ND Office of the Public Service Commission	4	<p>Fully compliant and delegated in terms of the minimum levels</p> <p>However, it is proposed that the HoD approves PSA and PSR delegations once appointed</p>
24	ND Planning Monitoring and Evaluation	4	<p>Fully compliant and delegated in terms of the minimum levels</p> <p>However, it is proposed that the incumbent EA and HoD approves PSA and PSR delegations</p>

2022 Report on Compliance with the Directive on Delegations

No.	National Departments	2022 Rating	28 February 2022 Moderation Comments
25	ND Police The Department has not complied since the issuing of the Directive in 2014	2	Delegations are not in the prescribed format and incomplete Delegations are not updated with the latest legislative amendments and formulation of sections in the PSA and PSR are incorrect It is proposed that the EA and HoD approves PSA and PSR delegations in the prescribed format
26	ND Public Enterprises	4	Fully compliant and delegated in terms of the minimum levels
27	ND Public Service and Administration	4	Fully compliant and delegated in terms of the minimum levels of delegation in 2018 However, it is proposed that the incumbent EA and HoD approves PSA and PSR delegations
28	ND Public Works	4	Fully compliant and delegated in terms of the minimum levels
29	ND Science and Technology	3	Fully compliant The HoD has not delegated powers of appointments to lower levels However, the NDP advocates greater delegations and it is proposed that the HoD delegate some powers to other performer levels
30	ND Small Business Development	3	New delegation registers approved in October 2021. EA delegated L1-12 to HoD
31	ND Social Development	4	Fully compliant and delegated in terms of the minimum levels However, it is proposed that the incumbent EA and HoD approves PSA and PSR delegations
32	ND Sport, Arts and Culture	4	Fully compliant and delegated in terms of the minimum levels
33	ND State Security Agency (SSA)	-	Not assessed
34	ND Statistics South Africa	4	Fully compliant and delegated in terms of the minimum levels However, it is proposed that the incumbent EA and HoD approves PSA and PSR delegations

2022 Report on Compliance with the Directive on Delegations

No.	National Departments	2022 Rating	28 February 2022 Moderation Comments
35	ND The Presidency	4	Fully compliant and delegated in terms of the minimum levels However, it is proposed that the incumbent HoD approves PSA and PSR delegations, once the HoD is appointed
36	ND Tourism	3	Fully compliant However, there is conflicting levels of delegations by the EA and the HoD regarding appointment matters (see sections 9 and 13 of the PSA) It is proposed that the Department align the minimum levels of delegation with regards to the PSA (D1 and D3)
37	ND Trade, Industry and Competition	2	The HoD on 22 June 2020 approved PSA and PSR delegations on behalf of the EA The PSA provides for the EA to only delegate to the HoD The principle is observed that HODs should approve delegations on or after the date of delegation approved by the EA It is proposed that the incumbent EA and HoD approves PSA and PSR delegations
38	ND Traditional Affairs	3	Fully compliant
39	ND Transport	4	Fully compliant and delegated in terms of the minimum levels. New delegation registers approved October 2020
40	ND Water and Sanitation	4	Fully compliant and delegated in terms of the minimum levels However, it is proposed that the incumbent EA and HoD approves PSA and PSR delegations
41	ND Women	3	Fully compliant New delegation registers approved September/October 2021. EA delegated L1-13 to HoD. Rating 3 retained
42	National Government Component (NGC) Centre for Public Service Innovation	2	No evidence of HoD delegations to other performer levels in terms of the PSA and PSR It is proposed that the HoD approves PSA and PSR delegations

2022 Report on Compliance with the Directive on Delegations

No.	National Departments	2022 Rating	28 February 2022 Moderation Comments
43	NGC Government Pensions Administration Agency	2	No evidence of HoD delegations to other performer levels in terms of the PSA and PSR It is proposed that the HoD approves PSA and PSR delegations
44	NGC Government Printing Works	4	Fully compliant and delegated in terms of the minimum levels However, it is proposed that the incumbent EA and HoD approves PSA and PSR delegations
45	NGC Government Technical Advisory Centre	4	Fully compliant and delegated in terms of the minimum levels However, it is proposed that the incumbent EA and HoD approves PSA and PSR delegations
46	NGC Municipal Infrastructure Support Agent	1	No evidence of PSA and PSR delegations It is proposed that the incumbent EA and HoD approves PSA and PSR delegations
47	NGC South African Development Partnership Agency (SADPA)	-	SADPA is not operational, therefore it was not assessed

2022 Report on Compliance with the Directive on Delegations

Summary National Departments	2022 No of Departments	2022 Percentage Compliance
A: Not Complying Total (Ratings 1, and 2)	10	22
Rating 1 No evidence of HR delegations: and delegations withdrawn	1	2
Rating 2 Not Complying: Delegations are in place in any format but do not comply with the Directive on Delegations	9	20
B: Complying Total (Ratings 3 and 4)	35	78
Rating 3 Fully compliant: All registers are in the prescribed format and duly authorised, registers are updated with the latest legislative amendments with evidence of discretionary delegation by EA and HOD. Minimum levels of delegation have not been implemented	8	18
Rating 4 Best Practice: Delegations comply with performance standards of a 3 rating including delegation in accordance with the Cabinet approved minimum levels of delegation	27	60
Total number of departments assessed	45 of 47 assessed	100

Note:

1. Department of State Security not assessed.
2. SADPA not assessed.

Eastern Cape Province

No.	Eastern Cape Provincial Departments	2022 Rating	28 February 2022 Moderation Comments
48	EC Cooperative Governance and Traditional Affairs	4	Fully compliant and delegated in terms of the minimum levels
49	EC Economic Development, Environmental Affairs and Tourism	3	Fully compliant However, it is proposed that the levels of delegation by the HOD be aligned to the levels of delegation by the MEC (see sections 9 and 13 of the PSA)
50	EC Education	2	No evidence of delegation by the HOD in terms of the PSA and PSR after approval of the PSA and PSR delegations by the EA in November 2020
51	EC Health	3	Fully compliant However, it is proposed that the delegation registers be approved by the incumbent EA and HoD
52	EC Human Settlements	2	No evidence of PSA and PSR delegations by the HoD after the current incumbent EA approved PSA and PSR delegations in July 2019 It is proposed that the HoD approve PSA and PSR delegations after the date of delegations by the EA The principle is observed that HODs should approve delegations on or after the date of delegation approved by the EA to the HoD
53	EC Office of the Premier	3	Fully compliant HOD approved PSA and PSR delegations July 2021
54	EC Public Works and Infrastructure	3	Fully compliant However, it is proposed that the Department align the minimum levels of delegation by the EA and that of the HoD in respect of the PSA (D1 and D3). See sections 9 and 13 of the PSA
55	EC Rural Development and Agrarian Reform	3	Fully compliant However, it is proposed that the delegation registers be approved by the incumbent EA and HoD

2022 Report on Compliance with the Directive on Delegations

No.	Eastern Cape Provincial Departments	2022 Rating	28 February 2022 Moderation Comments
56	EC Safety and Liaison	2	<p>No evidence of PSR delegations by the HoD after the current incumbent EA approved PSA and PSR delegations in August 2020</p> <p>It is proposed that the HoD approve PSR delegations after the date of delegations by the EA</p> <p>HOD approved PSA delegations September 2020 (D4 outstanding)</p>
57	<p>EC Social Development</p> <p>The Department has not complied since the issuing of the Directive in 2014</p>	2	<p>No evidence of PSR 2016 delegations by the HoD</p> <p>No evidence of PSA delegations by the HoD after the current incumbent EA approved PSA in December 2019</p> <p>It is proposed that the HoD approves PSA and PSR delegations after the date of delegations by the EA</p> <p>The principle is observed that HODs should approve delegations on or after the date of delegation approved by the EA to the HoD</p>
58	EC Sport, Recreation, Arts and Culture	4	<p>Fully compliant and delegated in terms of the minimum levels of delegations</p> <p>Best practice for the province</p>
59	EC Transport	3	<p>Fully compliant</p> <p>However, it is proposed that the delegation registers be approved by the incumbent EA and HoD</p>
60	EC Treasury	3	Fully compliant

2022 Report on Compliance with the Directive on Delegations

Summary Eastern Cape Departments	2022 No of Departments	2022 Percentage Compliance
A: Not Complying Total (Ratings 1, and 2)	5	38
Rating 1 No evidence of HR delegations: and delegations withdrawn	0	0
Rating 2 Not Complying: Delegations are in place in any format but do not comply with the Directive on Delegations	5	38
B: Complying Total (Ratings 3 and 4)	8	62
Rating 3 Fully compliant: All registers are in the prescribed format and duly authorised, registers are updated with the latest legislative amendments with evidence of discretionary delegation by EA and HOD. Minimum levels of delegation have not been implemented	6	46
Rating 4 Best Practice: Delegations comply with performance standards of a 3 rating including delegation in accordance with the Cabinet approved minimum levels of delegation	2	16
Total number of departments assessed	13 of 13 assessed	100

Free State Province

No.	Free State Provincial Departments	2022 Rating	28 February 2022 Moderation Comments
61	FS Agriculture and Rural Development	3	<p>Fully compliant</p> <p>From the delegation registers the names of the incumbent EA and HoD cannot be identified.</p> <p>It is proposed that the delegation registers be approved by the incumbent EA and HoD</p> <p>It is noted that the Department of Agriculture and the Department of Rural Development is listed as a separate Departments in Schedule 2 of the PSA</p> <p>It has been ascertained hat the Department of Agriculture and the Department of Rural Development is a combined Department</p> <p>It is proposed that the Premier requests the President, if any anomaly exist, to amend the nomenclature of the Department of Agriculture to read the Department of Agriculture and Rural Development and to delist the Department of Rural Development in Schedule 2 of the PSA</p>
62	FS Cooperative Governance and Traditional Affairs The Department has not complied since the issuing of the Directive in 2014	2	<p>EA signed delegations in respect of the PSA and PSR in November 2016</p> <p>No evidence of HOD delegations submitted in respect of the PSA and PSR</p> <p>It is proposed that the delegation registers be approved by the incumbent EA and HoD</p>
63	FS Economic Development, Tourism and Environmental Affairs	3	<p>Fully compliant</p> <p>However, in respect of appointment matters (section 9 and 13 of the PSA), it should be considered to amend the conditions of appointment that stipulates that the HoD makes appointments for levels 2 to 10 in consultation with the MEC.</p> <p>In consultation is perceived as non-delegation to the HoD and that the power vests with the EA.</p> <p>It is noted that the nomenclature of the Department is indicated as the Department of Economic, Small Business Development, Tourism and Environmental Affairs, in various government documents.</p>

2022 Report on Compliance with the Directive on Delegations

No.	Free State Provincial Departments	2022 Rating	28 February 2022 Moderation Comments
			<p>The name is reflected as the Department of Economic Development, Tourism and Environmental Affairs in Schedule 2 of the PSA</p> <p>It is proposed that the Premier requests the President, if any anomaly exist, to amend the nomenclature of the Department in Schedule 2 of the PSA</p>
64	FS Education	3	Fully compliant
65	FS Health	4	<p>Fully compliant and delegated in terms of the minimum levels</p> <p>Best practice in the province</p>
66	FS Human Settlements	3	<p>Fully compliant</p> <p>However, the HoD has not delegated powers of appointments to lower levels</p> <p>However, the NDP advocates greater delegations and it is proposed that the HoD delegate some powers to other performer levels</p>
67	FS Police, Roads and Transport	3	Fully compliant
68	FS Office of the Premier	3	<p>Fully compliant and delegated in accordance with the minimum levels of delegation from EA to HoD only</p> <p>However, the NDP advocates greater delegations and it is proposed that the HoD delegate some powers to other performer levels</p> <p>It is proposed that the delegation registers be approved by the incumbent EA and HoD</p>
69	FS Public Works	3	<p>Fully compliant</p> <p>However, it is proposed that the delegation registers be approved by the incumbent EA and HoD</p> <p>It is noted that the nomenclature of the Department is indicated as the Department of Public Works and Infrastructure</p> <p>The name is reflected as the Department of Public Works in Schedule 2 of the PSA</p> <p>It is proposed that the Premier requests the President, if any anomaly exist, to amend the</p>

2022 Report on Compliance with the Directive on Delegations

No.	Free State Provincial Departments	2022 Rating	28 February 2022 Moderation Comments
			nomenclature of the Department in Schedule 2 of the PSA
70	FS Rural Development	-	<p>Not assessed</p> <p>It has been ascertained that the Department of Agriculture and the Department of Rural Development is a combined Department</p> <p>It is proposed that the Premier requests the President, if any anomaly exist, to amend the nomenclature of the Department of Agriculture to read the Department of Agriculture and Rural Development and to delist the Department of Rural Development in Schedule 2 of the PSA</p>
71	FS Social Development	3	<p>Fully compliant</p> <p>However, it is proposed that the delegation registers be approved by the incumbent EA and HoD</p>
72	<p>FS Sport, Arts, Culture and Recreation</p> <p>The Department has not complied since the issuing of the Directive in 2014</p>	1	<p>Delegations for PSA last signed in 2011</p> <p>Delegations are not in the prescribed format</p> <p>Delegations not updated with the latest legislative amendments and formulation of sections</p> <p>No evidence of PSR 2016 delegations</p> <p>The EA, on 24 March 2020, withdrew delegations to the HoD in terms of the PSA and PSR</p> <p>It is proposed that the EA confirms in writing to the Minister for the Public Service and Administration whether the circumstances for withdrawing the delegations still exist</p> <p>It is proposed that the delegation registers be approved by the incumbent EA and HoD</p>
73	FS Treasury	3	<p>Delegation registers approved September 2021. EA delegated L1-12 to HoD. Evidence of delegation by HoD to lower performer levels</p>

2022 Report on Compliance with the Directive on Delegations

Summary Free State Departments	2021 No of Departments	2021 Percentage Compliance
A: Not Complying Total (Ratings 1, and 2)	2	17
Rating 1 No evidence of HR delegations: and delegations withdrawn	1	8
Rating 2 Not Complying: Delegations are in place in any format but do not comply with the Directive on Delegations	1	8
B: Complying Total (Ratings 3 and 4)	10	83
Rating 3 Fully compliant: All registers are in the prescribed format and duly authorised, registers are updated with the latest legislative amendments with evidence of discretionary delegation by EA and HOD. Minimum levels of delegation have not been implemented	9	75
Rating 4 Best Practice: Delegations comply with performance standards of a 3 rating including delegation in accordance with the Cabinet approved minimum levels of delegation	1	8
Total number of departments assessed	12 of 12 assessed	100

Note: FS Rural Development not assessed.

Gauteng Province

No.	Gauteng Provincial Departments	2022 Rating	28 February 2022 Moderation Comments
74	GP Agriculture and Rural Development	3	Fully compliant
75	GP Community Safety	3	Fully compliant. Delegations approved by EA and HoD February/March 2022
76	GP Cooperative Governance and Traditional Affairs	3	Fully compliant delegations last approved in May 2017 However, it is proposed that the delegation registers be approved by the incumbent EA and HoD
77	GP Economic Development	3	Fully compliant
78	GP Education	4	Fully compliant and delegated in accordance with the minimum levels of delegation Provincial best practice
79	GP E-Government	4	Fully compliant and delegated in accordance with the minimum levels of delegation It is proposed that the delegation registers be approved by the incumbent HoD
80	GP Health	4	Fully compliant and delegated in accordance with the minimum levels However, it is proposed that the delegation registers be approved by the incumbent EA and HoD
81	GP Human Settlements	3	Fully compliant
82	GP Infrastructure Development	4	Fully compliant and delegated in accordance with the minimum levels of delegation
83	GP Office of the Premier	4	Fully compliant and delegated in accordance with the minimum level Provincial best practice

2022 Report on Compliance with the Directive on Delegations

No.	Gauteng Provincial Departments	2022 Rating	28 February 2022 Moderation Comments
84	GP Roads and Transport	4	Fully compliant and delegated in accordance with the minimum levels Delegations last approved in 2017 However, it is proposed that the delegation registers be approved by the incumbent EA and HoD
85	GP Social Development	3	Fully compliant However, it is proposed that the delegation registers be approved by the incumbent EA and HoD
86	GP Sport, Arts Culture and Recreation	1	The EA, on 11 October 2019, withdrew delegations to the HoD in terms of the PSA and PSR It is proposed that the EA confirms in writing to the Minister for the Public Service and Administration whether the circumstances for withdrawing the delegations still exist
87	GP Treasury	4	Fully compliant and delegated in accordance with the minimum levels of delegation Provincial best practice
88	GP Government Component Gauteng Infrastructure Financing Agency	4	Fully compliant and delegated in accordance with the minimum levels of delegation

2022 Report on Compliance with the Directive on Delegations

Summary Gauteng Departments	2022 No of Departments	2022 Percentage Compliance
A: Not Complying Total (Ratings 1, and 2)	1	7
Rating 1 No evidence of HR delegations: and delegations withdrawn	1	7
Rating 2 Not Complying: Delegations are in place in any format but do not comply with the Directive on Delegations	0	0
B: Complying Total (Ratings 3 and 4)	14	93
Rating 3 Fully compliant: All registers are in the prescribed format and duly authorised, registers are updated with the latest legislative amendments with evidence of discretionary delegation by EA and HOD. Minimum levels of delegation have not been implemented	6	40
Rating 4 Best Practice: Delegations comply with performance standards of a 3 rating including delegation in accordance with the Cabinet approved minimum levels of delegation	8	53
Total number of departments assessed	15 of 15 assessed	100

KwaZulu-Natal Province

No.	KwaZulu-Natal Provincial Departments	2022 Rating	28 February 2022 Moderation Comments
89	KZN Agriculture and Rural Development	2	<p>No evidence of delegations by the HoD in terms of the PSR</p> <p>No evidence of PSA and PSR delegations by the HoD after the current incumbent EA approved PSA and PSR delegations in December 2019</p> <p>It is proposed that the HoD approve PSA and PSR delegations after the date of delegations by the EA</p> <p>The principle is observed that HODs should approve delegations on or after the date of delegation approved by the EA to the HoD</p> <p>It is proposed that the delegation registers be approved by the incumbent EA and HoD</p>
90	KZN Arts and Culture	3	<p>Fully compliant</p> <p>With respect to the future amendment to the delegation registers, it is proposed that the HoD delegates to other performer levels in a consolidated register and not separate registers for each performer levels. This will minimize administrative burden</p>
91	KZN Community Safety and Liaison	3	<p>Fully compliant</p> <p>However, it is proposed that the delegation registers be approved by the incumbent EA and HoD</p>
92	<p>KZN Cooperative Governance and Traditional Affairs</p> <p>The Department has not complied since the issuing of the Directive in 2014</p>	2	<p>EA delegations in terms of the PSA is incomplete and do not reference all sections of the Act</p> <p>HOD delegations in terms of the PSA is incomplete and do not reference relevant sections</p> <p>No evidence of EA delegations in terms of the PSR 2016</p> <p>It is proposed that the delegation registers be approved by the incumbent EA and HoD by using the prescribed templates</p>

2022 Report on Compliance with the Directive on Delegations

No.	KwaZulu-Natal Provincial Departments	2022 Rating	28 February 2022 Moderation Comments
93	KZN Economic Development, Tourism and Environmental Affairs	4	Fully compliant and delegated in accordance with the minimum levels Provincial best practice
94	KZN Education	3	Fully compliant However, it is proposed that the delegation registers be approved by the incumbent EA and HoD by using the prescribed templates
95	KZN Health	4	Fully compliant and delegated in accordance with the minimum levels However, it is proposed that the delegation registers be approved by the incumbent EA and HoD by using the prescribed templates
96	KZN Human Settlements	4	Fully compliant and delegated in accordance with the minimum levels Provincial best practice
97	KZN Office of the Premier	2	No evidence of PSA and PSR delegations by the HoD after the current incumbent EA approved PSA and PSR delegations in December 2019 It is proposed that the HoD approve PSA and PSR delegations after the date of delegations by the EA In respect of appointments section 9 of the PSA, the HoD is required to concur with appointments for levels 9-12, and the EA must concur with the appointment of levels 13 and 14. This implies that the HoD does not approve appointments in accordance with the minimum levels of delegation (Levels 13 and 14)

2022 Report on Compliance with the Directive on Delegations

No.	KwaZulu-Natal Provincial Departments	2022 Rating	28 February 2022 Moderation Comments
98	KZN Public Works	2	<p>No evidence of PSA delegations by the HoD after the incumbent EA approved PSA delegations in December 2019</p> <p>It is proposed that the HoD approve PSA delegations after the date of delegations by the EA</p> <p>It appears from evidence submitted that the PSA delegations by the HoD is not dated and inconsistent with EA delegations</p> <p>It is proposed that the delegation registers be approved by the incumbent EA and HoD</p>
99	KZN Social Development	2	<p>No evidence of PSA and PSR delegations by the HoD after the incumbent EA approved PSA and PSR delegations in December 2019</p> <p>It is proposed that the HoD approve PSA and PSR delegations after the date of delegation by the EA</p> <p>It is proposed that the delegation registers be approved by the incumbent EA and HoD</p>
100	KZN Sport and Recreation	3	Fully compliant
101	KZN Transport	2	<p>No evidence of PSA and PSR delegations by the HoD after the incumbent EA approved PSA and PSR delegations in December 2019</p> <p>It is proposed that the HoD approve PSA and PSR delegations after the date of delegation by the EA</p> <p>It is proposed that the delegation registers be approved by the incumbent EA and HoD</p>
102	KZN Treasury	4	<p>Fully compliant and delegated in accordance with the minimum levels</p> <p>Provincial best practice</p>

2022 Report on Compliance with the Directive on Delegations

Summary KwaZulu-Natal Departments	2022 No of Departments	2022 Percentage Compliance
A: Not Complying Total (Ratings 1, and 2)	6	43
Rating 1 No evidence of HR delegations: and delegations withdrawn	0	0
Rating 2 Not Complying: Delegations are in place in any format but do not comply with the Directive on Delegations	6	43
B: Complying Total (Ratings 3 and 4)	8	57
Rating 3 Fully compliant: All registers are in the prescribed format and duly authorised, registers are updated with the latest legislative amendments with evidence of discretionary delegation by EA and HOD. Minimum levels of delegation have not been implemented	4	28.5
Rating 4 Best Practice: Delegations comply with performance standards of a 3 rating including delegation in accordance with the Cabinet approved minimum levels of delegation	4	28.5
Total number of departments assessed	14 of 14 assessed	100

Limpopo Province

No.	Limpopo Provincial Departments	2022 Rating	28 February 2022 Moderation Comments
103	LP Agriculture and Rural Development	3	Fully compliant
104	LP Cooperative Governance, Human Settlements and Traditional Affairs	3	Fully compliant The HoD has not delegated powers of appointments to lower levels However, the NDP advocates greater delegations and it is proposed that the HoD delegate some powers to other performer levels
105	LP Economic Development, Environment and Tourism	3	Fully compliant, delegations signed March 2021
106	LP Education	3	Fully compliant
107	LP Health	3	Fully compliant
108	LP Office of the Premier	3	Fully compliant D1 to D4 signed July / August 2021
109	LP Public Works, Roads and Infrastructure	3	Fully compliant The HoD has not delegated powers of appointments to lower levels However, the NDP advocates greater delegations and it is proposed that the HoD delegate some powers to other performer levels
110	LP Social Development	3	Fully compliant, PSA and PSR delegations signed 27 May 2021
111	LP Sport, Arts and Culture	3	Fully compliant The HoD has not delegated powers of appointments to lower levels However, the NDP advocates greater delegations and it is proposed that the HoD delegate some powers to other performer levels

2022 Report on Compliance with the Directive on Delegations

No.	Limpopo Provincial Departments	2022 Rating	28 February 2022 Moderation Comments
112	LP Transport and Community Safety	3	Fully compliant The HoD has not delegated powers of appointments to lower levels However, the NDP advocates greater delegations and it is proposed that the HoD delegate some powers to other performer levels
113	LP Treasury	4	Fully compliant and delegated in accordance with the minimum levels Provincial best practice

Summary Limpopo Departments	2022 No of Departments	2022 Percentage Compliance
A: Not Complying Total (Ratings 1, and 2)	0	0
Rating 1 No evidence of HR delegations: and delegations withdrawn	0	0
Rating 2 Not Complying: Delegations are in place in any format but do not comply with the Directive on Delegations	0	0
B: Complying Total (Ratings 3 and 4)	11	100
Rating 3 Fully compliant: All registers are in the prescribed format and duly authorised, registers are updated with the latest legislative amendments with evidence of discretionary delegation by EA and HOD. Minimum levels of delegation have not been implemented	10	91
Rating 4 Best Practice: Delegations comply with performance standards of a 3 rating including delegation in accordance with the Cabinet approved minimum levels of delegation	1	9
Total number of departments assessed	11 of 11 assessed	100

Mpumalanga Province

No.	Mpumalanga Provincial Departments	2022 Rating	28 February 2022 Moderation Comments
114	MP Agriculture, Rural Development, Land and Environmental Affairs	3	Fully compliant
115	MP Cooperative Governance and Traditional Affairs	2	No evidence of PSA delegations by EA and HoD It is proposed that the incumbent EA and HoD sign PSA and PSR delegations
116	MP Community Safety, Security and Liaison	3	Fully compliant The HoD has not delegated powers of appointments to lower levels However, the NDP advocates greater delegations and it is proposed that the HoD delegate some powers to other performer levels
117	MP Culture Sport and Recreation The Department has not complied since the issuing of the Directive in 2014	2	No evidence of EA and HoD delegations to other performer level in terms the PSA It is proposed that the incumbent EA and HoD sign PSA and PSR delegations
118	MP Economic Development and Tourism The Department has not complied since the issuing of the Directive in 2014	2	No evidence of HoD delegations to other performer level in terms of both PSA and PSR It is proposed that the incumbent EA and HoD sign PSA and PSR delegations
119	MP Education The Department has not complied with the Directive since the 2017 compliance assessment	2	No evidence of EA and HoD delegations in terms of the PSR 2016. The 2001 PSR has been repealed and replaced with the PSR 2016 It is proposed that the incumbent EA and HoD sign PSA and PSR delegations

2022 Report on Compliance with the Directive on Delegations

No.	Mpumalanga Provincial Departments	2022 Rating	28 February 2022 Moderation Comments
120	MP Health The Department has not complied since the issuing of the Directive in 2014	2	<p>No evidence of EA and HoD delegations in terms of the PSR 2016</p> <p>No evidence of PSA delegations by the HoD after the incumbent EA approved PSA delegations in May 2017</p> <p>It is proposed that the HoD approve PSA and PSR delegations after the date of delegations by the EA</p> <p>The principle is observed that HODs should approve delegations on or after the date of delegation approved by the EA to the HoD</p> <p>It is proposed that the incumbent EA and HoD sign PSA and PSR delegations</p>
121	MP Human Settlements The Department has not complied since the issuing of the Directive in 2014	2	<p>No evidence of HoD delegations in terms of the PSA</p> <p>It is proposed that the incumbent EA and HoD sign PSA and PSR delegations</p>
122	MP Office of the Premier The Department has not complied since the issuing of the Directive in 2014	2	<p>No evidence of HoD delegations in terms of the PSA</p> <p>It is proposed that the incumbent EA and HoD sign PSA and PSR delegations</p>
123	MP Public Works, Roads and Transport	3	<p>Fully compliant</p> <p>However, it is noted that the delegation registers by EA and HOD in terms of the PSA, was approved in 2014, and are not updated with the latest amendments to the PSA (see section 13(1) of the PSA)</p> <p>It is proposed that the incumbent EA and HoD sign PSA and PSR delegations</p>

2022 Report on Compliance with the Directive on Delegations

No.	Mpumalanga Provincial Departments	2022 Rating	28 February 2022 Moderation Comments
124	MP Social Development The Department has not complied with the Directive since the 2017 compliance assessment	2	No evidence of HoD delegations in terms of the PSA and the PSR It is proposed that the incumbent EA and HoD sign PSA and PSR delegations
125	MP Treasury The Department has not complied since the issuing of the Directive in 2014	2	No evidence of HoD delegations in terms of the PSA and the PSR It is proposed that the incumbent EA and HoD sign PSA and PSR delegations

2022 Report on Compliance with the Directive on Delegations

Summary Mpumalanga Departments	2022 No of Departments	2022 Percentage Compliance
A: Not Complying Total (Ratings 1, and 2)	9	75
Rating 1 No evidence of HR delegations: and delegations withdrawn	0	0
Rating 2 Not Complying: Delegations are in place in any format but do not comply with the Directive on Delegations	9	75
B: Complying Total (Ratings 3 and 4)	3	25
Rating 3 Fully compliant: All registers are in the prescribed format and duly authorised, registers are updated with the latest legislative amendments with evidence of discretionary delegation by EA and HOD. Minimum levels of delegation have not been implemented	3	25
Rating 4 Best Practice: Delegations comply with performance standards of a 3 rating including delegation in accordance with the Cabinet approved minimum levels of delegation	0	0
Total number of departments assessed	12 of 12 assessed	100

Northern Cape Province

No.	Northern Cape Provincial Departments	2022 Rating	28 February 2022 Moderation Comments
126	Agriculture, Environmental Affairs, Rural Development and Land Reform Note: The above-mentioned Department is established through a merger of the Department of Agriculture, Land Reform and Rural Development and the Department of Environment and Nature Conservation	1	The Department is not operational at the time of assessment. It is proposed that the delegation registers be approved by the incumbent EA and HoD as soon as the Department is operational
127	NC Cooperative Governance, Human Settlements and Traditional Affairs	1	No evidence of delegations by the EA The HoD confirmed in his letter dated 20 October 2020 that the Department has not implemented the Directive on Public Administration and Management of Delegations, therefore all powers are still vested with the EA It is proposed that the delegation registers be approved by the incumbent EA and HoD
128	NC Economic Development and Tourism The Department has not complied with the Directive since the 2017 compliance assessment	2	No evidence of HoD delegations in terms of the PSA and PSR It is proposed that the delegation registers be approved by the incumbent EA and HoD
129	NC Education	3	Fully compliant However, it is proposed that the delegation registers be approved by the incumbent EA and HoD

2022 Report on Compliance with the Directive on Delegations

No.	Northern Cape Provincial Departments	2022 Rating	28 February 2022 Moderation Comments
130	NC Health The Department has not complied since the issuing of the Directive in 2014	2	Delegations for the PSA was last signed in 2014 Amendments are required to align to the latest amendments to the PSA, see section 13(1) No evidence that the EA delegated appointment matters in terms of the PSA to the HOD No evidence of PSA and PSR delegations by the HOD It is proposed that the delegation registers be approved by the incumbent EA and HoD
131	NC Office of the Premier	3	Fully compliant However, it is proposed that the delegation registers be approved by the incumbent EA and HoD
132	NC Roads and Public Works The Department has not complied since the issuing of the Directive in 2014	2	Delegations for PSA last signed in 2013 Delegations are not in the prescribed format Delegations not updated with the latest legislative amendments and formulation of sections No evidence of PSR 2016 delegations It is proposed that the delegation registers be approved by the incumbent EA and HoD
133	NC Social Development	3	Fully compliant However, it is proposed that the delegation registers be approved by the incumbent EA and HoD
134	NC Sport, Arts and Culture	3	Fully compliant However, it is proposed that the delegation registers be approved by the incumbent EA and HoD
135	NC Transport, Safety and Liaison The Department has not complied since the issuing of the Directive in 2014	2	Delegations for PSA last signed in 2014 Delegations are not in the prescribed four template format Delegations not updated with the latest legislative amendments and formulation of sections No evidence of PSR 2016 delegations The HoD in his letter dated 9 November 2020, indicated that the approved of delegation by the Department is being attended to

2022 Report on Compliance with the Directive on Delegations

No.	Northern Cape Provincial Departments	2022 Rating	28 February 2022 Moderation Comments
			It is proposed that the delegation registers be approved by the incumbent EA and HoD
136	NC Treasury	1	The EA, on 8 January 2018, withdrew delegations to the HoD in terms of the PSA and PSR It is proposed that the EA confirms in writing to the Minister for the Public Service and Administration whether the circumstances for withdrawing the delegations still exist It is proposed that the delegation registers be approved by the incumbent EA and HoD

Summary Northern Cape Departments	2022 No of Departments	2022 Percentage Compliance
A: Not Complying Total (Ratings 1, and 2)	7	64
Rating 1 No evidence of HR delegations: and delegations withdrawn	3	28
Rating 2 Not Complying: Delegations are in place in any format but do not comply with the Directive on Delegations	4	36
B: Complying Total (Ratings 3 and 4)	4	36
Rating 3 Fully compliant: All registers are in the prescribed format and duly authorised, registers are updated with the latest legislative amendments with evidence of discretionary delegation by EA and HOD. Minimum levels of delegation have not been implemented	4	36
Rating 4 Best Practice: Delegations comply with performance standards of a 3 rating including delegation in accordance with the Cabinet approved minimum levels of delegation	0	0
Total number of departments assessed	11 of 11 assessed	100

North West Province

No.	North West Provincial Departments	2022 Rating	28 February 2022 Moderation Comments
137	NW Agriculture and Rural Development	3	<p>Fully compliant</p> <p>However, the NDP advocates greater delegations and it is proposed that the HoD delegate some powers to other performer levels</p> <p>It is proposed that the HoD considers delegating appointment matters (see sections 9 and 13 of the PSA) to lower levels</p>
138	NW Arts, Culture, Sports and Recreation	2	<p>The HoD in his letter dated 22 October 2020 indicated that the Department is currently reviewing its delegations to align to the new mandate</p> <p>No evidence of PSA and PSR delegations by the HoD after the current incumbent EA approved PSA and PSR delegations in November 2020</p> <p>It is proposed that the HoD approve PSA and PSR delegations on or after the date of delegations by the EA</p>
139	NW Community Safety and Transport Management	3	<p>Fully compliant</p> <p>However, the NDP advocates greater delegations and it is proposed that the HoD delegate some powers to other performer levels</p> <p>It is proposed that the HoD considers delegating appointment matters (see sections 9 and 13 of the PSA) to lower levels</p>
140	NW Cooperative Governance and Traditional Affairs	2	<p>There is no evidence that the delegations of the former Department of Local Government and Human Settlements were approved by the EA for use by the newly configured Department of Cooperative Governance and Traditional Affairs (both departments use the same delegations)</p> <p>However, the NDP advocates greater delegations and it is proposed that the HoD delegate some powers to other performer levels</p> <p>It is proposed that the HoD considers delegating appointment matters (see sections 9 and 13 of the PSA) to lower levels</p>

2022 Report on Compliance with the Directive on Delegations

No.	North West Provincial Departments	2022 Rating	28 February 2022 Moderation Comments
			It is proposed that the incumbent EA and HoD approves PSA and PSR delegations to reflect changes to the portfolio
141	NW Economic Development, Environment, Conservation and Tourism	2	No evidence of PSA and PSR delegations for the newly configured department. It is proposed that the incumbent EA and HoD approves PSA and PSR delegations to reflect changes to the portfolio
142	NW Education	4	Fully compliant and delegated in accordance with the minimum levels
143	NW Health The Department has not complied since the issuing of the Directive in 2014	2	No evidence of HoD delegations in terms of the PSR It is proposed that the incumbent EA and HoD approves PSA and PSR delegations
144	NW Human Settlements	2	There is no evidence that the delegations of the former Department of Local Government and Human Settlements were approved by the EA for use by the newly configured Department of Human Settlements (both departments use the same delegations) However, the NDP advocates greater delegations and it is proposed that the HoD delegate some powers to other performer levels It is proposed that the HoD considers delegating appointment matters (see sections 9 and 13 of the PSA) to lower levels It is proposed that the incumbent EA and HoD approves PSA and PSR delegations to reflect changes to the portfolio
145	NW Office the Premier	3	Fully compliant However, it is proposed that the incumbent EA and HoD approve PSA and PSR delegations
146	NW Public Works and Roads	2	No evidence that the 2018 of PSA and PSR delegations were approved (pages not signed) It is proposed that the incumbent EA and HoD approve PSA and PSR delegations

2022 Report on Compliance with the Directive on Delegations

No.	North West Provincial Departments	2022 Rating	28 February 2022 Moderation Comments
147	NW Social Development	4	Fully compliant and delegated in accordance with the minimum levels of delegation for a HOD post at level 15 (HOD appoints levels 1 to 13) However, it is proposed that the incumbent EA and HoD approve PSA and PSR delegations
148	NW Treasury	3	Fully compliant

Summary North West Departments	2022 No of Departments	2022 Percentage Compliance
A: Not Complying Total (Ratings 1, and 2)	6	50
Rating 1 No evidence of HR delegations: and delegations withdrawn	0	0
Rating 2 Not Complying: Delegations are in place in any format but do not comply with the Directive on Delegations	6	50
B: Complying Total (Ratings 3 and 4)	6	50
Rating 3 Fully compliant: All registers are in the prescribed format and duly authorised, registers are updated with the latest legislative amendments with evidence of discretionary delegation by EA and HOD. Minimum levels of delegation have not been implemented	4	33
Rating 4 Best Practice: Delegations comply with performance standards of a 3 rating including delegation in accordance with the Cabinet approved minimum levels of delegation	2	17
Total number of departments assessed	12 of 12 assessed	100

Western Cape Province

No.	Western Cape Provincial Departments	2022 Rating	28 February 2022 Moderation Comments
149	WC Agriculture	4	Fully compliant and delegated in accordance with the minimum levels of delegation
150	WC Community Safety	3	Fully compliant However, the NDP advocates greater delegations and it is proposed that the HoD delegate some powers to other performer levels It is proposed that the HoD considers delegating appointment matters (see sections 9 and 13 of the PSA)
151	WC Cultural Affairs and Sport	4	Fully compliant and delegated in accordance with the minimum levels of delegation
152	WC Economic Development and Tourism	4	Fully compliant and delegated in accordance with the minimum levels of delegation
153	WC Education	3	Fully compliant
154	WC Environmental Affairs and Development Planning	3	Fully compliant
155	WC Health	3	Fully compliant
156	WC Human Settlements	3	Fully compliant
157	WC Local Government	3	Fully compliant However, the NDP advocates greater delegations and it is proposed that the HoD delegate some powers to other performer levels It is proposed that the HoD considers delegating appointment matters (see sections 9 and 13 of the PSA)
158	WC Office of the Premier	4	The Premier and Director-General signed PSA and PSR delegations on 31 March 2021 Fully compliant and delegated in accordance with the minimum levels of delegations

2022 Report on Compliance with the Directive on Delegations

No.	Western Cape Provincial Departments	2022 Rating	28 February 2022 Moderation Comments
159	WC Social Development	3	Fully compliant
160	WC Transport and Public Works	4	Fully compliant and delegated in accordance with minimum level
161	WC Treasury	3	Fully compliant

Summary Western Cape Departments	2022 No of Departments	2022 Percentage Compliance
A: Not Complying Total (Ratings 1, and 2)	0	0
Rating 1 No evidence of HR delegations: and delegations withdrawn	0	0
Rating 2 Not Complying: Delegations are in place in any format but do not comply with the Directive on Delegations	0	0
B: Complying Total (Ratings 3 and 4)	13	100
Rating 3 Fully compliant: All registers are in the prescribed format and duly authorised, registers are updated with the latest legislative amendments with evidence of discretionary delegation by EA and HOD. Minimum levels of delegation have not been implemented	8	62
Rating 4 Best Practice: Delegations comply with performance standards of a 3 rating including delegation in accordance with the Cabinet approved minimum levels of delegation	5	38
Total number of departments assessed	13 of 13 assessed	100

End Appendix B

APPENDIX C: 2013 CABINET APPROVED MINIMUM LEVELS OF DELEGATION

1. Internal Organization of Departments

<p>An executive authority has all those powers and duties necessary for the internal organization of the department concerned, including its organizational structure and establishment, the transfer of functions within that department, human resources planning, the creation and abolition of posts and provision for the employment of persons additional to the fixed establishment - Section 3(7)(a) of the Public Service Act, 1994</p>		
Principal Functionary	Level of Delegated Official Delegated To	Description of Power and Duties
The President	Not delegated	Establishment of departments and government components including its designation and that of the HOD by Presidential Proclamation so as to amend Schedules 1, 2 or 3 of the Public Service Act – Section 7(5)
Executive Authority	Not delegated	L13 to L15 This includes changes to the organizational structure that affects the SMS
	HOD	L1 to 11/12 This includes changes to the organizational structure that affects Levels 1 to 11/12

2. Employee Management

2.1 Department or Government Component with HOD at Level 16

<p>An Executive Authority has all those powers and duties necessary for the recruitment, appointment, performance management, transfer, dismissal and other career incidents of employees of that Department or Government Component including any other matter which relates to such employees in their individual capacities - Section 3(7)(b) of the Public Service Act, 1994</p>				
Principal Functionary	Level of Delegated Official Delegated To	Level of Employee to which Delegation Apply, and Per Tier		
		Head Office	Region / Institution	District
Executive Authority	Not delegated	HOD L16 DDG L15		
	HOD L16	CD L14 D L 13		
	DDG (Head of Branch or Region or Institution) L 15	L 1 to 11/12		
	CD (Head of Region, Institution or District) L14	None	L1 to 9/10	
	D or DD (Head of Region, Institution of District) L13	None	L1 to 8	

2.2 Department and Government Component with HOD at Level 15

An Executive Authority has all those powers and duties necessary for the recruitment, appointment, performance management, transfer, dismissal and other career incidents of employees of that Department or Government Component including any other matter which relates to such employees in their individual capacities Section 3(7)(b) of the Public Service Act, 1994

Principal Functionary	Level of Delegated Official Delegated To	Level of Employee to which Delegation Apply, and Per Tier		
		Head Office	Region / Institution	District
Executive Authority	Not delegated	HOD L15 CD L14		
	HOD L15	D L13 L1 to L11/12		
	CD (Head of Chief Directorate, Region, Institution or District) L 14	L 1 to 9/10		
	D or DD (Head of Region, Institution or District) L13	None	L1 to 8	

End Appendix C

APPENDIX D: SUMMARY OF DELEGATIONS IN ACCORDANCE WITH THE 2013 CABINET APPROVED MINIMUM LEVELS OF DELEGATION

Departments with a compliance rating 4

Total National and Provincial Departments Complying with Rating 4	2021 Percentage compliance (No. of Departments Assessed)	2022 Percentage Compliance (No. of Departments Assessed)
Total for the Public Service	29 (46 of 158)	32 (50 of 158)
Total National Departments	53 (24 of 45)	60 (27 of 45)
Total Provinces	19 (22 of 113)	20 (23 of 113)

State of Compliance: Provincial Departments

Provincial Departments Complying with Rating 4	2021 Percentage compliance (No. of Departments Assessed)	2022 Percentage Compliance (No. of Departments Assessed)
Total for the Provinces	19 (22 of 113)	20 (23 of 113)
Eastern Cape	15 (2 of 13)	15 (2 of 13)
Free State	8 (1 of 12)	8 (1 of 12)
Gauteng	53 (8 of 15)	53 (8 of 15)
KwaZulu-Natal	29 (4 of 14)	29 (4 of 14)
Limpopo	9 (1 of 11)	9 (1 of 11)
Mpumalanga	0 (0 of 12)	0 (0 of 12)
Northern Cape	0 (0 of 11)	0 (0 of 11)
North West	17 (2 of 12)	17 (2 of 12)
Western Cape	31 (4 of 13)	38 (5 of 13)

End Appendix D