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PUBLIC ADMINISTRATION AND MANAGEMENT DELEGATIONS

2023 REPORT ON COMPLIANCE BY DEPARTMENTS WITH THE DIRECTIVE ON PUBLIC ADMINISTRATION AND MANAGEMENT DELEGATIONS

Compliance as at 28 February 2023

Report approved by the Director-General: Public Service and Administration on 11 April 2023

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	Error! Bookmark not defined.
Free State Province	Error! Bookmark not defined.
Gauteng Province	Error! Bookmark not defined.
KwaZulu-Natal Province.....	Error! Bookmark not defined.
Limpopo Province	Error! Bookmark not defined.
Mpumalanga Province.....	Error! Bookmark not defined.
Northern Cape Province.....	Error! Bookmark not defined.
North West Province	Error! Bookmark not defined.
Western Cape Province	Error! Bookmark not defined.
APPENDIX C: 2013 CABINET APPROVED MINIMUM LEVELS OF DELEGATION.....	53
APPENDIX D: SUMMARY OF DELEGATIONS IN ACCORDANCE WITH THE 2013 CABINET APPROVED MINIMUM LEVELS OF DELEGATION	55

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 2023 Report is to document the findings of the assessment conducted as at 28 February 2023 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 DPISA 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 2022 Report on Compliance by Departments, letters with findings were sent in July 2022 to departments and the Offices of the Premier. The said letters were to convey the outcome of the 2022 assessment, to make proposals for enhancing compliance, to offer support by the DPSA and to congratulate Departments that have finally complied with the Directive. Non-compliant national and provincial departments were requested to indicate when they will be in a position to comply.
- 3.2 Capacity building workshops were conducted with 74 compliant and non-compliant departments and, on request, certain Provincial Executive Councils to assist with improving compliance ratings and to create awareness. A total of 13 workshops were conducted as follows:
- (a) One (1) workshop with National Department of Women, Youth and Persons with Disabilities.
 - (b) Six (6) 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) Two (2) workshops to empower the management of Gauteng Department of Economic Development and Department of Infrastructure Development on delegations.
 - (d) One (1) workshop with Western Cape Provincial Treasury to assist the Department in obtaining a rating of 4.
 - (d) Two (2) Provincial EXCOs, namely the KwaZulu-Natal 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 The above-mentioned support, yielded some positive results whereby a total rate of compliance increased from 71% to 76%. Although the compliance by departments have slightly increased the total rate of compliance by all departments of 76% is unacceptably low. Support to departments did yield some results, however, the intended impact was not fully achieved since not all principal functionaries complied with the Directive.

4. ASSESSMENT APPROACH AND COMPLIANCE STANDARDS

Assessment approach and methodology

- 4.1 The departments were informed of their compliance status through the 2022 report on compliance by departments with the Directive on Public Administration and Management Delegation.
- 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 and one national government component were 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	2022 Percentage Compliance	2023 No. of Departments Compliant Against No. of Departments Assessed	2023 Percentage Compliance
Total for the Public Service	71	120 of 158	76
Total National Departments	78	39 of 45	87
Total Provinces	68	81 of 113	72

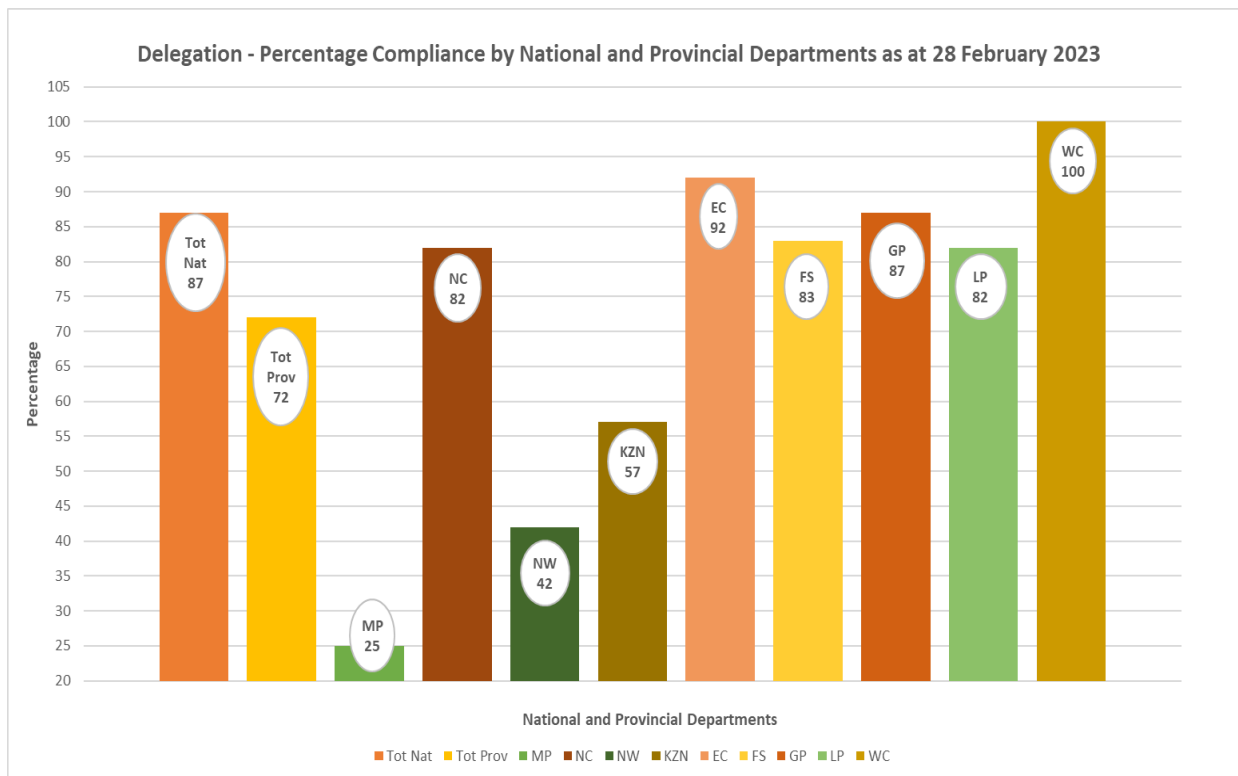
5.3 The summary in Table 1 indicates that:

- (a) 76% of all departments assessed, complied with the Directive. This total compliance rate means that 120 out of a total of 158 departments that were assessed, complied with the Directive. The 2023 compliance increased with five (5) percentage points compared with the 2022 assessment

- (b) At national level, 87% of national departments assessed, complied with the Directive.
- (d) At provincial level, 72% of provincial departments assessed, complied with the Directive.

Graph 1: Percentage Compliance by Departments as at 28 February 2023

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) Eastern Cape, 92% - 12 of 13 departments.
- (c) Gauteng, 87% - 13 of 15 departments.
- (d) Free State, 83% - 10 of 12 departments.
- (e) Limpopo, 82% - 9 of 11 departments.
- (f) Northern Cape, 82% - 9 of 11 department.
- (g) KwaZulu Natal, 57% - 8 of 14 departments

- 5.6 Two provinces have achieved a compliance rating (rating 3 or 4) of less than 50%, in respect of their provincial departments:
- (a) North West, 42% - 5 of 12 departments.
 - (c) Mpumalanga, 25% - 3 of 12 departments.

Departments with a History of Non-Compliance

- 5.7 The following twenty one (12) Provincial Departments have not complied since the issuing of the Directive in 2014 or since the 2017 assessment (indicated in brackets): Provincial Departments of
- (1) FS - Cooperative Governance and Traditional affairs;
 - (2) FS - Sport, Arts, Culture and Recreation;
 - (3) KZN - Cooperative Governance and Traditional Affairs;
 - (4) MP - Culture, Sport and Recreation;
 - (5) MP - Economic Development and Tourism;
 - (6) MP - Education (since the 2017 assessment);
 - (7) MP - Health;
 - (8) MP - Human Settlements;
 - (9) MP - Office of the Premier;
 - (10) MP – Social Development (since the 2017 assessment);
 - (11) MP – Treasury;
 - (12) 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 2022 and 2023, 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	2022 Percentage compliance (No. of Departments Assessed)	2023 Percentage Compliance (No. of Departments Assessed)
Total for the Public Service	32 (50 of 158)	32 (50 of 158)
Total National Departments	60 (27 of 45)	64 (29 of 45)
Total Provinces	20 (23 of 113)	19 (21 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 percentage is the same as compared with the 2022 results.
- (b) National departments – 64% (29 of 45) of departments assessed, delegated in accordance with the minimum levels. This represents a four (4) percentage point increase in comparison with the 2022 results.
- (c) Provincial departments – 19% (21 of 113) of departments assessed, delegated in accordance with the minimum levels. This represents a decrease of one (1) percentage point in comparison with the 2022 results.

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 following provinces should be prioritized: North West, KwaZulu-Natal and Mpumalanga.
- 6.4 To assess the importance of Delegations by the EA and HoD. A study will be conducted by the DPSA to assess the impact of non-compliance with the Delegations Directive on Service Delivery and Operations of the Department.
- 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	2022 Percentage Compliance	2023 No. of Departments Compliant Against No. of Departments Assessed	2023 Percentage Compliance
Total for the Public Service	71	120 of 158	76
Total National Departments	78	39 of 45	87
Total Provinces	68	81 of 113	72

State of Compliance: Provincial Departments

Provincial Departments Complying	2022 Percentage Compliance	2023 No. of Departments Compliant Against No. of Departments Assessed	2023 Percentage Compliance
Total for the Provinces	68	81 of 113	72
Eastern Cape	62	12 of 13	92
Free State	83	10 of 12	83
Gauteng	93	13 of 15	87
KwaZulu-Natal	57	8 of 14	57
Limpopo	100	9 of 11	82
Mpumalanga	25	3 of 12	25
Northern Cape	36	9 of 11	82
North West	50	5 of 12	42
Western Cape	100	13 of 13	100

End Appendix A

APPENDIX B: STATE OF COMPLIANCE BY DEPARTMENTS

National Departments

No.	National Departments	2023 Rating	28 February 2023 Moderation Comments
1	ND Agriculture, Land Reform and Rural Development	3	Fully compliant EA delegated levels 1-12 to HoD and HoD delegated levels 1-9 to lower performer levels
2	ND Basic Education	4	Fully compliant and delegated in terms of the minimum levels
3	ND Civilian Secretariat for the Police Service	4	Fully compliant and delegated in terms of the minimum levels 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	Non-compliant Delegations by the EA in terms of the PSA and PSR approved in September 2021 EA delegated levels 1-13 to the HoD Delegations by the acting HoD in terms of the PSA and PSR approved in May 2022 The acting 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 of appointments to other performer levels once the HoD is appointed The proposal was sent to the Department via Letter from the Director-General
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 EA delegated levels 1-13 to the HoD and HoD delegated levels 1-12 to other performer levels
8	ND Employment and Labour	4	Fully compliant and delegated according to minimum levels of delegations

2023 Report on Compliance with the Directive on Delegations

No.	National Departments	2023 Rating	28 February 2023 Moderation Comments
			The EA and HoD approved PSA and PSR delegations in March/April 2022 EA delegated levels 1-14 to the HoD and HoD delegated levels 1-12 to lower performer levels.
9	ND Forestry, Fisheries and the Environment	3	Fully compliant The EA and HoD approved PSA and PSR delegations on 8 December 2021 The EA delegated appointment matters for L1 to 13 to the HoD and HoD delegated levels 1-12 to DDGs
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 EA delegated levels 1-12 to the HoD and HoD delegated levels 1-8 to DDG: Corporate Services
13	ND: Home Affairs	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
14	ND Human Settlements	3	Fully compliant The EA and HoD approved PSA and PSR delegations in September/October 2022 EA delegated appointment matters in respect of L1 to 12 to the HoD and HoD delegated levels 1 to 8 to the DDGs
15	ND Independent Police Investigative Directorate	4	Fully compliant and delegated in terms of the minimum levels of delegation However, it is proposed that the incumbent EA and HoD approves PSA and PSR delegations
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 EA and HoD approved PSA and PSR delegations in July 2021 and September 2021 respectively
18	ND Military Veterans	4	Fully compliant and delegated in terms of minimum levels of delegation

2023 Report on Compliance with the Directive on Delegations

No.	National Departments	2023 Rating	28 February 2023 Moderation Comments
19	ND Mineral Resources and Energy	4	Fully compliant and delegated in terms of minimum levels of delegation.
20	ND National School of Government	4	Fully compliant and delegated in terms of the minimum levels PSA and PSR delegations approved by the Minister in July 2021 and by the Principal in September 2022
21	ND National Treasury	4	Fully compliant and delegated in terms of minimum levels of delegation However, it is proposed that the incumbent EA and HoD approves PSA and PSR delegations
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	Fully compliant and delegated in terms of the minimum levels However, it is proposed that the HoD approves PSA and PSR delegations once appointed
24	ND Planning Monitoring and Evaluation	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
25	ND Police	3	Fully compliant The core business and human resource management of the South African Police Service is regulated in terms of the South African Police Service Act, 1995 (SAPSA) and the South African Police Service Employment Regulations, 2018. The legislative and regulatory frameworks that apply to the Police Service confer original powers on the National Commissioner. In this regard the Public Service Act, 1994 and the Public Service Regulations apply to the Police Service to the extent that there is no conflict with the SAPSA and its Regulations National Commissioner delegated employment matters level 1-13 to lower performer levels. The SAPS incorporated the delegations registers in respect of the PSA and PSR into the delegation registers in respect of the SAPSA and its Regulations
26	ND Public Enterprises	4	Fully compliant and delegated in terms of the minimum levels
27	ND Public Service and Administration	3	Fully compliant

2023 Report on Compliance with the Directive on Delegations

No.	National Departments	2023 Rating	28 February 2023 Moderation Comments
			EA delegates appointments L1 to 13 to DG on 28 February 2022 and HoD delegated levels 1-10 to the DDG: Administration.
28	ND Public Works	4	Fully compliant and delegated in terms of the minimum levels
29	ND Science and Innovation	2	Non-compliant The EA and HoD approved the PSA and PSR delegation in April 2018 The EA delegated levels 1-12 to the HoD The HoD has not delegated powers of appointments to lower levels It is proposed that the HoD delegate some powers to other performer levels Letter with proposal sent to the Department
30	ND Small Business Development	3	Fully compliant New delegation registers approved in October 2021. EA delegated levels 1-12 to HoD and HoD delegated to levels 1-12 to lower performer levels
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
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 The EA delegated levels 1-14 to the HoD and HoD delegated levels 1-12 to other performer levels

2023 Report on Compliance with the Directive on Delegations

No.	National Departments	2023 Rating	28 February 2023 Moderation Comments
			<p>However, there is conflicting delegations by the EA and the HoD regarding appointment matters for level 14 (see sections 9 and 13 of the PSA)</p> <p>It is proposed that the Department align the minimum levels of delegation with regards to the PSA (D1 and D3)</p> <p>Letter sent to the Department</p> <p>EA signed PSA and PSR delegations in August 2022 respectively.</p> <p>EA delegated levels 1-14 to the HoD</p> <p>Awaiting HoD approved delegations (email sent)</p>
37	ND Trade, Industry and Competition	2	<p>The HoD on 22 June 2020 approved PSA and PSR delegations on behalf of the EA, which is unlawful</p> <p>The PSA provides for the EA to only delegate to the HoD</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> <p>Email correspondence to follow-up on the matter</p>
38	ND Traditional Affairs	2	<p>Non-compliant</p> <p>The EA and HoD approved the PSA and PSR delegation in November 2020</p> <p>The EA delegated levels 1-13 to the HoD</p> <p>The HoD has not delegated powers of appointments to lower levels</p> <p>It is proposed that the HoD delegate some powers to other performer levels</p> <p>Letter with proposal sent to the Department</p>
39	ND Transport	4	<p>Fully compliant and delegated in terms of the minimum levels. New delegation registers approved October 2020</p>
40	ND Water and Sanitation	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>
41	ND Women	3	<p>Fully compliant</p> <p>New delegation registers approved September/October 2021. EA delegated L1-13 to HoD and HoD delegated levels 1-10 to the CD: Corporate management.</p>

2023 Report on Compliance with the Directive on Delegations

No.	National Departments	2023 Rating	28 February 2023 Moderation Comments
			Rating 3 retained
42	National Government Component (NGC) Centre for Public Service Innovation	2	<p>Non-compliant</p> <p>In view of the small the size of the CPSI, it appears impractical for the Head of Component to delegate to lower performer levels those functions which were delegated by the Executive Authority to the Head of Component</p> <p>Registers D3 and D4 will therefore be a duplication of D1 and D2</p> <p>The DPSA is working with CPCI for the CEO to approve the delegations</p>
43	NGC Government Pensions Administration Agency	2	<p>EA delegated levels 1 to 14 to the HoD in accordance with the Cabinet approved minimum levels in 2018</p> <p>No evidence of HoD delegations to other performer levels in terms of the PSA and PSR</p> <p>It is proposed that the HoD approves PSA and PSR delegations</p> <p>Email correspondence to follow-up on the matter</p>
44	NGC Government Printing Works	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>
45	NGC Government Technical Advisory Centre	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>
46	NGC Municipal Infrastructure Support Agent	4	<p>Fully compliant and delegated in terms of the minimum levels</p> <p>EA and CEO approved PSA and PSR delegations on 17 November 2019 and 25 November 2019 respectively</p>
47	NGC South African Development Partnership Agency (SADPA)	-	<p>SADPA is not operational, therefore it was not assessed</p>

2023 Report on Compliance with the Directive on Delegations

Summary National Departments	2023 No of Departments	2023 Percentage Compliance
A: Not Complying Total (Ratings 1, and 2)	13	13
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	13
B: Complying Total (Ratings 3 and 4)	39	87
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	22
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	29	64
Total number of departments assessed	45 of 47 assessed	100

Note:

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

2023 Report on Compliance with the Directive on Delegations

No.	Eastern Cape Provincial Departments	2023 Rating	28 February 2023 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	3	Fully compliant The HoD and MEC approved the PSA and PSR delegations in October / November 2020 It is proposed that the levels of delegations between the MEC and HoD be closely aligned. Email sent to the Department
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

2023 Report on Compliance with the Directive on Delegations

No.	Eastern Cape Provincial Departments	2023 Rating	28 February 2023 Moderation Comments
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 complaint The EA and HoD approved PSA and PSR delegation registers in June 2022 and August 2022 respectively The HoD delegated levels 1-8 to CD:CS
56	EC Safety and Liaison	3	Fully complaint The EA and HoD approved PSA and PSR delegation registers in August and September 2022 respectively The HoD delegated levels 11-12 to DDG, levels 9-10 to the CD and levels 1-8 to the Director
57	EC Social Development	3	Fully compliant The EA and HoD approved PSA and PSR delegation registers in October 2022 and January 2023 respectively EA delegated levels 2-12 to the HoD HoD delegated levels 9-10 to the DDG, levels 2-7 to the CD: CS and District Directors
58	EC Sport, Recreation, Arts and Culture	3	Fully compliant The EA and HoD approved the PSA an PSR delegation registers in August and September 2022 respectively The EA delegated level 1-12 to the HoD and the HoD delegated levels 1-10 to the CD
59	EC Transport	4	Fully compliant and delegated in terms of the minimum levels of delegations EA and HoD approved PSA and PSR delegation registers on 31 August 2022. EA delegated levels 1-14 to the HoD and the HoD delegated levels 11 – 12 to the DDG, levels 9-10 to the CD and levels 1-8 to the Director.
60	EC Treasury	3	Fully compliant

Summary Eastern Cape Departments	2023 No of Departments	2023 Percentage Compliance
A: Not Complying Total (Ratings 1, and 2)	1	8
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	1	8
B: Complying Total (Ratings 3 and 4)	12	92
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	77
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	15
Total number of departments assessed	13 of 13 assessed	100

2023 Report on Compliance with the Directive on Delegations

No.	Free State Provincial Departments	2023 Rating	28 February 2023 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> <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

2023 Report on Compliance with the Directive on Delegations

No.	Free State Provincial Departments	2023 Rating	28 February 2023 Moderation Comments
65	FS Health	4	Fully compliant and delegated in terms of the minimum levels Best practice in the province
66	FS Human Settlements	3	Fully compliant However, 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
67	FS Police, Roads and Transport	3	Fully compliant
68	FS Office of the Premier	3	Fully compliant and delegated in accordance with the minimum levels of delegation from EA to HoD only 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 delegation registers be approved by the incumbent EA and HoD
69	FS Public Works	3	Fully compliant However, it is proposed that the delegation registers be approved by the incumbent EA and HoD It is noted that the nomenclature of the Department is indicated as the Department of Public Works and Infrastructure The name is reflected as the Department of Public Works in Schedule 2 of the PSA 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
70	FS Rural Development	-	Not assessed It has been ascertained that the Department of Agriculture and the Department of Rural Development is a combined Department 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

2023 Report on Compliance with the Directive on Delegations

No.	Free State Provincial Departments	2023 Rating	28 February 2023 Moderation Comments
71	FS Social Development	3	Fully compliant However, it is proposed that the delegation registers be approved by the incumbent EA and HoD
72	FS Sport, Arts, Culture and Recreation The Department has not complied since the issuing of the Directive in 2014	1	Delegations for PSA last signed in 2011 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 The EA, on 24 March 2020, 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
73	FS Treasury	3	Delegation registers approved September 2021. EA delegated L1-12 to HoD. Evidence of delegation by HoD to lower performer levels

2023 Report on Compliance with the Directive on Delegations

Summary Free State Departments	2023 No of Departments	2023 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.

2023 Report on Compliance with the Directive on Delegations

No.	Gauteng Provincial Departments	2023 Rating	28 February 2023 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	2	Incumbent EA and HoD approved an addendum to the delegations on 12 March 2021 In terms of the addendum, the MEC delegated levels 2 to 12 to the HoD The addendum indicates the HoD has not delegated powers of appointments and career incidents to lower levels However, the NDP advocates greater delegations and it is proposed that the HoD considers delegating some powers in respect of appointments and career management to other performer levels (e.g., Programme managers)
83	GP Office of the Premier	4	Fully compliant and delegated in accordance with the minimum level Provincial best practice

2023 Report on Compliance with the Directive on Delegations

No.	Gauteng Provincial Departments	2023 Rating	28 February 2023 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	2	Non-compliant The EA and HoD approved the PSA and PSR delegation in October 2022 The EA delegated levels 1-8 to the HoD The HoD has not delegated powers of appointments to lower levels It is proposed that the HoD delegate some powers to other performer levels.
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

2023 Report on Compliance with the Directive on Delegations

Summary Gauteng Departments	2023 No of Departments	2023 Percentage Compliance
A: Not Complying Total (Ratings 1, and 2)	2	13
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	2	13
B: Complying Total (Ratings 3 and 4)	13	87
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	7	47
Total number of departments assessed	15 of 15 assessed	100

2023 Report on Compliance with the Directive on Delegations

No.	KwaZulu-Natal Provincial Departments	2023 Rating	28 February 2023 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>
93	KZN Economic Development, Tourism and Environmental Affairs	4	<p>Fully compliant and delegated in accordance with the minimum levels</p> <p>Provincial best practice</p>
94	KZN Education	3	<p>Fully compliant</p> <p>However, it is proposed that the delegation registers be approved by the incumbent EA and HoD by using the prescribed templates</p>
95	KZN Health	4	<p>Fully compliant and delegated in accordance with the minimum levels</p>

2023 Report on Compliance with the Directive on Delegations

No.	KwaZulu-Natal Provincial Departments	2023 Rating	28 February 2023 Moderation Comments
			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)
98	KZN Public Works	2	No evidence of PSA delegations by the HoD after the incumbent EA approved PSA delegations in December 2019 It is proposed that the HoD approve PSA delegations after the date of delegations by the EA It appears from evidence submitted that the PSA delegations by the HoD is not dated and inconsistent with EA delegations It is proposed that the delegation registers be approved by the incumbent EA and HoD
99	KZN Social Development	2	No evidence of PSA and PSR delegations by the HoD after the 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 delegation by the EA It is proposed that the delegation registers be approved by the incumbent EA and HoD
100	KZN Sport and Recreation	3	Fully compliant
101	KZN Transport	2	No evidence of PSA and PSR delegations by the HoD after the 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 delegation by the EA It is proposed that the delegation registers be approved by the incumbent EA and HoD

2023 Report on Compliance with the Directive on Delegations

No.	KwaZulu-Natal Provincial Departments	2023 Rating	28 February 2023 Moderation Comments
102	KZN Treasury	4	Fully compliant and delegated in accordance with the minimum levels Provincial best practice

Summary KwaZulu-Natal Departments	2023 No of Departments	2023 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

2023 Report on Compliance with the Directive on Delegations

No.	Limpopo Provincial Departments	2023 Rating	28 February 2023 Moderation Comments
103	LP Agriculture and Rural Development	3	Fully compliant The EA and HoD approved PSA and PSR delegation in November 2022 EA delegated L1-12 to the HoD HoD delegated L2-8 to the CD and L1 to the District Directors
104	LP Cooperative Governance, Human Settlements and Traditional Affairs	3	Fully compliant Incumbent EA and HoD approved delegations in April 2022
105	LP Economic Development, Environment and Tourism	3	EA and HoD approved PSA and PSR delegations in October 2022 and November 2022 respectively EA delegated appointment matters in respect of L1 to 12 to the HoD The HoD delegated appointments on probation to the CD:CS for levels 1-8
106	LP Education	3	Fully compliant The EA and HoD approved PSA and PSR delegations on 10 August 2022 EA delegated L1-12 to the HoD HoD delegated L9-10 to the DDG, and L1-8 to the Chief Director and District Directors
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 EA and HoD approved PSA and PSR delegations in August 2022 and November 2022 respectively EA delegated appointment matters in respect of L1 to 12 to the HoD HoD delegated L1-8 to the Chief Director: Corporate Services
110	LP Social Development	3	Fully compliant, PSA and PSR delegations signed on 16 August 2022 and 18 August 2022
111	LP Sport, Arts and Culture	2	The HoD has not delegated powers of appointments to lower levels

2023 Report on Compliance with the Directive on Delegations

No.	Limpopo Provincial Departments	2023 Rating	28 February 2023 Moderation Comments
			<p>However, the NDP advocates greater delegations and it is proposed that the HoD delegate some powers to other performer levels</p> <p>The EA delegated PSA and PSR delegation on November 2022. HoD's delegations is awaited</p> <p>Followed-up by email sent to the Department</p>
12	LP Transport and Community Safety	2	<p>The EA and HoD approved PSA and PSR delegations on 15 and 24 August 2022, respectively</p> <p>EA delegated appointment matters in respect of L1 to L2 to the HoD</p> <p>There is no evidence of delegation by the HoD to other performer levels in respect of appointment matters (see sections 9 and 13 of the PSA)</p> <p>In respect of section 13 of the PSA there is a misalignment between the levels delegated by the EA to the HoD and the delegations by the HoD (refer to registers D1 and D3). It is suggested that the anomaly be rectified</p> <p>It is proposed that the HoD considers delegating appointment matters to lower performer levels</p> <p>Letter addressed to the Premier</p>
113	LP Treasury	4	<p>Fully compliant and delegated in accordance with the minimum levels</p> <p>Provincial best practice</p>

Summary Limpopo Departments	2023 No of Departments	2023 Percentage Compliance
A: Not Complying Total (Ratings 1, and 2)	2	18
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	2	18
B: Complying Total (Ratings 3 and 4)	9	82
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	8	73

2023 Report on Compliance with the Directive on Delegations

by EA and HOD. Minimum levels of delegation have not been implemented		
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

2023 Report on Compliance with the Directive on Delegations

No.	Mpumalanga Provincial Departments	2023 Rating	28 February 2023 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
120	MP Health The Department has not complied since the issuing of the Directive in 2014	2	No evidence of EA and HoD delegations in terms of the PSR 2016 No evidence of PSA delegations by the HoD after the incumbent EA approved PSA delegations in May 2017 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

2023 Report on Compliance with the Directive on Delegations

No.	Mpumalanga Provincial Departments	2023 Rating	28 February 2023 Moderation Comments
			It is proposed that the incumbent EA and HoD sign PSA and PSR delegations
121	MP Human Settlements The Department has not complied since the issuing of the Directive in 2014	2	No evidence of HoD delegations in terms of the PSA It is proposed that the incumbent EA and HoD sign PSA and PSR delegations
122	MP Office of the Premier The Department has not complied since the issuing of the Directive in 2014	2	No evidence of HoD delegations in terms of the PSA It is proposed that the incumbent EA and HoD sign PSA and PSR delegations
123	MP Public Works, Roads and Transport	3	Fully compliant 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) It is proposed that the incumbent EA and HoD sign PSA and PSR delegations
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

2023 Report on Compliance with the Directive on Delegations

Summary Mpumalanga Departments	2023 No of Departments	2023 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

2023 Report on Compliance with the Directive on Delegations

No.	Northern Cape Provincial Departments	2023 Rating	28 February 2023 Moderation Comments
126	NC Agriculture, Environmental Affairs, Rural Development and Land Reform	3	Fully compliant EA and HoD approved PSA and PSR delegations on 28 July 2022 EA delegated Levels 1-12 to HoD and HoD delegated Levels 1-8 to both Programme Managers and Heads of District
127	NC Cooperative Governance, Human Settlements and Traditional Affairs	3	Fully compliant EA and HoD approved PSA and PSR delegations on 16 May 2022 and 28 July 2022 respectively EA delegated Levels 1-12 to HoD and HoD delegated Levels 1-8 to Programme Managers
128	NC Economic Development and Tourism	3	Fully compliant EA approved PSA and PSR delegations on 10 June 2022 HOD approved PSA and PSA delegations on 1 July 2022 EA delegated Levels 1-12 and HOD delegated Levels 1-8 to Programme Managers
129	NC Education	3	Fully compliant Delegation registers D1 to D4 approved in May 2022
130	NC Health	3	Fully compliant EA and HoD approved PSA and PSR delegations on 5 August 2022 EA delegated Levels 1-12 to HoD and HoD delegated Levels 1-8 to both Programme Managers and Heads of District
131	NC Office of the Premier	3	Fully compliant EA and HoD approved PSA and PSR delegation registers in August 2022 EA delegated Levels 1-12 to HoD and HoD delegated Levels 1-8 to both Programme Managers and Heads of District
132	NC Roads and Public Works	3	Fully compliant EA and HoD approved PSA and PSR delegations on 28 July 2022 EA delegated Levels 1-12 to HoD and HoD delegated Levels 1-8 to both Programme Managers and Heads of District
133	NC Social Development	2	Not compliant

2023 Report on Compliance with the Directive on Delegations

No.	Northern Cape Provincial Departments	2023 Rating	28 February 2023 Moderation Comments
			<p>EA approved PSA and PSR delegations on 1 April 2021</p> <p>HOD approved PSA and PSA delegations on 29 July 2022</p> <p>EA delegated Level 1-12 to HoD</p> <p>No evidence that the HoD delegated appointment matters in terms of the PSA to lower performer levels (See Sections 9 and 13 of the PSA)</p> <p>The NDP advocates greater delegations and it is proposed that the HoD considers delegating appointment matters to lower levels, namely delegating Level 1-8 to Programme Managers, which is in line with the EXCO adopted provincial approach</p>
134	NC Sport, Arts and Culture	3	<p>Fully compliant</p> <p>EA and HoD approved PSA and PSR delegations on 28 July 2022</p> <p>EA delegated Levels 1-12 to HoD and HoD delegated Levels 1-8 to both Programme Managers and Heads of District</p>
135	NC Transport, Safety and Liaison	3	<p>Fully compliant</p> <p>The EA approved PSA and PSR delegations registers on 25 February 2022.</p> <p>The HoD approved PSA and PSR delegations registers on 01 August 2022.</p> <p>EA delegated Levels 1-12 to HoD. HoD delegated Levels 1-8 to Directors, Levels 7-8 to Programme Managers and Levels 1-6 to Heads of District</p>

2023 Report on Compliance with the Directive on Delegations

No.	Northern Cape Provincial Departments	2023 Rating	28 February 2023 Moderation Comments
136	NC Treasury	2	<p>Not compliant</p> <p>The EA approved PSA and PSR delegation registers on 10 June 2022.</p> <p>No evidence of HoD delegations submitted in terms of the PSA and the PSR</p> <p>It is proposed that the HoD approve the PSA and PSR delegations registers</p> <p>It is proposed that the HoD delegate appointment matters in respect of Level 1-8 to Programme Managers, which is in line with the EXCO adopted provincial approach</p>

2023 Report on Compliance with the Directive on Delegations

Summary Northern Cape Departments	2023 No of Departments	2023 Percentage Compliance
A: Not Complying Total (Ratings 1, and 2)	2	18
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	2	18
B: Complying Total (Ratings 3 and 4)	9	82
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	82
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

2023 Report on Compliance with the Directive on Delegations

No.	North West Provincial Departments	2023 Rating	28 February 2023 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> <p>It is proposed that the incumbent EA and HoD approves PSA and PSR delegations to reflect changes to the portfolio</p>
141	NW Economic Development, Environment, Conservation and Tourism	2	<p>No evidence of PSA and PSR delegations for the newly configured department.</p> <p>It is proposed that the incumbent EA and HoD approves PSA and PSR delegations to reflect changes to the portfolio</p>

2023 Report on Compliance with the Directive on Delegations

No.	North West Provincial Departments	2023 Rating	28 February 2023 Moderation Comments
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
147	NW Social Development Follow-up	2	Not compliant The EA approved PSA and PSR delegation registers on 12 July 2021. No evidence of HoD delegations submitted in terms of the PSA and the PSR It is proposed that the HoD approve the PSA and PSR delegations registers.
148	NW Treasury	3	Fully compliant

2023 Report on Compliance with the Directive on Delegations

Summary North West Departments	2023 No of Departments	2023 Percentage Compliance
A: Not Complying Total (Ratings 1, and 2)	7	58
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	7	58
B: Complying Total (Ratings 3 and 4)	5	42
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	1	8
Total number of departments assessed	12 of 12 assessed	100

2023 Report on Compliance with the Directive on Delegations

No.	Western Cape Provincial Departments	2023 Rating	28 February 2023 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 Delegation registers D1 to D4 approved in March 2021 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	3	Fully compliant Delegation registers D1 to D4 approved in March 2021 A compliance rating 3 is awarded in view that the HoD has not delegated appointments of some levels to lower performer levels It is proposed that the HoD considers delegating appointment matters (see sections 9 and 13 of the PSA)
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 New delegations D1 to D4 approved, March 2022
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 in October 2021

2023 Report on Compliance with the Directive on Delegations

No.	Western Cape Provincial Departments	2023 Rating	28 February 2023 Moderation Comments
			Fully compliant and delegated in accordance with the minimum levels of delegations. Best practice example
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	4	Fully compliant The EA approved PSA and PSR in October 2022. See email corresponds of 20 October to request the HoD delegations

Summary Western Cape Departments	2023 No of Departments	2023 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

TOTALS: 161 National and provincial departments and government components

1. 41, National departments (One Department (SSA) not assessed)
2. 6, National Government components (One Government Component (SADPA) not assessed)
3. 113, Provincial department (FS Rural Development not assessed)
4. 1, Provincial Government Component

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	32 (50 of 158)	32 (50 of 158)
Total National Departments	60 (27 of 45)	64 (29 of 45)
Total Provinces	20 (23 of 113)	19 (21 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	20 (23 of 113)	19 (21 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)	47 (7 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)	8 (1 of 12)

Western Cape	38 (5 of 13)	38 (5 of 13)
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End Appendix D