



DIRECTIVE ON OTHER CATEGORIES OF EMPLOYEES DESIGNATED TO DISCLOSE THEIR FINANCIAL INTERESTS AND THE FORM, DATE AND FINANCIAL INTERESTS TO BE DISCLOSED

PRESENTATION TO: PUBLIC ADMINISTRATION ETHICS, INTEGRITY AND DISCIPLINARY TECHNICAL ASSISTANCE UNIT

1



the dpsa

Department:
Public Service and Administration
REPUBLIC OF SOUTH AFRICA

**“Growing South Africa together for a
capable and ethical Public Service”**



PURPOSE

- To familiarize the Ethics Officers and eDisclosure Department Admin with the contents of the Directive; and
- Provide implementation support to departments.



the dpsa

Department:
Public Service and Administration
REPUBLIC OF SOUTH AFRICA

**“Growing South Africa together for a
capable and ethical Public Service”**



PUBLIC SERVICE REGULATIONS, 2016

- ✓ Disclosure of financial interests is regulated through Part 2 of Chapter 2 of the Public Service Regulations, 2016;
- ✓ Regulation 18(1&2) regulates disclosure of financial interests by SMS members and Heads of Department (HODs);
- ✓ Regulations 16(c) and 18(3) give the MPSA powers to:
 - (a) determine other categories of employees to disclose their financial interests; and
 - (b) Direct the form, date and financial interests to be disclosed.



the dpsa

Department:
Public Service and Administration
REPUBLIC OF SOUTH AFRICA

**“Growing South Africa together for a
capable and ethical Public Service”**



SCOPE OF APPLICATION

- ✓ In **June 2021**, MPSA issued a Directive on other categories of employees designated to disclose their financial interests;
- ✓ Applies to all national and provincial departments and government components and employees employed in terms of the Public Service Act; and
- ✓ Also applies to educators, Police and Defence in so far as the provisions of the Directive are not contrary to the laws governing their employment.



the dpsa

Department:
Public Service and Administration
REPUBLIC OF SOUTH AFRICA

“Growing South Africa together for a
capable and ethical Public Service”



CATEGORIES OF DESIGNATED EMPLOYEES

- ✓ All employees **appointed** at salary level 9 and above and those employees **earning** an equivalent of salary level 9 and higher in terms of an OSD;
- ✓ Employees below salary level 9 who are **responsible** for supply chain management (SCM) and financial accounting, **Ethics Officers, PSC officials**, and officials with delegated authority to access the eDisclosure system in terms of regulation 20(1)(h) of the PSR (e.g. **Department Admin and eDisclosure Admin**)



the dpsa

Department:
Public Service and Administration
REPUBLIC OF SOUTH AFRICA

“Growing South Africa together for a
capable and ethical Public Service”



CHANGES BROUGHT ABOUT BY THE NEW DIRECTIVE

- ✓ Determination and Directive, 2017, is repealed;
- ✓ Employees who were covered by the Determination are part of the current Directive;
- ✓ Disclosure is extended to employees appointed at and earning an equivalent of salary levels 9&10;
- ✓ Employees who participate in SCM processes and persons who are appointed as responsibility managers in terms of the PFMA.



the dpsa

Department:
Public Service and Administration
REPUBLIC OF SOUTH AFRICA

**“Growing South Africa together for a
capable and ethical Public Service”**



CHANGES BROUGHT ABOUT BY THE DIRECTIVE CONT.

- ✓ Categories of designated employees will disclose once in two years but are required to disclose any changes to their disclosure **within 30 days** of such change occurring.
- ✓ The categories will alternate as follows:
 - (i) Employees who were previously determined in 2017 will disclose their financial interests in 2021; and
 - (ii) Employees on salary levels 9&10 will disclose in 2022.
- ✓ Disclosure period is continuous from **June up to July**.



the dpsa

Department:
Public Service and Administration
REPUBLIC OF SOUTH AFRICA

“Growing South Africa together for a
capable and ethical Public Service”



IMPLEMENTATION OF THE DIRECTIVE, 2021

First year (2021):

- ✓ Employees appointed at salary levels 11 & 12 disclose;
- ✓ OSD employees at salary levels 11 & 12;

Employees below salary level 9 who are:

- ✓ responsible for SCM and financial accounting in their institutions; and
- ✓ Ethics Officers, Department Admin, and PSC officials.



the dpsa

Department:
Public Service and Administration
REPUBLIC OF SOUTH AFRICA

**“Growing South Africa together for a
capable and ethical Public Service”**



IMPLEMENTATION OF THE DIRECTIVE, 2021

Second year (2022):

- ✓ Employees appointed at salary levels 9 and 10; and
- ✓ OSD employees earning the equivalent of salary levels 9 and 10
- ✓ The use of the eDisclosure system is still compulsory for all the designated employees (not a new requirement).
- ✓ Verification of disclosed financial interests for all the groups is extended to **up to 30 November** of the year in question (new requirement).



the dpsa

Department:
Public Service and Administration
REPUBLIC OF SOUTH AFRICA

“Growing South Africa together for a
capable and ethical Public Service”



ROLES AND RESPONSIBILITIES OF THE HOD

- ✓ Verification of disclosed financial interests **by 30 November of the year in question;**
- ✓ Management of conflict of interests
- ✓ Non-compliance and reporting in terms of section 16A of the Public Service Act, 1994;
- ✓ Report required **by 31 August** of the following year.

NB: Financial interests of all the categories of employees designated through this Directive are disclosed to the HOD (No submission to PSC is required).



the dpsa

Department:
Public Service and Administration
REPUBLIC OF SOUTH AFRICA

“Growing South Africa together for a
capable and ethical Public Service”



NON-COMPLIANCE WITH THE DIRECTIVE

- ✓ Non-compliance with the Directive constitutes a misconduct and therefore, grounds for disciplinary action.
- ✓ Acts of misconduct include:
 - (i) Failure to disclose on time;
 - (ii) Failure to disclose even after being alerted to the fact; and
 - (iii) Provision of false, inaccurate, or incomplete information.



the dpsa

Department:
Public Service and Administration
REPUBLIC OF SOUTH AFRICA

**“Growing South Africa together for a
capable and ethical Public Service”**



IMPLICATIONS OF THE DIRECTIVE TO THE CURRENT DISCLOSURE PROCESS - POLICY

- ✓ All categories of designated employees have a period of two months to disclose (June – July 2021);
- ✓ Employees appointed or earning an equivalent of salary levels 9&10 need not disclose this year (2021);
- ✓ Verification of disclosed financial interests can be done up to 30 November 2021;
- ✓ HODs should take action against employees who did not comply with the Directive within 30 days of being alerted to the fact.



the dpsa

Department:
Public Service and Administration
REPUBLIC OF SOUTH AFRICA

**“Growing South Africa together for a
capable and ethical Public Service”**



IMPLICATIONS OF THE DIRECTIVE TO THE CURRENT DISCLOSURE PROCESS – POLICY CONT.

- ✓ Report on non-compliance, cases of conflict of interest, and disciplinary action taken against those who did not comply is expected by 31 August 2022, for all those categories of designated employees disclosing in 2021.
- ✓ The issue around SCM is clarified as follows: the Directive refers to **employees responsible for SCM** even though they are below salary level 9 e.g. a clerk appointed at salary level 8 and responsible for SCM processes at the service point is required to disclose his/her financial interests.



the dpsa

Department:
Public Service and Administration
REPUBLIC OF SOUTH AFRICA

“Growing South Africa together for a
capable and ethical Public Service”



IMPLICATIONS OF THE DIRECTIVE TO THE CURRENT DISCLOSURE PROCESS – eDISCLOSURE SYSTEM.

- ✓ All employees on salary levels 9&10 will be moved to the correct categories in the system;
- ✓ **Employees at MMS & OSD level 11 and above should also form one category respectively;**
- ✓ should open on **01 June** and closes on **31 July** of the year in question;



the dpsa

Department:
Public Service and Administration
REPUBLIC OF SOUTH AFRICA

“Growing South Africa together for a
capable and ethical Public Service”



IMPLICATIONS OF THE DIRECTIVE TO THE CURRENT DISCLOSURE PROCESS – eDISCLOSURE SYSTEM.

- ✓ Should accommodate updating of information by an employee;
- ✓ The Ethics Officer should be informed of that change;
- ✓ Departments should encourage employees at salary levels 9&10 to register on the eDisclosure system;
- ✓ DPSA will upload the data for employees at salary levels 9 and 10.



the dpsa

Department:
Public Service and Administration
REPUBLIC OF SOUTH AFRICA

**“Growing South Africa together for a
capable and ethical Public Service”**



IMPLICATIONS FOR COMPLIANCE MONITORING DIRECTORATE

- ✓ The Directorate must ensure that the third party data is available as soon as the disclosure season commence in June to enable the departments to start with verification;
- ✓ Ensure that compliance monitoring templates are updated to accommodate new changes where necessary;
- ✓ Monitor the **registration** of employees at level 9&10 in preparation for their disclosure next year; and
- ✓ Provide the necessary support to Ethics Officers and eDisclosure Department Admin.



the dpsa

Department:
Public Service and Administration
REPUBLIC OF SOUTH AFRICA

“Growing South Africa together for a
capable and ethical Public Service”



CONCLUSION

- ✓ Changes to the disclosure rules took into consideration capacity of departments to implement the new Directive;
- ✓ Introduction of alternate years for disclosure;
- ✓ Extended period of verification and reporting;
- ✓ This Directive should serve as a sole policy regarding disclosure of financial interests by designated employees below the SMS level to limit the level of confusion among stakeholders; and
- ✓ The confusion around SCM is also clarified.
- ✓ Awareness raising sessions for national and provincial depts.



the dpsa

Department:
Public Service and Administration
REPUBLIC OF SOUTH AFRICA

**“Growing South Africa together for a
capable and ethical Public Service”**

