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Department:
Public Service and Administration
REPUBLIC OF SOUTH AFRICA

Private Bag X916, Pretoria, 0001 Tel: (012) 336 1000, Fax: (012) 326 7802
Private Bag X9148, Cape Town, 8000 Tel: (021) 467 5120, Fax: (021) 465 5484

Enquiries : Samson Radebe
Tel No. : (012) 336 1569
File : 18/1/P

TO ALL HEADS OF NATIONAL / PROVINCIAL DEPARTMENTS AND PROVINCIAL ADMINISTRATIONS

CIRCULAR NO. 51 OF 2024

APPOINTMENT AND CONDITIONS OF SERVICE OF SPECIAL ADVISERS

1. Special Advisers are appointed in terms of section 12A of the Public Service Act, 1994, read with the *Dispensation for the Appointment and Remuneration of Persons (Special Advisers) Appointed to Executive Authorities on Grounds of Policy Considerations in terms of Section 12A of the Public Service Act, 1994* ("the Dispensation").
2. The statutory role of Special Advisers is to provide strategic advice to the Executive Authority on the exercise or performance of the Executive Authority's powers and duties. Moreover, to advise the Executive Authority on the development of policy that will promote the relevant department's objectives. Furthermore, to perform such other tasks as may be appropriate in respect of the exercise or performance of the Executive Authority's powers and duties.
3. Executive authorities are guided to source skills or expertise unavailable within the relevant department to ensure that resources are not duplicated but are complimentary, valuable and geared towards achieving the relevant mandate, priorities and objectives of the department.
4. Section 12A of the Public Service Act, 1994, provides for the appointment and remuneration of Special Advisers and permits the National Cabinet to determine-
 - 4.1 the executive authorities who may appoint Special Advisers;
 - 4.2 the maximum number of Special Advisers that may be appointed by an Executive Authority; and
 - 4.3 the upper limits of the remuneration and other conditions of service of such Special Advisers.

5. The remuneration structure for Special Advisers is aligned to the inclusive remuneration of the SMS members as determined by the Minister for the Public Service and Administration (MPSA). Inherent in this is the requirement to ensure that the competencies equated to these compensation levels are comparable. Therefore, as requests for confirmation of compensation levels are processed through the Minister for the Public Service and Administration (MPSA), these will be assessed with regard to the aforementioned section 12A of the Public Service Act, the Dispensation and the *Professionalisation Framework* adopted by the Cabinet in 2023.
6. To ensure the realisation of the professionalisation agenda it is paramount to ensure that Special Advisers have the necessary level of expertise, competencies, qualifications, skills and experience (including experience related to the portfolio or functions of the relevant Executive Authority and any international relations experience) to maximise the limited resources of the State and augment existing capacity in the State to avoid a duplication of expertise already available in the relevant Department.
7. The following trends were identified during the recent review of the appointment and remuneration of Special Advisers by the DPSA, including a report from the Office of the Public Protector:
 - 7.1 Some Executive Authorities implement the appointment of Special Advisers on PERSAL before approval of the relevant compensation level by the Minister for the Public Service and Administration. This leads to undue requests for backdating appointments, which is not enabled by prescripts.
 - 7.2 Special Advisers who do not possess relevant knowledge and experience in the relevant portfolio are appointed and cannot satisfactorily perform their functions.
 - 7.3 The appointment of women as Special Advisers is far below the 50% policy target of Government. During the 6th Administration, only 25% of Special Advisers were female.
 - 7.4 There is incomplete information and/or irrelevant documentation provided to the Minister for the Public Service and Administration to assess the appropriate compensation level of the candidate resulting in delays.
 - 7.5 The required security clearance is not undertaken before the appointment, resulting in non-compliance with the Dispensation.
 - 7.6 In some instances, Special Advisers interfere with departmental operations and issue instructions to Accounting Officers and officials, which creates administrative and accountability difficulties.
8. Flowing from paragraph 7 above, the following areas are of utmost importance and must be taken into consideration before the requests are submitted to the Minister for the Public Service and Administration:
 - 8.1 clear motivation to appoint Special Advisers to support the President, Ministers and Premiers;
 - 8.2 the number of Special Advisers to Ministers and Premiers is limited to the equivalent of two full-time Special Advisers;

- 8.3 only South African citizens to be appointed as Special Advisers;
 - 8.4 that the Special Adviser must be subjected to a Personnel Suitability Check as directed by the Minister for the Public Service and Administration (MPSA), including the verification of qualifications (normal internal Human Resource process), criminal record checks, credit checks and verification of citizenship, before appointment.
 - 8.5 the duration of the contract to be agreed upon and be limited to the term of the political principal; and
 - 8.6 compensation levels linked to levels of the Senior Management Services (SMS) of the Public Service. To determine which compensation level should apply, executive authorities are required to take cognisance of the particular individual's level of expertise and stature in the particular field before submitting a request for approval to the Minister for Public Service and Administration.
 - 8.7 EAs to ensure compliance with the 50% representation of women as part of advancing women in society.
9. For the purposes of determining which compensation level should apply, Executive Authorities should take cognisance of the particular individual's level of expertise and the stature in the particular field before submitting a request for approval to the MPSA. The Executive Authorities must adhere to the following principles:
- 9.1 **Compensation level I**
 - 9.1.1 5 years' experience at the level equivalent to Director level with relevant experience applicable to the portfolio or functions of the Office of the Presidency / Ministry / Premier (EA).
 - 9.1.2 Complexity of advice to be rendered comparable to that given by a Director (Senior Management Service Grade A) in the Public Service.
 - 9.1.3 A qualification at NQF Level 7 as recognised by the South African Qualifications Authority (SAQA).
 - 9.2 **Compensation level II**
 - 9.2.1 5 years' experience at the level equivalent to Chief Director level with relevant experience applicable to the portfolio or functions of the Office of the Presidency / Ministry / Premier (EA).
 - 9.2.1 Complexity of advice to be rendered comparable to that given by a Chief Director (Senior Management Service Grade B) in the Public Service.
 - 9.2.2 A qualification at NQF Level 7 as recognised by the South African Qualifications Authority (SAQA).

9.3 Compensation level III

- 9.3.1 5 years' experience at the level equivalent to Deputy Director-General (DDG) level with relevant experience applicable to the portfolio or functions of the Office of the Presidency / Ministry / Premier (EA).
- 9.3.2 Understanding and knowledge of international relations
- 9.3.3 Complexity of advice to be rendered comparable to that given by a DDG (Senior Management Service Grade C) in the Public Service.
- 9.3.4 A qualification at NQF Level 8 as recognised by the South African Qualifications Authority (SAQA).

9.4 Compensation level IV

- 9.4.1 10 or more years' experience at senior management level comparable to the level of Head of Department / Director-General applicable to the portfolio or functions of the relevant EA.
- 9.4.2 Complexity of advice to be rendered comparable to that given by a Director-General (Senior Management Service Grade D) in the Public Service
- 9.4.3 Knowledge and understanding of international relations.
- 9.4.4 To appoint and retain persons with very high-level skills and/or scarce skills.
- 9.4.5 NQF level 8 as recognised by the South African Qualifications Authority (SAQA).

- 10. To avoid any irregularities, departments are advised that appointments of Special Advisers may only be effected once all required processes are completed. These processes include-
 - 10.1 approval of compensation levels by the Minister for the Public Service and Administration; and
 - 10.2 security vetting which requires checks and verification of the candidate's citizenship, qualifications, criminal record and financial record.
- 11. Furthermore, the Special Advisers are required to complete the Nyukela certificate offered by the National School of Government within the first three months of appointment; and avail themselves to attend any relevant training provided by the School.
- 12. Executive authorities who have submitted requests to the Minister for the Public Service and Administration must align accordingly.
- 13. Deviations shall be considered where there is reasonable justification and a good cause shown. In such instances, the Executive Authorities must submit recommendations in writing for the attention of the Minister for the Public Service and Administration for consideration. It must be further noted that the MPSA will assess the merit of each request and submit to the President of the Republic of South Africa for approval.

14. Departments may contact Mr. Samson Radebe, Acting Chief Director: Remuneration, Employment Conditions and HR Systems Radebe on (012) 336 1569 or/and email at Samson.Radebe@dpsa.gov.za for any additional assistance required in this regard.

Kind regards

Signed by: Yoliswa Makhasi
Signed at: 2024-07-23 17:33:08 +02:00
Reason: I approve this document



Ms. Yoliswa Makhasi
Director-General
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