

Annexure B

PROTOCOL DOCUMENT ON THE PRINCIPLES AND PROCEDURES TO BE FOLLOWED FOR THE RECRUITMENT AND FILLING OF POSTS OF HEAD OF DEPARTMENT (HoD) AND DEPUTY DIRECTOR-GENERAL (DDG) AT NATIONAL LEVEL

PRINCIPLES/PROCEDURES	REFERENCE
1. The purpose of this document is to confirm the principles/procedures that apply in appointing HoDs and DDGs at national level.	
2. Although HoDs and DDGs are appointed by Executive Authorities (EAs), Cabinet also plays a role in their employment.	Cabinet adopted the Protocol Document on 28/6/2000
3. The Minister for the Public Service and Administration (MPSA) has the responsibility to submit motivations for the filling of HoD and DDG posts to Cabinet. Only after Cabinet has concurred with the nomination, can the appointment of the candidate be formalised.	Cabinet decisions of 3/9/1997 and 12/4/2000
4. HoDs are appointed for a term of five years or such shorter period as determined by the relevant EA. Cabinet, however, decided in September 1999 that national HoDs should as a general rule be appointed for a period of three years. On 5 May 2010 Cabinet "approves that in keeping with the Public Service Act, 1994, that Heads of National Departments be appointed for a term of five years, which may be renewed pending on the performance and at the discretion of Cabinet".	Section 12 of the <i>Public Service Act</i> , (PSA), 1994 Cabinet decision dated 5/5/2010
5. DDGs are generally appointed in the same way as any other career public servant.	Section 9 and 11 of the PSA, 1994
6. Before a post of HoD or DDG is advertised/ filled, an EA must first determine the composite requirements for employment in the post based on the inherent requirements of the job. An EA shall - (a) record the inherent requirements of the job; (b) ensure that the requirements for employment do not discriminate against persons historically disadvantaged; and (c) comply with any statutory requirement for the appointment of employees.	Public Service Regulations (PSR) 1/VII/C.1.1 and 1/VII/C.1.2
7. The job must also be evaluated, unless it has been evaluated before. Evidence must be submitted that the relevant job has been evaluated in terms of the job evaluation system.	PSR 1/III/F

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<p>8. An EA must ensure that the vacant post of HoD or DDG is advertised to reach (as efficiently and effectively as possible) the entire pool of potential applicants. The filling of posts of HoD and DDG must be effected by means of advertising such vacancy nationally inside and outside the Public Service. An advertisement for a post must, as a minimum, specify the following –</p> <ul style="list-style-type: none"> - Job title. - Core functions to be performed by the incumbent. - Inherent requirements of the post. - All-inclusive package payable. - Contact person to whom enquiries can be addressed. - Closing date. - The contract period (in the case of an HoD). - That the successful candidate will be required to enter into an annual performance agreement and that she/he will have to disclose her/his financial interests. - That all shortlisted candidates will be subjected to personnel suitability checks (PSCs). 	PSR 1/ VII/C.2
<p>9. An EA may only fill a vacant post of HoD and DDG without advertising in the circumstances outlined in the PSR.</p>	PSR 1/VII/C.1B and 1/VII/C.2.5
<p>10. An EA may utilise an appropriate agency or selection consultant to assist in some or all of the selection processes as long as the prescribed advertising and selection procedures are followed.</p>	PSR 1/VII/C.2.6
<p>11. After the closing date of the advertisement the department concerned must do shortlisting. All shortlisted candidates must be subjected to preliminary security vetting as regulated in the MISS.. In this regard departments must conduct personnel suitability checks (PSCs) in respect of all shortlisted candidates. The prescribed verifications must be conducted prior to the appointment or the filling of a post of HoD or DDG. Therefore, no candidate or person may be appointed in or transferred to a post of HoD or DDG before the verification results have been duly considered. Such PSCs shall, with effect from 1 January 2008, cover at least the following:</p> <ul style="list-style-type: none"> (a) Criminal record checks; (b) Citizenship verification; (c) Financial/asset record checks; (d) Qualification/Study verification; and (e) Previous employment verification (Reference checks) <p>As regards to 11(d) above, verification of qualifications must be undertaken by the South African Qualification Authority (SAQA) in line with a directive issued in this regard by the MPSA, effective 1 March 2010.</p>	<p>Cabinet decision of 17/3/1999</p> <p>“Dear Colleague” letter by MPSA dated 24/4/2002</p> <p>PSR 1/VII/D.8(a)</p> <p>National Vetting Strategy approved by Cabinet during December 2006.</p> <p>Directive by MPSA issued under cover of DPSA Circular 14/1/1/P of 23/11/2007</p> <p>Directive by MPSA issued under cover of DPSA Circular HRP1 of 2010 dated 1 April 2010</p>

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<p>12. An EA must appoint a selection committee. Such a selection committee constituted for the appointment of a head of a national department, shall be chaired by the Minister responsible for the portfolio in which the vacancy exists and include at least two other Ministers and a national head of department. The selection committee constituted for the appointment of a Deputy Director-General of a national department, shall be chaired by the Minister responsible for the portfolio in which the vacancy exists and include at least two Deputy Ministers and the relevant head of department.</p>	<p>PSR 1/VII/D.2 as amended with effect from 01 March 2013</p>
<p>13. During the selection process all candidates for a particular post must be assessed against the same selection criteria by the same selection committee.</p>	
<p>14. In respect to the Directive on the implementation of competency based assessment of 1 April 2011, it should be noted that following the interview process, the two most suitable candidates must be invited for a competency assessment, to determine developmental gaps. With reference to the competency assessment, only mandated tools developed by the dpsa may be used.</p>	<p>Cabinet decision of 26 to 28 July 2006</p> <p>DPSA circular of 4/3/2008</p> <p>Chapter 5 of the SMS Handbook as amended, May 2011</p> <p>Directive w.e.f. 1/4/2011 issued under cover of DPSA Circular dated 10/5/2011</p>
<p>15. The selection committee shall make a recommendation on the suitability of a candidate after considering only –</p> <ul style="list-style-type: none"> (a) Information that is based on valid methods, criteria or instruments for selection that are free from any bias or discrimination; (b) the training, skills, competence and knowledge necessary to meet the inherent requirements of the post; (c) the needs of the department for developing human resources; (d) the representativeness of the component where the post is located; and (e) the department’s affirmative action programme. 	<p>Section 11 of the PSA, 1994</p> <p>PSR 1/VII/D</p>
<p>16. The selection committee shall record the reasons for its recommendation. The appointment of the successful candidate should only be approved after consultation with the MPSA (who is responsible for obtaining Cabinet’s concurrence) and once the President has exercised his prerogative on deployment.</p>	<p>Cabinet decision of 4/8/1999</p>

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<p>17. In order to allow the MPSA to add value and to facilitate the appointment of nominated candidates to posts of HoD and DDG in national departments, national EAs are required to forward information on these candidates to the MPSA. For this purpose a pro-forma letter (Annexure C of this Chapter) and a Cabinet Memorandum (Annexure D of this Chapter) containing all relevant information, should be forwarded to the MPSA at least four weeks before the Cabinet meeting. For practical reasons, departments must only deal with one appointment per Cabinet Memorandum.</p> <p>Note: The Cabinet Memorandum must be accompanied by an updated <i>curriculum vitae</i>. The appointing Department must provide information on the Boards that the nominee is currently serving on as well as business interests, if any.</p>	<p>Cabinet decisions of 12/4/2000, 22/8/2001 and 24/3/2010</p> <p>Cabinet decision of 24/10/2012</p> <p>Cabinet decisions of 12/4/2000 and 22/8/2001</p>
<p>18. Agreement on the remuneration of the prospective appointee must be reached between the relevant EA and the prospective appointee before Cabinet is approached for approval of the appointment. The remuneration to be awarded to the relevant person should be included in the proposal to be presented to Cabinet. An EA may not request a deviation after Cabinet has taken a decision on the matter.</p> <p><u>Note:</u></p> <p>With reference to the Cabinet Memorandum (Annexure D of this Chapter), departments are required to list and inform Cabinet about the extent of representivity of the institution concerned, and how this will be affected by the appointment.</p>	<p>Cabinet decisions of 28/5/2003, 8/2/2006 and 5/12/2001</p>
<p>19. After Cabinet's concurrence has been obtained the relevant EA will issue an appointment letter to the successful candidate. Such a letter should include the following:</p> <ul style="list-style-type: none"> - Indicate in accordance with which provision of the Act the appointment is effected. - Term of contract (if applicable) and all-inclusive package. - Attach the prescribed employment contract and refer to the requirement to enter into a performance agreement within the first three months of appointment. - Date of assumption of duty (The date of appointment will be with effect from a date as agreed to by the relevant EA and the appointee.). - Requirement to disclose financial interests within one month of appointment. - Requirement to complete form Z204, in order to allow the Domestic Branch of the State Security Agency to conduct the necessary vetting investigations, at the end of which a relevant security clearance will be considered. - Indicate that the appointment is made subject to a probationary period of 12 months (in the case of all permanent appointments and contract appointments of 12 months and more). 	<p>PSR, Annexure 2, Parts 1,2 and 3</p>

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<p>20. Should any candidate require reasons why she/he was not appointed, it will be the responsibility of the relevant EA to provide such reasons.</p> <p><u>Note:</u> For purposes of dealing with an extension of a contract a <i>pro forma</i> letter and Cabinet Memorandum are attached at Annexures E and F.</p>	
<p>21. Once Cabinet has approved/concurred with an appointment, all aspects relating to such appointment decision by Cabinet must be complied with by the relevant EA, and failure to adhere to the Cabinet decision will be deemed as non compliance in terms of the provisions of the Public Service Act, 1994.</p>	