

# **NORTHERN CAPE PROVINCIAL ADMINISTRATION**



## **PROVINCIAL RECRUITMENT AND SELECTION POLICY**

**March 2018**

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## 1. CONCEPTUAL BACKGROUND

**WHEREAS:** The Public Service is a labour-intensive employer and the quality of its services is directly dependent on the quality and performance of its employees. Viewed from this perspective, recruitment and selection collectively represents one of the most important Human Resource practices. Given the link between good quality recruitment and service delivery, its importance is paramount.

**AND WHEREAS:** In terms of the Public Service Co-ordinating Bargaining Council Resolution 3 of 1999, departments were given the mandate to develop policies and programmes which would enhance their managerial actions especially in respect of their human resource matters.

**AND WHEREAS:** The Head of Office of the Premier is empowered by section 7(3)(c)(iii) to set norms and standards for *inter alia* for conditions of service and other employment practices, in terms of section 3(1)(c) of the Public Service Act, 1994, as amended.

The effect of the aforementioned is that the Head of the Office of the Premier is empowered to develop generic transversal policies and guidelines which will suit the needs of the public service in the province.

Therefore this policy framework has been developed by taking into consideration legislative and policy requirements. It is also an endeavour to support the human resource plans of Departments in terms of its quest to attract the best competencies in the labour market. Departments must monitor progress on their Human Resources Plans so as to ensure they have the right people, at the right place, at the right time, all the time.

## 2. LEGAL FRAMEWORK

The recruitment, selection and appointment process is done inter-alia in terms of the legal framework applicable to the South African public service, namely the –

- ✓ Constitution, 1996, in particular section 195(1)(h) and (i);
- ✓ Promotion of Administrative Justice Act (PAJA), 2000 as amended;
- ✓ Public Service Act, 1994, as amended;
- ✓ Employment Equity Act, 1998 as amended;
- ✓ Basic Conditions of Employment Act, 1997 as amended;
- ✓ Employment Services Act 4 of 2014 as amended;
- ✓ Labour Relations Act, of 1995 as amended;
- ✓ Criminal Law (Sexual Offences and Related matters) Amendment Act of 2007 and the Children's Act of 2005 as amended.
- ✓ Promotion of Equality and Prevention of Unfair Discrimination Act, (Act 4 of 2000);
- ✓ White Paper on Human Resource Management in the Public Service, of 1997;
- ✓ White Paper on Affirmative Action, of 1998;



- ✓ Public Service Regulations (PSR), of 2016 as amended;
- ✓ Relevant Collective Agreements; and
- ✓ Senior Management Service (SMS) Handbook as amended;
- ✓ Relevant directives issued by the Minister of Public Service and Administration (MPSA)

### 3. DEFINITIONS

**"Public Service Act"** means the Public Service Act, 1994 (promulgated under Proclamation 103 of 1994);

**"Employment Equity Act"** means the Employment Equity Act, 1998 (Act No. 55 of 1998);

**"Labour Relations Act"** means the Labour Relations Act, 1995 (Act No. 66 of 1995)

**"Executive Authority"** means to the employee delegated to approve an action in terms of the Public Service Act, 1994 as amended, and the Public Service Regulations, 2001 as amended

**"Headhunting"** means to seek and identify suitable candidates for positions where difficulty is experienced to recruit suitably qualified candidates.

**"competency"** means the combination of knowledge, skills, behaviour and aptitude that a person can apply in the work environment, which indicates a person's ability to meet the requirements of a specific post;

**"designated groups"** means designated groups as defined in section 1 of the Employment Equity Act;

**"inherent requirements of the job"** means the competency, experience, qualifications and any other requirement that an employee needs in order to perform a job;

**"contract "** means someone who is employed for a fix time period or a specific task only, once that task is completed the employment relationship ends.

**"Candidate"** - a fit and proper person who has shown an interest in a post that has been advertised by applying for it and or has been headhunted, who may be considered for selection, interviews and or appointment.

**"Senior Management Service (SMS)"** – means the Senior Management Service consisting of employees who are incumbents of posts graded on level 13 or above, unless specifically excluded in terms of a determination or deemed determination by the Minister.

**"Scarce Skills"** means those skills which are difficult to recruit but expensive to replace.

#### **4. ABBREVIATIONS**

"HOD" refers Head of Department

"EE" refers to Employment Equity

"EE plan" refers to the Departmental Employment Equity Plan

"PSVC" refers to the Public Service Vacancy Circular

"NCPG" refers to the Northern Cape Provincial Government

"CV": refers to Curriculum Vitae

"SAQA" refers the South African Qualification Authority

"HR" refers to Human Resource

#### **5. POLICY STATEMENT**

This policy seeks to establish and outline a broad policy framework that departments in the Northern Cape Provincial Administration must adhere and follow to ensure fair and equitable recruitment, selection and appointment of potential candidates. It further seeks to promote the principles of fair employment practices, consistency, uniformity in recruiting and selecting of potential candidates.

#### **6. SCOPE OF APPLICABILITY**

- (i) This policy applies to:-
  - (a) All serving employees in the Provincial Administration of the Northern Cape who are appointed in accordance with the Public Service Act 1994, as amended;
  - (b) Potential employees as stipulated in the Labour Relations Act, 66 of 1995; and
  - (c) Former employees seeking re-employment, subject to Section 60 (2) and (3) of the Public Service Regulations, 2016.
- (ii) However in the application of the provincial policy framework, departments must take into consideration their own unique or sector specific legislative prescripts and or collective agreements.

#### **7. POLICY OBJECTIVES**

- (a) To ensure the best skills are recruited and retained in the province.
- (b) To ensure the attainment of the Provincial Growth and Development Strategy (PGDS) and department specific strategic goals through the attraction and retention of skilled, competent personnel.



- (b) To ensure that recruitment and selection is done in a fair, efficient, effective, transparent and equitable manner.
- (c) To provide job opportunities through achieving a balance between the need to increase accessibility for external applicants, while maintaining a worthwhile career structure for serving public servants.
- (d) To achieve equity in the workplace and promote diversity.

## **8. PRINCIPLES**

This policy framework shall be underpinned by the following Batho Pele Principles which include, inter alia;

- ✓ Fairness
- ✓ Equity
- ✓ Confidentiality
- ✓ Professionalism
- ✓ Human dignity

## **9. POLICY PROVISIONS**

The effectiveness of recruitment and selection is in itself dependent on the quality of HR planning, proper job descriptions and staffing requirements dictated by transformation and service delivery objectives.

### **A. ADVERTISING**

Departments must ensure that all funded vacant posts that have been subjected to job evaluation (permanent, fix term contract) are so advertised as to reach, as efficiently and effectively as possible, the entire pool of potential applicants, especially persons historically disadvantaged and persons with a disability. A funded vacant post shall be advertised within six (6) months after becoming vacant and be filled within twelve (12) months after becoming vacant.

#### **(i) Advertising in the media**

- (a) Scarcities / specialized posts as well as posts on senior management level (level 13 and above) shall be advertised nationally both inside and outside the Public Service.
- (b) The Department shall advertise any other vacant posts on salary levels 2 to 12, as a minimum, within the department, but may also advertise such post-
  - (i) in the public service;
  - (ii) locally; or
  - (iii) nationwide.

#### **(ii) Public Service Vacancy Circular**

When advertising outside the department, the department shall

also advertise in the public service vacancy circular issued by the Department of Public Service and Administration.

**(iii) Pool of potential employees**

An advertisement contemplated in subsections A(i) to (ii) above may be utilised to create a pool of potential employees for a period of not more than 6 months from the date of advertisement to fill any other vacancy in the relevant department if—

- (a) the job title, core functions, inherent requirements of the job and the salary level of the other vacancy is the same as the post advertised; and
- (b) the selection process contemplated in Section E of this Policy has been complied with.

**B. HEAD HUNTING (SKILLS SEARCH)**

- (i) Departments may, in order to enlarge the potential pool of candidates to be generated through the normal advertising of posts, request identified potential candidates to submit their candidature for an advertised post prior to the closing date of an advertisements.
- (ii) Applications received from such identified potential candidates must be considered together with all other applications and all the normal recruitment processes will apply.
- (iii) This skills search based method of recruitment can typically be used to seek and identify candidates for positions where it is usually difficult to recruit suitably qualified candidates as well as candidates from historically disadvantaged groups and persons with a disability.
- (iv) In the event where the process, stipulated in paragraph (i), (ii) and (iii) above fails to recommend a suitable candidate for appointment, or in cases where a successful candidate is no longer available for appointment and no other suitable candidate is available, the following process can be embarked on:
  - (a) Departments may approach candidates who meet the requirements of the post to submit their CV's to be considered for the vacant position. An Executive Authority may procure candidates through recruitment agencies and/or professional associations.
  - (b) During this process departments must use the same criteria as originally advertised (e.g. educational qualifications, experience and remuneration on offer) and be assessed by the same selection committee.



- (c) Candidates interviewed prior to the headhunting process and who were found not suitable, cannot be considered for appointment together with possible headhunted candidates.

#### **C. RE-ADVERTISING VACANCIES**

The re-advertisement of a vacancy should be done for good reasons and in exceptional circumstances only. These include:

- (i) No suitable candidate could be found. This is subject to a fair process of selection having been applied.
- (ii) The operational requirements (or job contents) for the vacancy have changed drastically since the vacancy was advertised.
- (iii) A long delay in finalising the selection process due to various unforeseen Departmental circumstances, resulting in candidates no longer being available.
- (iv) The exposure of the initial advertisement having been found to be too limited, not reaching all potential candidates.

#### **D. FILLING OF POSTS IN OFFICE OF EXECUTIVE AUTHORITIES**

- (i) An executive authority may only fill vacancies in the Office of an executive authority by means of:
  - (a) an appointment in terms of section 9 of the Public Service Act for-
    - (i) the term of office of the incumbent executive authority which will terminate at the end of the first month after the month in which the term of that executive authority terminates for any reason; or
    - (ii) a period not exceeding three years;
  - (b) a transfer in terms of section 14 of the Public Service Act, provided that the employment status of the transferred employees as permanent or temporary, as the case may be, shall remain unaffected by the transfer.
- (ii) Subject to the appointment criteria in Section E (v)(b) to (d), an executive authority may fill a post in the Office of the executive authority, in terms of Section D (i) without complying with Section A (i) to (iii).
- (iii) Section D (i) shall not be construed as preventing the secondment in terms of section 15(2) or (3) of the Public Service Act of a person or an employee or an assignment in terms of section 32 of the Act of an



employee to perform the functions of a post in the office of an executive authority.

- (iv) Officials employed within the Offices of the Executive Authorities may be absorbed into a Department in a substantive post, on condition that they meet the minimum appointment requirements (qualifications, experience and other requirements specific to that post ) of the position they are being appointed/absorbed subject to the Accounting Officer certifying that funds are available for both the current financial year and the MTEF period.
- (v) an employee may be seconded to an Executive Authority's office provided that the employment status of the seconded employee, shall remain unaffected by the secondment except that such employee will qualify for such allowances and other conditions as applicable to that post, however it should be made clear in the secondment letter that such allowances and or conditions is only applicable for the period of secondment The latter implies that in the event of the expiry of the secondment period, the employee shall return to his/her original rank and salary position and relinquish all such allowances and other conditions upon return to his/her position in the Department. This must be acknowledged and accepted in the secondment letter by the employee. The period of secondment shall not exceed twelve (12) calendar months.

#### **E. SELECTION AND INTERVIEW PROCESS**

- (i) The Executive Authority/Delegated official shall appoint a selection panel to make recommendations on appointment to all posts.
- (ii) An approved selection panel must, with the guidance and advice of an HR secretariat/scribe, conduct the selection and interview process.
- (iii) The selection panel must consist of at least three members but not exceeding five members who must fall within a grading category equivalent to, or higher than the grading of the post to be filled. The panel may be made up of suitable employees from outside the department but within the Public Service but must be chaired by an employee of the department and be of a grading higher than the post to be filled.
- (iv) A selection committee must include adequate representation (race and gender) and include members with relevant expertise.
- (v) The selection committee shall make a recommendation on the suitability of a candidate after considering only-
  - (a) information based on valid methods, criteria or instruments for selection that are free from any bias or discrimination;



- (b) the inherent requirements of the post;
- (c) the department's employment equity plan; and
- (d) in respect of candidates applying for posts from salary level 9 and above-
  - (i) the level of understanding of the relevant departmental mandates;
  - (ii) the ability to identify problems and find innovative solutions; and
  - (iii) the ability to work in a team.
- (vi) The evaluation, including the selection of applicants shall be based on the training, skills, competence, knowledge, formal qualifications, recognition of prior learning and relevant experience within a reasonable time to do the job, coupled with the need to redress historical imbalances (pertaining to race, gender and disability). Qualifications should not be defined primarily or solely in terms of educational attainment, but should include skills, relevant experience and other criteria.

**(a) Screening of Candidates**

- (i) After the closing date, the application documents should be screened to determine whether applicants comply with the basic criteria laid down in the advertisement. During this phase candidates who do not comply with the minimum advertised requirements may be eliminated with noting of reasons, resulting in a preliminary selection pool.
- (ii) In case of a negative screening outcome, the Security Management or relevant Unit must advise the Executive Authority/Delegated official on the implications of a negative result and it will be the discretion of the Executive Authority/Delegated official to effect appointment or decide not to appoint such a candidate with a negative record.

**(b) Short-Listing**

- (i) All shortlisted candidates shall be subjected to pre-employment screening process, which shall include the following:
  - (a) criminal record checks;
  - (b) citizenship verification;
  - (c) financial/asset record checks;
  - (d) qualification/study verification; and
  - (e) previous employment verification (reference checks)

- (ii) The short-listing process should be compiled on the basis of a uniform methodology and strong emphasis should be placed on the information supplied in a candidate's Curriculum Vitae (CV) and in the application form, as measured against the advertised requirements. Any information from other sources should not be considered as it may unfairly benefit or disadvantage an applicant in relation to the others.
- (iii) Elimination of candidates must be done in a justifiable manner and be documented so that the reasons for elimination are available when the filling of the post is finally considered.
- (iv) During both the short-listing and interview process no hearsay evidence may be presented and entertained. Should a member of the Selection Panel be party to information or have knowledge supplementary to or in contradiction of that contained in a candidate's application documents, such information must be verified and declared before-hand. Any member who is party to information of this nature and who is of the opinion that it may impede his/her ability to make objective inputs must recuse her/himself from the process.
- (v) HR secretariat/scribe shall note all declarations of personal relations with applicants by members of the selection committee/s, and after careful consideration of the nature of the declared relationship, advise the delegated authority on the exclusion or replacement of any selection committee member, who would have made such declaration (so as to eliminate possible nepotism or bias by panel members).
- (vi) The Executive Authority/Delegated official must approve the short-listed candidates.

**(c) Interviews**

- (i) The interview panel shall comprise of the same panel appointed by the Executive Authority/Delegated official that conducted the short listing. Only in exceptional cases may the panel members differ during interviews. In this case, valid reasons shall be provided prior the interview.
- (ii) In terms of this policy the method of interviews is a primary selection technique of candidates. Interviewing may be employed in conjunction with competency assessments, technical exercises, role-playing, testing, skills techniques, etc, in which event these must be objective.
- (iii) The selection panel must prepare interview questions on the day of the interviews so as to prevent any leakage of information and to promote fair competition between candidates.



- (iv) Short-listed candidate(s) who are unavailable on the scheduled date of the interview, on account of written valid reasons (e.g. injury, sickness and death of immediate family member), may be allowed an opportunity to reschedule their interview for an alternate date and time.
- (v) Points allocated in the interview processes may not be solely used as the determining factor or absolute cut-off points to identify the most suitable candidate, but rather as indicative of a candidate's relative suitability for a post and should be considered with due regard to the employment equity targets of a department.
- (vi) After the interview process the selection panel must make a recommendation on the appointment to a post to the Executive Authority or Delegated official.
- (vii) Only after an employment offer has been declined in writing by the appointed candidate may the second choice be considered for appointment. If the panel did not make a recommendation for a second choice candidate and the recommended candidate declines the offer no other candidate shall be appointed and the process of short listing and interviewing shall resume using applications from the pool of potential employees, if it complies with the stipulations as set out in Section A (iii) above. The Interview panel must, in as far as possible, recommend a second choice candidate.
- (viii) Within the limits of the applicable policy, all reasonable expenses associated with the attendance of interviews by candidate (s) are to be defrayed from the budget of the department by which the candidate (s) were invited for the interview(s).

## **F. RE-APPOINTMENT**

- (i) An executive authority shall not re-appoint a former employee if that employee left the public service -
  - (a) earlier on the condition that he or she would not accept or seek reappointment; or
  - (b) due to ill health and cannot provide sufficient evidence of recovery.
- (ii) Notwithstanding subsection F (i)(a) an executive authority may appoint such former employee in a post if-
  - (a) no other suitable candidate could be recruited in terms of the Public Service Regulations, 2016;



(b) the appointment is made for a fixed term not exceeding three years; and that term may be extended only once for a further term not exceeding three years; and

(c) the employee has not been previously appointed in terms of subsection F (ii)(a) and (b)

**G. PROHIBITION ON RE-EMPLOYMENT OF FORMER EMPLOYEES DISMISSED FOR MISCONDUCT**

(i) A former employee dismissed in terms of section 17(2)(d) of the Act for misconduct listed below shall not be re-appointed in the public service for the applicable period from the date of dismissal in relation to the kind of misconduct indicated in the table below:

	<b>Act of Misconduct</b>	<b>Period of prohibition</b>
1.	<p>(a) The offering or receipt of any undue gratification or the facilitation of such offering or receipt; or</p> <p>(b) Committing theft or fraud; or</p> <p>(c) Conducting business with any organ of state or being a director of a public or private company conducting business with an organ of state; or</p> <p>(d) Misconduct resulting from a criminal conviction where an employee has been sentenced for two or more years imprisonment, without the option of a fine.</p>	Five years
2.	<p>(a) Sexual harassment; or</p> <p>(b) Unfair discrimination against others on the basis of race, gender, disability, sexuality or other grounds prohibited by section 9(3) of the Constitution.</p>	Four years
3	<p>(a) Financial misconduct as contemplated in section 81 or 82 of the Public Finance Management Act; or</p> <p>(b) Misconduct resulting from a criminal conviction where an employee has been sentenced for less than two years imprisonment, without the option of a fine.</p>	Three years
4.	Contravention of any provision of regulations 11 to 14 of Chapter 2 of the Public Service Regulations, 2016 other than misconduct referred to in items 1 to 3, above.	One year

(ii) If an employee is dismissed for more than one act of misconduct, the prohibition on re-appointment shall run concurrently.

- (iii) An employee who is deemed to have been dismissed in terms of section 17(3)(a) of the Public Service Act and who is not reinstated in terms of section 17(3)(b), shall not be re-appointed in the public service for a period of one year after the effective date of his or her deemed dismissal.

#### **H. APPOINTMENTS ADDITIONAL TO THE ESTABLISHMENT**

- (i) An executive authority may, unless otherwise authorised by the Act, within the available budget and at a salary level linked to a grade determined through job evaluation or as determined in an OSD, employ persons additional to the establishment, where—
  - (a) the incumbent of a post is expected to be absent for such a period that his or her duties cannot be performed by other employees;
  - (b) a temporary increase in work occurs or it is necessary for any other reason to temporarily increase the staff of the department;
  - (c) an employee's post has been abolished and he or she cannot be transferred into another post; or
  - (d) an employee is part of a development programme as contemplated in regulation 58 of the Public Service Regulations, 2016.
- (ii) Before making a decision on an appointment of a person additional to the establishment, an executive authority shall—
  - (a) satisfy himself or herself that the person qualifies in all respects for the position and that his or her claims in his or her application for the position have been verified; and
  - (b) record that verification in writing.
- (iii) The employment of a person additional to the establishment in terms of subsection H (i)(a) or (b) shall not exceed 12 consecutive calendar months unless otherwise directed by the Minister of Public Service and Administration.
- (iv) An appointment shall take effect after approval by the relevant executive authority.
- (v) An appointment shall take effect on the date of an employee's assumption of duty. If an employee assumes duty on the first working day of the month and this day is not the first day of the month, the first day of the month is deemed to be his or her date of assumption of duty.

#### **10. GENERAL**

Canvassing, favouritism, nepotism, fraud or similar practices are under no circumstances allowed during the recruitment, selection and appointment

process; and any official with any personal / vested interest in the process must declare such interest beforehand and recuse her- or himself from the process.

## **11. DOCUMENTATION**

HR together with the departmental Records Management Unit must keep records of the Recruitment, Selection and Appointment process i.e. submission(s), Advert, CV(s) and relevant documentation (qualifications, application form, scoring sheets etc.)

Applications of all unsuccessful candidates may be disposed in terms of the National Archives and Records Service of South Africa Regulations (R158 of 20 November 2002), only a year after the successful candidate has assumed duty.

## **12. COMMUNICATION**

Upon approval, this policy will be circulated to Departments within the Provincial Administration. Departmental Human Resource Heads will be responsible to inform all officials in their respective Departments of the content of this policy.

## **13. MONITORING AND EVALUATION**

It is the responsibility of each Head of Department to ensure that this policy is carefully followed within their respective Departments. The Office of the Premier through its delegated structures shall monitor and evaluate the effectiveness of this policy on an annual basis.

## **14. POLICY REVIEW AND AMENDMENTS**

### **14.1. REVIEW**

This policy is subject to review as and when deemed necessary for the provincial Human Resources function collectively, to ensure that it is aligned to prevailing resolutions, regulations and labour market conditions.

### **14.2. AMENDMENTS**

No amendments may be made to any section of this policy without such amendments first being consulted with all stakeholders and approved and signed by the Premier of the Northern Cape Province.

## **15. APPROVAL OF POLICY**

The Provincial Policy on Recruitment and Selection is hereby approved / ~~not~~ approved.

  
.....  
**J. BEKEBEKE**  
**DIRECTOR GENERAL**

20103/2018  
.....  
**DATE**



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Ref: S6.1.1

## HEADS OF DEPARTMENT NORTHERN CAPE PROVINCIAL ADMINISTRATION

### REVIEWED PROVINCIAL PERFORMANCE MANAGEMENT AND DEVELOPMENT (PMDS) POLICY FOR LEVELS 1 TO 12

During the 2017/18 performance cycle, the Northern Cape Provincial Administration had a Provincial PMDS policy for levels 1 to 12 in place, however, this policy required review and alignment due to amendments made to the Public Service Regulation. The DPSA subsequently issued the determination and directive on PMDS for employees on levels 1 to 12.

Kindly find attached reviewed Provincial PMDS Policy for officials on levels 1 to 12 for implementation with effect from 1 April 2018.

Yours faithfully

  
**MR. J. BEKEBEKE**  
**DIRECTOR GENERAL**