

GENERAL NOTICES • ALGEMENE KENNISGEWINGS

DEPARTMENT OF CORRECTIONAL SERVICES**NOTICE 122 OF 2019**

Following amendment pages are published in relation to the delegations for the Department of Correctional Services published on 21 September 2018 in the Government Gazette number 41913.

- 1. Part A Appendix A; pages 2, 3, 4, and 8**
- 2. Part A Appendix B; page 4**
- 3. Part B Appendix A; page 2, 3, 4, 7 and 11**
- 4. Part B Appendix B; page 5**

PART A, APPENDIX A: Delegations Register- EA to NC delegations in terms of the PSA

POWER OR DUTY BEING DELEGATED		Principal Function	DESIGNATION / POST LEVEL DELEGATED TO			DELEGATION CONDITIONS AND LIMITATIONS
Section	Topic Description		Head Office	Region	Management Area	
1.	3 (7) An executive authority has all those powers and duties necessary for- (a) the internal organisation of the department concerned, including its organisational 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; and (b) the recruitment, appointment, performance management, transfer, dismissal and other career incidents of employees of that department, including any other matter which relates to such employees in their individual capacities, and such powers and duties shall be exercised or performed by the executive authority in accordance with this Act.	EA	NC 1-16	None	None	Indicators for Execution/Reporting/ Consultation/ Informing Provided for in section 3 of the Correctional Services Act, 111 of 1998 read with section 2(2) of the PSA 1994, the Authority is therefore with the National Commissioner. DPSA Directives to be complied with and Minister to concur.
2.	(a) The relevant executive authority may, subject to paragraphs (b) and (c), perform any act in connection with any matter which relates to or arises from the employment or the conditions of service of a person formerly employed in the public service whilst he or she was so employed in the department concerned. ((d) On request of the relevant executive authority and on good cause shown, the Minister may in respect of a particular person extend the	EA	NC 1-16 Subject to the provisions and delegations in the CSA	None	None	Provided for in sections 3 and 96(3) of the Correctional Services Act, 111 of 1998 read with section 2(2) of the PSA 1994, the Authority is therefore with the National Commissioner. Refer to delegation in terms of Correctional Services Act.
3.	3 (8)	EA	NC 1-15	NC 1-15	NC 1-15	EA approves L16

Executive Authority:

Advocate M Masutha (MP)

Date: 2019 -02- 04

National Commissioner:

A Fraser

Date: 2018/12/27

PART A, APPENDIX A: Delegations Register- EA to NC delegations in terms of the PSA

POWER OR DUTY BEING DELEGATED		DESIGNATION / POST LEVEL DELEGATED TO PER TIER				DELEGATION CONDITIONS AND LIMITATIONS	
Section	Topic Description	Principal Functionary	Head Office	Region	Management Area	Indicators for Execution/Reporting/ Consultation/ Informing	
4.	(b) If the Commission issues a direction contemplated in paragraph (a), the relevant executive authority or head of department, as the case may be, shall implement the direction as soon as possible after receipt of the written communication conveying the direction but, in any event, within 60 days after the date of such receipt.	EA	NC 1-15	NC 1-15	NC 1-15	EA (NC) NC other performer levels	
5.	Appointments in Public Service						
6.	An executive authority may appoint any person in his or her department in accordance with this Act and in such manner and on such conditions as may be prescribed.	EA	NC 1-15	None	None	Provided for in sections 3(5)(g) and 96(3) of the Correctional Services Act, 111 of 1998 read with section 2(2) of the PSA 1994, the Authority is therefore with the National Commissioner. Refer to delegations in terms of Correctional Services Act.	
7.	Appointment on probation						
8.	If so required by regulation, an executive authority shall appoint an employee on probation for such period as may be prescribed for the relevant category of employees.	EA	NC L1-14	NC L1-14	NC L1-14	EA approves L 15-16. All appointments to be made on probation.	
9.	After the completion of a probationary period contemplated in subsection (1) an executive authority shall confirm the probationary appointment if the employee concerned has— (a) performed at least satisfactorily during the period; and (b) complied with all the conditions to which his or her appointment was subject.	EA	NC L1-14	NC L1-14	NC L1-14	EA approves L 15-16 HR to facilitate in consultation with relevant functionaries All appointments to be made on probation.	

Executive Authority:

Advocate M Masutha (MP)

Date: 2019 -02- 04

National Commissioner:

A Fraser

Date: 2018/12/27

PART A, APPENDIX A: Delegations Register- EA to NC delegations in terms of the PSA

POWER OR DUTY BEING DELEGATED		Principal Function	DESIGNATION / POST LEVEL DELEGATED TO			DELEGATION CONDITIONS AND LIMITATIONS	
Section	Topic Description		Head Office	Region	Management Area	Indicators for Execution/Reporting/ Consultation/ Informing	
10.	13 (3)	EA	NC L1-14	NC L1-14	NC L1-14	EA approves L15-16. HR to facilitate submission and consult with responsible line manager. Confirmation should be based in compliance with all stipulated conditions, work performance of an employee.	
11.	14						
12.	14 (1)	EA	NC L1-15	NC L1-15	NC L1-15	Provided for in sections 3(5)(g) of the Correctional Services Act, 111 of 1998 read with section 2(2) of the PSA 1994, the Authority is therefore with the National Commissioner. Refer to delegations in terms of Correctional Services Act.	
13.	15						
14.	15 (2)	EA	NC L1-14	NC L1-14	NC L1-14	EA approves L 15 HR and Legal Services to facilitate	

Executive Authority: _____

Advocate M Masutha (MP)

Date: 2019-02-04

National Commissioner: _____

A Fraser

Date: 2018/12/27

PART A, APPENDIX A: Delegations Register- EA to NC delegations in terms of the PSA

POWER OR DUTY BEING DELEGATED		Principal Function	DESIGNATION / POST LEVEL DELEGATED TO			DELEGATION CONDITIONS AND LIMITATIONS	
Section	Topic Description		Head Office	Region	Management Area	Indicators for Execution/Reporting/ Consultation/ Informing	
30.	may approve of paying out of revenue an amount equal to that salary, allowance, fee, bonus or honorarium, or a portion thereof, to the employee concerned.						
31.	Direction to perform other functions or to act in another post (a) An employee may be directed in writing to act in a post subject to such conditions as may be prescribed. (b) Such acting appointment shall be made— (i) in the case of the post of head of department, by the relevant executive authority;	EA	NC L1-15	None	None	Acting appointments for levels other than the National Commissioner must be done as per delegations in terms of the Correctional Services Act	
32.	Grievances of employees						
33.	For the purposes of asserting the right to have a grievance concerning an official act or omission investigated and considered by the Commission— (a) an employee may lodge that grievance with the relevant executive authority under the prescribed circumstances, on the prescribed conditions and in the prescribed manner; and (b) if that grievance is not resolved to the satisfaction of the employee, that executive authority shall submit the grievance to the Commission in the prescribed manner and within the prescribed period.	EA	NC L1-14	NC L1-14	NC L1-14	Refer to the grievance procedure.	
34.	After the Commission has investigated and considered any such grievance, the Commission may recommend that the relevant executive authority acts in terms of a particular provision or particular provisions of this Act or any other law if, having regard to the circumstances of the case, the Commission considers it appropriate to make such a recommendation.	EA	Not delegated	Not delegated	Not delegated	NC to consider and advise the EA	

Executive Authority:

Advocate M Masutha (MP)

Date: 2019-02-04

National Commissioner:

A Fraser

Date: 2018/12/27

PART A, APPENDIX B: Delegations Register – EA to NC in terms of the PSR

EXECUTIVE AUTHORITY DELEGATIONS TO THE HEAD OF DEPARTMENT IN TERMS OF THE PUBLIC SERVICE REGULATIONS, 2016

ROW NO	POWER OR DUTY BEING DELEGATED		Principal Functionary	DESIGNATION/POST LEVEL DELEGATED TO	DELEGATION CONDITIONS AND LIMITATIONS
	Regulation	Topic Description			
15	25.(2)(a)	<u>Organisational structure</u> (2) Based on the strategic plan of the department, an executive authority shall— (a) determine the department's organisational structure in terms of its core mandated and support functions - (i) in the case of a national department or national government component, after consultation with the Minister and National Treasury; and	EA	NC EA to concur	Indicators for Execution/Reporting/ Consultation/ Informing Provided for in section 3 (5) of the Correctional Services Act, 111 of 1998 read with section 2(2) of the PSA 1994, the Authority is therefore with the National Commissioner. Compliance to the DPSA directives
16	25.(2)(b) and (c)	<u>Define and create posts</u> (2) Based on the strategic plan of the department, an executive authority shall - (b) define and create the necessary to perform the relevant functions of the department while remaining within - (i) the current budget; (ii) the Medium-Term Expenditure Framework of the department; and (iii) the norms and standards determined by the Minister for post provisioning for occupations or categories of employees; and the posts so defined and created shall constitute the department's approved establishment; c) grade proposed new jobs according to the job evaluation and job grading systems referred to in regulation 41(1), except where the grade of a job has been determined in terms of an OSD or directed by the Minister in terms of regulation 41(2)(d)	EA	NC 1-15 EA to concur with SMS posts (13-15).	Provided for in section 3 (5) of the Correctional Services Act, 111 of 1998 read with section 2(2) of the PSA 1994, the Authority is therefore with the National Commissioner. Compliance to the DPSA directives
17	26.(1)	<u>Human resource plan</u> (1) An executive authority shall prepare and implement a human resource plan for his or her department.	EA	NC	NC approve after consultation with the EA. This section must be read with section 3 (5) of the CSA NC monitor the implementation of the plan and inform the EA

Executive Authority:

Advocate M Masutha (MP)

Date: 2019 -02- 04

National Commissioner:

A Fraser

Date: 2018/12/27

PART B, APPENDIX A: Delegations Register- NC delegations to other Performer Levels in terms of the PSA

POWER OR DUTY BEING DELEGATED		Principal Function	DESIGNATION/POST LEVEL DELEGATED TO PER TIER			DELEGATION CONDITIONS AND LIMITATIONS	
Section	Topic Description		Head Office	Region	Management Area	Indicators for Execution/Reporting/ Consultation/ Informing	
1.	3 (7) An executive authority has all those powers and duties necessary for- (a) the internal organisation of the department concerned, including its organisational 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; and	EA	L1-16	None		Provided for in section 3 (5) of the Correctional Services Act, 111 of 1998 read with section 2(2) of the PSA 1994, the Authority is therefore with the National Commissioner.	
2.	(b) the recruitment, appointment, performance management, transfer, dismissal and other career incidents of employees of that department, including any other matter which relates to such employees in their individual capacities, and such powers and duties shall be exercised or performed by the executive authority in accordance with this Act.	EA	Same levels as the delegations in the CSA and regulations	Same levels as the delegations in the CSA and regulations	Same levels as the delegations in the CSA and regulations	Provided for in sections 3 (5) and 96(3) of the Correctional Services Act (CSA), 111 of 1998 read with section 2(2) of the PSA 1994 and regulation 33 of the Correctional Services Regulations, the Authority is therefore with the National Commissioner. Refer to delegation in terms of Correctional Services Act and regulations	
3.	3 (8) (a) The relevant executive authority may, subject to paragraphs (b) and (c), perform any act in connection with any matter which relates to or arises from the employment or the conditions of service of a person formerly employed in the public service whilst he or she was so employed in the department concerned. ((d) On request of the relevant executive authority and on good cause shown, the Minister may in respect of a particular person extend the period of three years with such period as the Minister considers appropriate.	EA	Not delegated	Not delegated	Not delegated	EA approves L16	


 A Fraser
 National Commissioner
 Date: 2018/12/27

PART B, APPENDIX A: Delegations Register- NC delegations to other Performer Levels in terms of the PSA

POWER OR DUTY BEING DELEGATED		Principal Functionary	DESIGNATION/POST LEVEL DELEGATED TO PER TIER			DELEGATION CONDITIONS AND LIMITATIONS	
Section	Topic Description		Head Office	Region	Management Area	Indicators for Execution/Reporting/ Consultation/ Informing	
4.	5(8) (b) If the Commission issues a direction contemplated in paragraph (a), the relevant executive authority or head of department, as the case may be, shall implement the direction as soon as possible after receipt of the written communication conveying the direction but, in any event, within 60 days after the date of such receipt.	EA	NC 1-15	NC 1-15	NC 1-15	EA (NC) NC other performer levels	
5.	Appointments in Public Service						
6.	9 An executive authority may appoint any person in his or her department in accordance with this Act and in such manner and on such conditions as may be prescribed, read with section 3(5)(g) and 96(3) of the Correctional Services Act, 111 of 1998 as amended	EA	CDC L11-12 DC L1-10	RC L11-12 DRC L1-10	None	Read with sections 3 (5) and 96(3) of the Correctional Services Act, 111 of 1998 and section 2(2) of the PSA 1994 and the delegations in terms of the Correctional Services Act.	
7.	13 Appointment on probation						
8.	13 (1) If so required by regulation, an executive authority shall appoint an employee on probation for such period as may be prescribed for the relevant category of employees.	EA	CDC L11-12 DC L1-10	RC L11-12 DRC L1-10	None	All appointments to be made on probation. Levels to approve appointment on probation to be the same as levels for appointments in terms of the Correctional Services Act Delegations.	
9.	13 (2) After the completion of a probationary period contemplated in subsection (1) an executive authority shall confirm the probationary appointment if the employee concerned has— (a) performed at least satisfactorily during the period; and (b) complied with all the conditions to which his or her appointment was subject.	EA	CDC L11-12 CD L1-10	RC L11-12 DRC L1-10	None	Levels to approve confirmation of appointment after completion of probation to be the same as levels for appointments in terms of the Correctional Services Act Delegations. HR to facilitate in consultation with relevant functionaries All appointments to be made on probation.	

A Fraser

National Commissioner

Date: 2018/12/27

2018/12/27

PART B, APPENDIX A: Delegations Register- NC delegations to other Performer Levels in terms of the PSA

POWER OR DUTY BEING DELEGATED		Principal Function	DESIGNATION/POST LEVEL DELEGATED TO PER TIER			DELEGATION CONDITIONS AND LIMITATIONS
Section	Topic Description		Head Office	Region	Management Area	
10.	13 (3) If the probationary appointment is not confirmed in terms of subsection (2), the executive authority may extend the period of probation or dismiss the employee in accordance with the Labour Relations Act.	EA	CDC L11-12 DC L9-10 Dir L1-8	RC: L11-12 DRC L9-10 Dir L1-8	No delegation	Indicators for Execution/Reporting/ Consultation/ Informing EA approves L15-16 with the concurrence from Cabinet L13-14: NC and not delegated HR to facilitate submission and consult with responsible line manager Confirmation should be based in compliance with all stipulated conditions, work performance of an employee. Note: Prescribed procedures for incapacity to be followed.
11.	14 Transfers within public service					
12.	14 (1) Subject to subsections (2), (3) and (4), any employee of a department may be transferred— (a) within the department, by its executive authority; (b) to another department by the executive authorities of the two relevant departments.	EA	Levels 2-7 Director HR Administration & Utilization Levels 8-10 DC HR Management Levels 11-12 CDC Human Resources	none	none	Provided for in sections 3(5)(g) of the Correctional Services Act, 111 of 1998 read with section 2(2) of the PSA 1994, the Authority is therefore with the National Commissioner. Refer to delegation in terms of Correctional Services Act. SMS not delegated.
13.	15 Transfer and secondment from and to public service					
14.	15 (2) If it is in the public interest and if the prescribed conditions (if any) have been complied with, the executive authority of a department may, with the approval of the employer concerned, approve the secondment of a person in the service of an organ of state, another government or any other body to the department—	EA	(a) Not delegated (b) Not delegated	(a) Not delegated (b) Not delegated	(a) Not delegated (b) Not delegated	EA approves L 15 NC approves L1-14 HR and Legal Services to facilitate


 A Fraser
 National Commissioner
 Date: 2018/12/27

PART B, APPENDIX A: Delegations Register- NC delegations to other Performer Levels in terms of the PSA

POWER OR DUTY BEING DELEGATED		Principal Functionary	DESIGNATION/POST LEVEL DELEGATED TO PER TIER			DELEGATION CONDITIONS AND LIMITATIONS	
Section	Topic Description		Head Office	Region	Management Area	Indicators for Execution/Reporting/ Consultation/ Informing	
20.	16 (7) If it is in the public interest to retain an officer, other than a member of the services or an educator or a member of the State Security Agency, in his or her post beyond the age at which he or she is required to be retired in terms of subsection (1), he or she may, with his or her consent and with the approval of the relevant executive authority, be so retained from time to time for further periods which shall not, except with the approval of Parliament granted by resolution, exceed in the aggregate two years.	EA	Not delegated	Not delegated	Not delegated	appointed in terms of the Public Service Act. (All SMS officials in DCS appointed in terms of Correctional Services Act.) Refer to delegations in terms of the CSA for early retirement for officials appointed under the CSA EA approves L 15-16 NC approves L1-14 HR to facilitate in consultation with CDC HR. Employee to be given three (3) calendar months' notice from date of approval. Refer to condition in Section 16	
21.	16A Failure to comply with Act						
22.	16A (2) A head of a department shall— (a) immediately take appropriate disciplinary steps against an employee of the department who does not comply with a provision of this Act or a regulation, determination or directive made thereunder; (b) immediately report to the Director-General: Public Service and Administration the particulars of such non-compliance; and (c) as soon as possible report to that Director-General the particulars of the disciplinary steps taken.	NC	Same levels as the delegations in terms regulation 33 read together with resolution 1 of 2006 and section 95B of the CSA.	Same levels as the delegations in terms regulation 33 read together with resolution 1 of 2006 and section 95B of the CSA.	Same levels as the delegations in terms regulation 33 read together with resolution 1 of 2006 and section 95B of the CSA.	Delegations is the same as in terms of regulation 33 read together with resolution 1 of 2006 and section 95B of the CSA.	


 A Fraser
 National Commissioner
 Date: 2018/12/27

PART B, APPENDIX A: Delegations Register- NC delegations to other Performer Levels in terms of the PSA

POWER OR DUTY BEING DELEGATED		Principal Function	DESIGNATION/POST LEVEL DELEGATED TO			DELEGATION CONDITIONS AND LIMITATIONS	
Section	Topic Description		Head Office	Region	Management Area	Indicators for Execution/Reporting/ Consultation/ Informing	
36.							
37.	equal to that salary, allowance, fee, bonus or honorarium, or a portion thereof, to the employee concerned.						
38.	Direction to perform other functions or to act in another post						
39.	(a) An employee may be directed in writing to act in a post subject to such conditions as may be prescribed. (b) Such acting appointment shall be made— (i) in the case of any other post, by the employee occupying the post, <u>unless otherwise determined by the head of department.</u>	NC	Level 2-12 Relevant Director Level 13 Relevant DC Levels 14 Relevant CDC	Level 2-12 Director Level 13 DRC Levels 14 RC	Levels 2 to 12 Area Commissioner: Level 13 RC Levels 14 RC	EA to approve NC acting appointment. Acting appointments for levels other than the National Commissioner same as per delegations in terms of the Correctional Services Act	
40.	Grievances of employees For the purposes of asserting the right to have a grievance concerning an official act or omission investigated and considered by the Commission— (a) an employee may lodge that grievance with the relevant executive authority under the prescribed circumstances, on the prescribed conditions and in the prescribed manner; and (b) if that grievance is not resolved to the satisfaction of the employee, that executive authority shall submit the grievance to the Commission in the prescribed manner and within the prescribed period. After the Commission has investigated and considered any such grievance, the Commission may recommend that the relevant executive authority acts in terms of a particular provision or particular provisions of this Act or any other law if, having regard to the circumstances	EA	Not delegated	Not delegated	Not delegated	EA considers L15 and 16 NC considers L1-14 Refer to the grievance procedures.	NC to consider and advise the EA on recommendations for all levels.


 A Fraser
 National Commissioner
 Date: 2018/12/24

PART B, APPENDIX B: Delegations Register- NC delegations to performer levels in terms of the PSR

HEAD OF DEPARTMENT DELEGATIONS TO PERFORMER LEVELS IN TERMS OF THE PUBLIC SERVICE REGULATIONS, 2016

ROW NO	POWER OR DUTY BEING DELEGATED		Principal Functionary	DESIGNATION/POST LEVEL DELEGATED TO PER TIER			DELEGATION CONDITIONS AND LIMITATIONS
	Regulation	Topic Description		Head Office	Region	Management Area	
13.	CHAPTER 3	PLANNING, ORGANISATIONAL ARRANGEMENTS AND SERVICE DELIVERY					Indicators for Execution/Reporting/ Consultation/ Informing
14.	25.(1)	Strategic plan (1) An executive authority shall prepare a strategic plan for his or her department	EA	CDC Strategic Management	Not Delegated	Not Delegated	Strategic plan must conform to the aspects set out in Regulation 25.(1)(a) to (f) All managers to be consulted in the development of the strategic plan and aligned to the departmental mandates EA approve the strategic plan on the recommendation NATMANCO NC and EA monitor the progress made towards achieving those targets and core objectives Note the duty of the NC to implement the strategic plan set out in Regulation 25.(3)
15.	25.(2)(a)	Organisational structure (2) Based on the strategic plan of the department, an executive authority shall— (a) determine the department's organisational structure in terms of its core mandated and support functions - (i) in the case of a national department or national government component, after consultation with the Minister and National Treasury; and (ii) in the case of a provincial department or provincial government component, after consultation with the relevant Premier, the Minister and the relevant provincial treasury;	EA	No delegation	No delegation	No delegation	No delegation required. Already provided for in section 3 of the Correctional Services Act, 111 of 1998 read with section 2(2) of the PSA 1994, the Authority is therefore with the National Commissioner
16.	25.(2)(b) and (c)	Define and create the posts (2) Based on the strategic plan of the department, an executive authority shall - (b) define and create the posts necessary to perform the relevant functions of the department while remaining within - (i) the current budget; (ii) the Medium-Term Expenditure Framework of the department, and	EA	NC L1-L12 Not Delegated	Not Delegated	Not Delegated	No delegation required. Already provided for in section 3 of the Correctional Services Act, 111 of 1998 read with section 2(2) of the PSA 1994, the Authority is therefore with the National Commissioner

A Fraser

National Commissioner
Date: 2018/12/27