



**FACTSHEET ON ACTING APPOINTMENTS AND
PRECAUTIONARY SUSPENSION:
2010/11 - 2013/2014 FINANCIAL YEARS**

LIMPOPO PROVINCE

MARCH 2015

TABLE OF CONTENTS

1. Introduction	3
2. Mandate of the PSC	3
3. Objectives	3
4. Methodology	4
5. Prescripts applicable to precautionary suspension and acting appointments	4
6. Key findings	6
7. Conclusion	11
8. Recommendations	12

LIST OF ACRONYMS AND ABBREVIATIONS

COGHSTA	Cooperative Governance Human Settlement and Traditional Affairs
LEDET	Limpopo Economic Development Environment & Tourism
LPO	Limpopo Provincial Office (PSC)
LPT	Limpopo Provincial Treasury
MPSA	Minister of Public Service and Administration
OTP	Office of the Premier
PSC	Public Service Commission
PSCBC	Public Service Co-ordinating Bargaining Council
RESOLUTION	PSCBC Resolution

LIST OF TABLES AND FIGURES

Table 1 :	Total number of employees placed on precautionary suspension and the remuneration costs incurred by the State as the employer
Table 2:	Reasons given for acting appointments
Table 3:	Number of employees on acting appointments and financial implications)
Table 4:	Overview of financial implications to departments due to acting appointments ad precautionary suspensions Limpopo Provincial Treasury
Figure 1:	Total number of employees on acting appointments and precautionary suspension per departments
Figure 2:	Total remuneration cost on acting appointments and precautionary

1. INTRODUCTION

The Limpopo Provincial Administration has been experiencing challenges in (a) the filling vacant posts within the four months target set by FOSAD¹ for Outcome 12 of the Delivery Agreement and (b) finalising cases of precautionary suspension within 60 days as required by the Public Service Coordinating Bargaining Council's (PSCBC) Resolution 1 of 2003. The Public Service Commission (PSC) conducted a study on precautionary suspensions during the 2010/11 financial year. In 2012 a study into blockages in the filling of posts in the Public Service was conducted due to concerns on the high vacancy rate experienced by departments and the slow turn-around time in the filling of vacant posts.

While discharging its oversight role over administration and personnel practices in Limpopo, the PSC became aware of capacity challenges experienced due to delays in the finalisation of precautionary suspension cases, as prescribed in the PSCBC Resolution 1 of 2003. The PSC also found that this is one of the contributing factors to a high turn-over rate of Senior Management Service members and service delivery challenges due to capacity gaps created when officials are placed on precautionary suspension. The PSC is also aware of a number of grievances, which were referred to the PSC due to the non-payment of acting allowances. These observations prompted the PSC to conduct an investigation into these two areas and produce a factsheet that will serve as a basis for monitoring and rendering appropriate advice.

The factsheet is aimed at highlighting:

- a) The number of acting appointments from salary level 3-16 and remuneration costs incurred as a result of delays in the filling of posts in the Limpopo Province;
- b) The number of employees placed on and expenses incurred due to delays in finalising precautionary suspensions;
- c) Challenges relating to the finalisation of precautionary suspensions and the filling of posts within the prescribed time frame; and
- d) Recommendations for consideration by the Limpopo Provincial Administration to improve processes in the management of discipline through finalisation of precautionary suspensions and the filling of vacant posts.

2. MANDATE OF THE PSC

The PSC is mandated through sections 195 and 196 of the Constitution, 1996, read in conjunction with section 9 and 10 of the Public Service Commission Act, 1997, to amongst others, investigate, monitor and evaluate the organisation, administration and personnel practices in the Public Service. In addition, according to section 196 (f) (iv) of the Constitution, 1996, the PSC may of its own accord or receipt of a complaint, "advise national and provincial organs of state on personnel practices in the Public Service, including those relating to recruitment, appointment, transfer, discharge and other aspects of the careers of employees in the public service."

3. OBJECTIVES

- ✚ To establish the number of acting appointments implemented during the 2010/11 to 2013/14 financial years and the remuneration cost implications for the State.
- ✚ To establish the extent of compliance with the 60 days prescribed period relating to precautionary suspensions by the Limpopo Provincial departments.

¹ Portfolio Committee on Public Service and Administration, as well as Performance Monitoring and Evaluation.
<https://pmg.org.za/committee-meeting/14546/>

- ✚ To determine the number of employees placed on precautionary suspension for the period 2010/11 to 2013/14 and the remuneration cost implications to the State associated with the placement of employees on precautionary suspension for extended periods of time.

4. METHODOLOGY

The primary data used to compile the factsheet was obtained from the Limpopo Provincial departments using a standardised template, which had to be populated by all departments. The Office of the Premier was also requested to avail to the PSC consolidated data on precautionary suspensions for the whole Province. Secondary data on precautionary suspensions was obtained from the PSC's *Report on Management of Precautionary Suspension in the Public Service* (June, 2011) and the PSC's *Presentation to the Portfolio Committee on Public Administration - Limpopo Provincial Legislature* (15 March 2013). Data on the turnaround time in the filling of vacancies was obtained from the PSC's *Factsheet on Blockages in the Filling of Posts in the Public Service* (December, 2013). The latest information on the 2014/15 average vacancy rate was extracted from Vulindlela² and information on the time taken to fill vacancies was obtained from the DPSA.³

5. PRESCRIPTS APPLICABLE TO PRECAUTIONERY SUSPENSION AND ACTING APPOINTMENTS

5.1. Public Service Act (PSA)

In relation to precautionary suspensions, section 7 (3) (b) of the PSA stipulates that “a head of department shall be responsible for the efficient management and administration of his or her department, including the effective utilisation and training of staff, the maintenance of discipline, the promotion of labour relations.....”

With respect to acting in a higher post, section 32 of the PSA states that: “(1) Subject to such conditions as may be prescribed, an executive authority or the head of a department may direct an employee under his or her control temporarily to perform any functions other than those ordinarily assigned to the employee or appropriate to his or her grade or post.” Section 32 (2) (a) and (b) continues to state that -

- (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)
 - (ii) in the case of any other post, by the employee occupying the post, unless otherwise determined by the head of department.”

5.2. Public Service Regulations

According to Chapter 1 Part II (C.4), “an executing authority or head of department shall exercise her or his powers, perform her or his duties and carry out her or his obligations under these Regulations subject to the Labour Relations Act and the relevant collective agreements.” On the subject of misconduct and its relationship with precautionary suspension, Chapter 2 section B.3 stipulates that “an employee shall be guilty

² Vulindlela – Limpopo HR Oversight Report for 2014/15 as at February 2015.

³ Department of Public Service and Administration, Presentation to the Portfolio Committee on Public Service and Administration, as well as Performance Monitoring and Evaluation, 4 March 2015.

of misconduct, and may be dealt with in accordance with the relevant collective agreement if he or she contravenes any provision of the Code of Conduct or fails to comply with any provision thereof.”

In relation to acting in higher posts, Chapter 1, Part VII (B.5) provides that:

“B.5.1 a head of department may only compensate an employee for acting in a higher post in terms of a determination of the Minister made through the collective bargaining process.

B.5.2 a head of department may also compensate an employee for acting in a post due to the actual incumbent of the post acting in a higher vacant post, provided that no more than two employees may simultaneously be compensated as a result of a single vacancy.

B.5.3. An employee shall not act in a higher vacant post for an uninterrupted period exceeding 12 months.

B.5.4. For the purposes of regulation VII B.5.3, any uninterrupted period acted in a higher vacant post immediately before 1 July 1999, shall be taken into account where the employee continues so acting on that date.”

5.3. Precautionary suspension and compliance with PSCBC’s Resolution 1 of 2003

The Public Service Co-ordinating Bargaining Council’s (PSCBC) Resolution 2 of 1999 and Resolution 1 of 2003 were promulgated to provide the necessary guidance in the Public Service on disciplinary procedures.

With respect to precautionary suspension for employees between levels 1 and 12, PSCBC Resolution 2 of 1999 stipulates that a disciplinary hearing must be held within a month from the date of suspension of an employee. This resolution was amended by PSCBC Resolution 1 of 2003, which extended the period of precautionary suspension as follows:

- (a) an employer may suspend an employee on full pay or transfer the employee if
 - i. the employee is alleged to have committed a serious offence; and
 - ii. the employer believes that the presence of an employee at the workplace might jeopardise any investigation into alleged misconduct, or endanger the wellbeing or safety of any person or state property.
- (b) A suspension of this kind is a precautionary measure that does not constitute a judgement, and must be on full pay.
- (c) If an employee is suspended or transferred as a precautionary measure, the employer must hold a disciplinary hearing within a month or 60 days, depending on the complexity of the matter and the length of the investigation. The chair of the hearing must then decide on any further postponement.

5.4. Senior Management Service (SMS) handbook

The provisions for precautionary suspension for SMS members are similar to those for levels 1 to 12. Chapter 7, section 2.7. (2) of the SMS Handbook states that:

- (a) the employer may suspend or transfer a member on full pay if –
 - the member is alleged to have committed a serious offence; and
 - the employer believes that the presence of a member at the workplace might jeopardise any investigation into alleged misconduct , or endanger the wellbeing or safety of any person or state property.
- (b) A suspension or transfer of this kind is a precautionary measure that does not constitute a judgement and must be on full pay.

- (c) If a member is suspended or transferred as a precautionary measure, the employer must hold a disciplinary hearing within 60 days. The chair of the hearing must then decide on any further postponement.

6. KEY FINDINGS

Analysis of the data received has revealed that departments in the Limpopo Province do not comply with both the four (4) months prescribed period for filling vacant posts and the sixty (60) days for the finalisation of precautionary suspension cases. The basis for this assertion is elaborated in the following sections.

6.1. Precautionary suspension

In a breakfast session address in March 2013, the Minister for Public Service and Administration (MPSA) described the challenges related to the poor management of discipline in an environment where human resource management is decentralised. Some of the challenges alluded to by the Minister include the extended periods of precautionary suspension, which have a negative impact on the employer and employee alike. The Minister's address confirmed that the challenges identified by the PSC between 2008/09 and 2010/11 are still prevalent.

It is critical to note that in May 2012, the PSC briefed the Limpopo Province Portfolio Committee on Public Administration on the findings of its 2011 study on the *Management of Precautionary Suspension in the Public Service*. The study revealed that compliance to the time frame as stipulated in the disciplinary code is a challenge in the public service and the common types of charges for precautionary suspension cases, which employees are charged with, includes the following:–

- ✚ Financial misconduct
- ✚ Insubordination
- ✚ Failure to bank state money
- ✚ Theft and fraud
- ✚ Misuse of state property
- ✚ Drunken driving
- ✚ Corruption
- ✚ Sexual harassment / sexual assault
- ✚ Unauthorized expenditure
- ✚ Gross negligence resulting in loss of state money
- ✚ Violation of tender process

The PSC's presentation to the Limpopo Portfolio Committee on Public Administration revealed that the total number of employees placed under precautionary suspension in Limpopo during the 2010/11 financial year was **twenty eight (28⁴)**. The primary data collected from departments for 2011/12 to 2013/14 indicates that **forty eight (48⁵)** employees were placed on precautionary suspension for the three year period. The 48 cases include five Heads of Departments from the following departments, Cooperative Governance, Human Settlements and Traditional Affairs (COGHSTA); Education; Sports, Arts and Culture; Office of the Premier (OTP); and Public Works. This means that the total number of employees placed on precautionary suspension for the period 2010/11 to 2013/14 is **seventy six (76⁶)**, with a total remuneration cost of **R11 809 677.00** incurred.

It is noted that some departments provided financial costs for fewer cases than what has been registered because some of the employees who were placed on precautionary suspension were transferred without costs being incurred by the departments whereas in some cases the reasons for not including the information was not specified. Therefore, the financial implications reflected may not be a true reflection of the actual costs incurred.

⁴ PSC's Presentation to the Portfolio Committee on Public Administration - Limpopo Provincial Legislature (15 March 2013)

⁵ Data collated from departments for the 2011/12 to 2013/14 financial years.

⁶ Total number of cases arrived at by adding the 2010/11 data (28) and data (48) collated from departments for 2011/12 to 2013/14.

Table 1 below reflects the number of employees who were placed on precautionary suspension for the 2010/11 to 2013/14 financial years and the related financial costs to the Province.

Table 1: Total number of employees placed on precautionary suspension and the remuneration costs incurred by the State as the employer

Name of Department	No. of employees on precautionary suspension					Remuneration costs 2010/11 - 2013/14
	2010/11	2011/12	2012/13	2013/14	Total	
Agriculture	1	0	0	4	5	R231 590.01
COGHSTA	1	0	0	4	5	R433 505 (provided for 2 posts only)
Education	12	0	0	2	14	R317 260.75
Health		0	0	18	18	R1 297 302.50
LEDET	2	0	0	2	4	R316 298.00 (provided for 1 post only)
Office of the Premier	1	0	0	1	2	R1 391 728.17
Public Works	0	0	0	7	7	R4 026 554.33
Provincial Treasury	0	0	0	0	Nil	Nil
Roads and Transport	9	0	0	0	9	R1 626 580.00
Safety, Security and Liaison	1	0	0	0	1	R 40 399.00
Sports, Arts and Culture	0	1	0	1	2	R1 836 414.10
Social Development	1	0	0	8	9	R292 046.08
Totals	28	1	0	47	76	R11 809 677.00

As indicated in **Table 1** above, the highest number of precautionary suspension cases was recorded during the 2013/14 financial year, which coincides with a period when some departments were placed under administration.

It was established during a focus group discussion, held on 30 January 2015 with the Interdepartmental Labour Relations Forum in the Province, that the average time taken to finalise some of the precautionary suspension cases was approximately 12 months, with some cases taking longer than two years, with suspended employees on full pay. It was also established that precautionary suspensions are coordinated from the Office of the Premier, which takes the lead in ensuring the finalisation of backlog cases, including cases from departments which were placed under section 100 (1) (b) of the Constitution of the Republic of South Africa (1996). None of the departments which were placed under administration reported whether their precautionary suspension cases were finalised within or outside the prescribed period due to lack of involvement in the management of cases during the period when the departments were under administration.

The PSC also established that the Limpopo provincial departments have also considered other alternative measures such as precautionary transfer, which resulted in seven (7) out of the 76 employees being transferred to other units or institutions during the investigation of their cases or while disciplinary procedures were still underway.

As part of implementing the recommendations of the PSC's 2011 report and some of the initiatives introduced under the leadership of the MPSA, in January 2015 the Limpopo Provincial government established a Task Team to deal with precautionary suspension backlog cases with the assistance of the Department of Public Service and Administration (DPSA). The Task Team will be operational before the end of the 2014/15 financial year. Through the labour relations units, the Province is in the process of establishing a database of all misconduct cases to facilitate the effective

monitoring and management of such cases. These interventions are in line with the recommendations of the PSC's 2011 report, which required departments to establish a database of disciplinary cases where precautionary suspension has been effected and a database of capable investigators within departments and at the provincial level.

6.2. Acting appointments as a result of unfilled vacant posts

The statistics as gathered from the Limpopo provincial departments confirm the concern by the PSC about the high vacancy rate experienced by departments and the slow turn-around rate in the filling of vacant posts. This indicates the continuous struggle to comply with the prescribed period of filling vacant posts. Although acting appointments are not bad practices, the PSC observed an increase in the number of grievances which emanate from employees who are appointed to act in higher positions but they are not remunerated accordingly. Scrutiny of the grievances revealed that the manner in which policies and acting appointment letters are drafted create the opportunity for employees to lodge grievances and many of the grievances are found to be substantiated.

The most common reason for consideration in acting appointments relates to delays in the filling of vacant posts and also capacity gaps created due to some employees being placed on precautionary suspension for extended periods of time. Another reason cited is that the Limpopo provincial departments are expected to submit their requests to fill posts to a central committee that was established in the Office of the Premier as a monitoring and control measure during the period the Limpopo provincial administration was placed under administration in terms of section 100 of the Constitution of RSA, 1996. The reasons given by departments, which exclude acting appointments due to employees being on maternity leave or secondment in other units or departments, are summarised in **Table 2** below.

Table 2: Reasons given for acting appointments

Department	Reasons given for acting appointments
COGHSTA	vacant and funded posts; incumbents acting in higher posts; and incumbent was placed on precautionary suspension
LEDET	vacant and funded posts; incumbents acting in higher posts; and incumbent was paced on precautionary suspension
Education	vacant and funded posts; incumbents acting in higher posts; and incumbent was paced on precautionary suspension
Health	vacant and funded posts; incumbents acting in higher posts; and incumbent was paced on precautionary suspension
Office of the Premier	vacant and funded posts; incumbents acting in higher posts; and incumbent was paced on precautionary suspension
Public Works	vacant and funded posts; incumbents acting in higher posts; and incumbent was paced on precautionary suspension
Social Development	vacant and funded posts; incumbents acting in higher posts; and incumbent was placed on precautionary suspension
Public Works	vacant and funded posts; and incumbent acting in higher posts
Roads and Transport	vacant and funded posts and incumbent acting in higher posts
Safety, Security and Liaison	vacant and funded posts and incumbent acting in higher posts
Social Development	vacant and funded posts and incumbent acting in higher posts
Sports, Arts and Culture	vacant and funded posts and incumbent acting in higher posts

The analysis has also revealed that acting appointments are very high at salary levels 3 to 8, with five hundred and sixty two (562) cases which can be considered as an area of concern since posts at this level are considered to be important contributors to the implementation of plans and projects within departments. At the Senior Management level, including Heads of Department, acting appointments are also very high at two hundred and eighty four (284), which raises further concerns regarding the impact that vacancies have on planning, accountability and leadership

within departments. The middle management level had 357 acting appointments. Education had the highest acting appointments at this level. In total, one thousand, two hundred and three (1 203) acting appointments were approved during the 2010/11 to 2013/14 financial years, with Education and Health leading. **Table 3** below indicates the number of employees on acting appointments for a four-year period, covering the 2010/11 to 2013/2014 financial years, and the financial implications thereof.

Table 3: Number of employees on acting appointments and financial implications

Departments	Junior officials (SL 3-8)	Middle Managers (SL 9-12)	Senior Managers (SL 13-16)	Total no. of employees	Remuneration costs (R'000)
Agriculture	24	41	18	83	R2 487 027.49
Economic Development, Environment and Tourism (LEDET)	01	08	14	23	R1 136 619.61
Education	453	230	12	695	R153 369.52
Health	53	38	172	263	Not provided
COGHSTA	0	08	19	27	R1 007 080.28
Office of the Premier (OTP)	01	13	09	23	R88 259. 70
Limpopo Provincial Treasury (LPT)	03	0	21	24	R3 064 402.00
Public Works	04	06	06	16	R531 897. 01
Roads and Transport	13	03	03	19	R1 321 922.00
Safety, Security and Liaison	0	03	02	05	R361 430.53
Social Development	10	06	05	21	R340 322.47
Sport Arts and Culture (SAC)		01	03	04	R89 400.00
TOTAL	562	357	284	1 203	R10 581 731.00

As reflected in **Table 3** above, the data submitted by all departments, excluding the Department of Health due to non-submission of financial information, indicates that a total amount of **R10 581 731-00** was spent on acting allowances during the years under review, with the Limpopo Provincial Treasury being the highest reflecting an amount of **R3 064 402-00**. A comparison of the acting remuneration costs and the number of acting appointments per department indicates that the duration of the acting arrangements vary significantly between departments. Nonetheless, the fact that many of the employees qualified for acting allowances is indicative of the period taken to fill vacant positions.

6.3. Summary of findings

Although acting appointments and precautionary suspension represent different aspects of human resource management, both have financial implications for departments. Analysis of the data received from departments has confirmed that all departments do not comply with relevant prescripts regarding the filling of positions and finalisation of precautionary suspension cases.

This has led to an amount of **R10 581 731.00** being incurred as remuneration costs for **one thousand two hundred and three (1 203)** acting appointments due to vacant posts not being filled on time, and **R11 809 677.00** remuneration costs for **seventy six (76)** employees who were/are placed on precautionary suspension with full pay.

Figure 1 below provides an overview of the number of employees on acting appointments and those on precautionary suspension per department. The information in Figure 1 indicates that the departments of Health, Agriculture and

Education have the highest number of employees appointed in an acting capacity, and Health and Education have the highest number of employees placed on precautionary suspension. The acting appointment should be analysed in relation to the vacancy rates and turnover rates among departments. According to Vulindela⁷ data, as at February 2015, the vacancy rate ranged between 5.3% and 25.8%. Departments with between 5% and 9% vacancy rate include Provincial Treasury, Economic Development, COGHSTA , Health and Sports, Arts and Culture, whereas Education and Social Development had just over 13%. The vacancy rate for the remaining departments ranged between 17.5% and 25.8%.

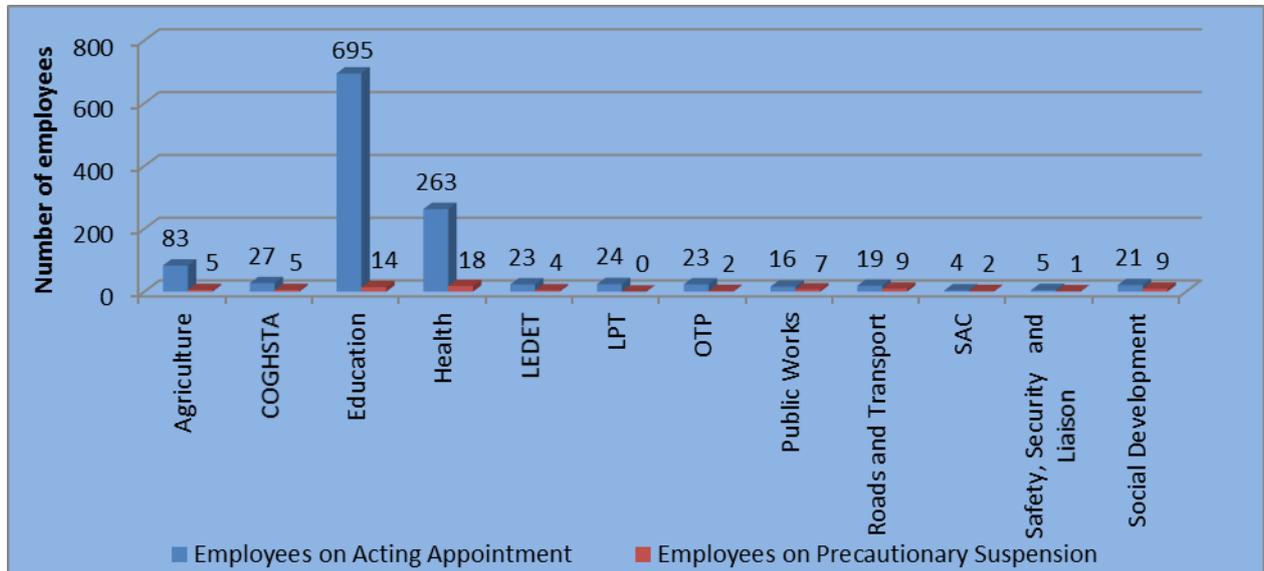
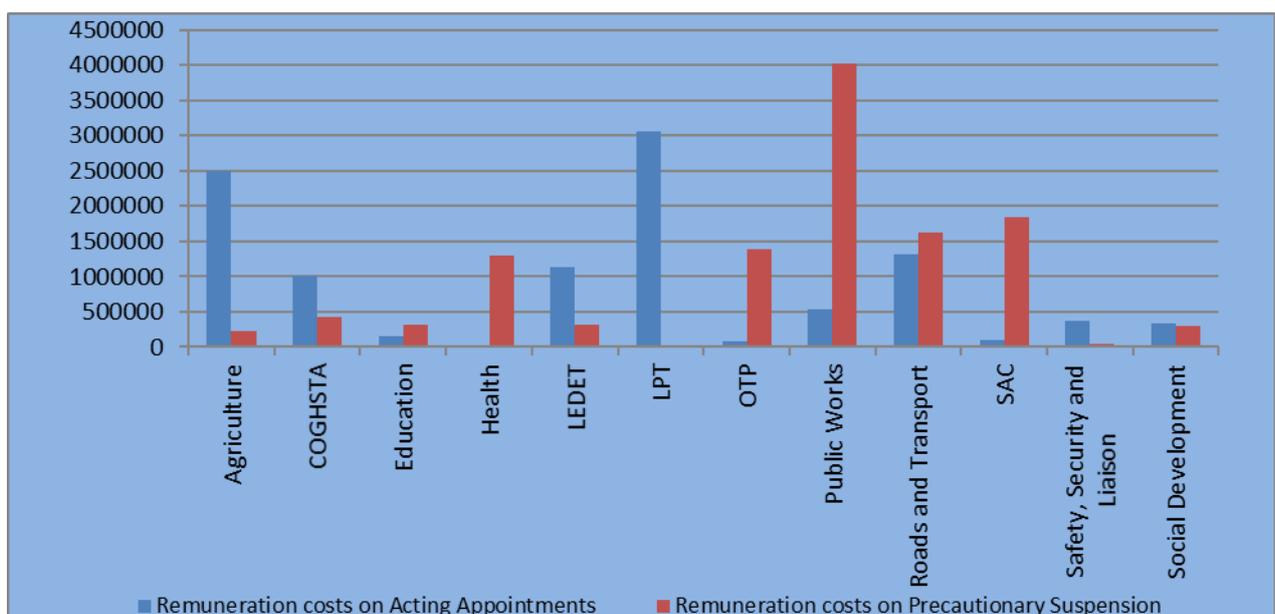


Figure 1: Total number of employees on acting appointments and precautionary suspension per department

Although the Department of Health did not provide information on the financial implications for acting appointments and Economic Development and COGHSTA provided incomplete information for precautionary suspension, **Figure 2** below illustrates that the Limpopo Provincial Treasury (LPT) incurred the highest costs for acting appointments, even though the Department had 24 acting appointments. The Department of Agriculture had the second highest expenses, with only 83 acting appointments. There is therefore no correlation between the number of acting appointments and the financial implications.



⁷ Vulindlela – Limpopo HR Oversight Report for 2014/15 as at February 2015.

Figure 2: Total remuneration cost on precautionary suspension and acting appointments per department

A consolidation of the information captured in Figure 1 and Figure 2 is presented in **Table 4** below for easy reference and comparison. For both areas of focus, the period covered is for four years, starting from the 2010/11 to the 2013/14 financial year.

Table 4: Overview of financial implications to departments due to acting appointments and precautionary suspensions

Name of Department	No. of employees on Acting Appointments & Precautionary Suspension	Remuneration costs
Agriculture	83 Acting appointments	R2 487 027.49
	5 Precautionary suspension	R231 590.01
COGHSTA	16 Acting appointments	R1 007 080.28
	05 Precautionary suspension	R433 505.00(provided for 2 post)
Education	47 Acting appointments	R153 369.52
	14 Precautionary suspension	R317 260.75
Health	263 Acting appointments	Not provided
	18 Precautionary suspension	R1 297 302.50
LEDET	23 Acting appointments	R1 136 619.61
	04 Precautionary suspension	R316 298.00 (provided for 1 post)
Office of the Premier (OTP)	23 Acting appointments	R88 259.47
	02 Precautionary suspension	R1 391 728.17
Public Works	16 Acting appointments	R531 897.08
	07 Precautionary suspension	R4 026 554.33
Limpopo Provincial Treasury (LPT)	24 Acting appointments	R3 064 402.00
	0 Precautionary suspension	R0.00
Roads and Transport	19 Acting appointments	R1 321 922.00
	09 Precautionary suspension	R1 626 580.00
Safety, Security and Liaison	3 Acting appointments	R361 430.53
	01 Precautionary suspension	R 40 399.00
Sports, Arts and Culture (SAC)	04 Acting appointments	R89 400.00
	02 Precautionary suspension	R1 836 414.10
Social Development	21 Acting appointments	R340 322.47
	09 Precautionary Suspension	R292 046.08
TOTAL	1 203 Acting appointments	R10 581 731.00
	76 Precautionary suspension	R11 809 677.00

7. CONCLUSION

Based on the findings of the study, it may be argued that discipline is not managed effectively due to inadequate capacity to chair disciplinary hearings and represent departments. For example, according to the 2011/12 annual reports of departments within the Province, 11% of the departments had suspended employees for 60 days and less, whilst 44% of the departments had suspended employees for longer than 91 days. The Department of Education (90 days on average) as well as the Office of the Premier (60 days on average) maintained the shortest average period for precautionary suspension⁸. As per the PSCBC Resolution, any period longer than 60 days would be regarded as an unfair labour practice. The data used for the development of this factsheet gives a different picture in terms of the management of precautionary suspension, with cases taking longer than a year.

⁸ PSC Barometer - Analysis of all 12 Limpopo provincial departments' Annual Reports data for 2011/12

The PSC's factsheet on blockages in the filling of posts revealed that the Limpopo provincial departments with a low vacancy rate take an average of six months to fill posts and departments with a high vacancy rate take an average of 12 months to fill a post. According to the DPSA⁹, while the vacancy rate for some departments is very high, there is also a concern that some departments in Limpopo take on average 36 months to fill vacancies. There is therefore a need to reduce the time taken to fill vacant posts and to reduce the vacancy rate.

The high number of funded vacant positions at a lower level may be seriously undermining the effectiveness of service delivery due to lack of manpower. The remuneration costs for both acting appointments and precautionary suspension need urgent attention in order to reduce inefficiency and to improve service delivery.

The PSC therefore supports the MPSA's assertion for the need for political intervention through the Provincial Portfolio Committee to ensure the effective management of precautionary suspension cases in departments. The PSC also supports the establishment of the Disciplinary Technical Assistance Unit, as outlined in Chapter 6, Section 15 of the Public Administration Management Act, 2014. The Unit will, amongst others, provide "technical assistance and support to institutions in all spheres of government regarding the management of ethics, integrity and disciplinary matters relating to misconduct in the public administration". It will also set norms and standards, build capacity and strengthen government oversight in all these areas. It is also advisable for departments to implement the recommendations made by the PSC in the Factsheet on blockages in the filling of positions. The PSC hopes that the information presented in this factsheet will enable the Limpopo Provincial Legislature to engage with provincial departments in order to put mechanisms in place to improve the situation.

8. RECOMMENDATIONS

There is still a need for departments to improve adherence to prescribed timeframes in the filling of positions and finalisation of precautionary suspension cases. It is also important for the Limpopo Provincial administration to put measures in place to monitor developments and ensure consistency. In light of the findings and the remuneration costs incurred due to non-compliance with the prescribed timeframes on the filling of posts and finalisation of precautionary suspension cases, the PSC is recommending that:

- ✚ a provincial policy on acting appointments and a standard acting appointment letter be developed by the Office of the Premier for utilisation by all Limpopo Provincial departments by the end of May 2015, as an attempt to minimise the number of complaints and grievances emanating from inconsistencies. The Office of the Premier should also put in place a monitoring system that will ensure that accurate data is readily available when required.
- ✚ the creation of a pool of capable presiding officers and investigators internally within departments, and centrally through the Office of the Premier, as recommended by the PSC¹⁰ is still relevant. The attempt to establish a task team to deal with backlog cases is commended but the practice must be extended to presiding officers and investigators across all departments in order to finalise cases on time. Therefore, the Province should provide feedback to the PSC **on the establishment of a pool of presiding officers and investigators at the end May 2015.**
- ✚ the Province should put measures in place to finalise all pending disciplinary cases where employees are on precautionary suspension on or before the **30 June 2015, and report back to PSC regarding the status.**

⁹ Department of Public Service and Administration, 2015, Presentation to the Portfolio Committee on Public Service and Administration as well as Performance Monitoring and Evaluation, 4 March 2015.

¹⁰ PSC. 2011. *Report on Management of Precautionary Suspension in the Public Service.*

In addition, the Province should submit a monthly report on the number of precautionary suspension cases initiated, alternative action taken, and envisaged date of finalisation **to the PSC with effect from 30 April 2015 onwards to enable the PSC to fulfil** its monitoring and oversight role as mandated by the Constitution of the Republic of South Africa, 1996.