

## **Nature of recruitment in South Africa**

### **Key features of recruitment and selection**

Since 1994, the recruitment system has been open in the sense that all posts, including promotion posts, are advertised inside and outside the public service. It is not a closed career system with entry only at the entry grade and promotion only from within the ranks of the public service. It is standard practice that promotion posts are advertised outside the public service. The discretion in and the rigour of the selection process is largely in the hands of selection committees.

The process starts with the creation of a post. Before a post is created a job specification is prepared and the job evaluated. The job specification will specify the tasks of the job and the knowledge and skills requirements:

For each post or group of posts, an executing authority (the minister of a department) shall establish a job description and job title that indicate, with appropriate emphasis on service delivery:

- (a) the main objectives of the post or posts in question.
- (b) the inherent requirements of the job.
- (c) the requirements for promotion or progression to the next salary range, in accordance with a relevant career path.

Specific requirements for specific categories of jobs are laid down for certain occupational categories or in “occupational specific dispensations” or for the middle and senior management service, but in many cases the discretion for setting the job specifications rests with the relevant minister. Determining job specifications, within the broad parameters set by the Minister for Public Service and Administration, has been decentralised to departments.

To assist an executing authority (the relevant minister) in designing a job and/or career path linked to the salary scale, the Minister of Public Service and Administration shall determine –

- (a) a code of remuneration (CORE) for an occupational category; and
- (b) an occupational classification system.

For each salary range in a CORE, the Minister may provide advice on:

- (a) the possible job content;

- (b) the necessary and desirable competencies for the job;
- (c) indicators of those competencies; and
- (d) desirable characteristics for employment and promotion within the occupational category.

The job is then advertised. The duties and requirements in the advertisement are derived from the job specification. Posts in the Senior Management Service must be advertised nationwide (Public Service Regulations Chapter 1, Part VII, Section C.2.3). Other posts may be advertised within the department as a minimum but may also be advertised elsewhere in the public service and outside the public service (Public Service Regulations 1/VII/C.2.4). In practice all key posts in the public service are advertised outside the public service.

A selection committee is then constituted and applicants shortlisted and interviewed. The chairperson of a selection committee is an employee. A selection committee shall, where possible, include adequate representation of historically disadvantaged persons (Public Service Regulations 1/VII/D.3). The selection committee makes recommendations on appointments to posts:

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 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.
- (e) the department's affirmative action programme. (Public Service Regulations 1/VII/D.5).

After considering the recommendation of the selection committee, the minister of the department, or the person to whom the power of appointment has been delegated, makes the appointment.

### **Appointment of members of the Senior Management Service**

The process for appointment of members of the Senior Management Service is the same as for lower level staff with the addition that competency

assessment has been introduced for applicants for posts in the Senior Management Service.

### **Appointment of DGs / HoDs and DDGs**

These appointments follow essentially the same process except that these appointments are also ratified by Cabinet. The power of appointment rests with the President or a Premier of a province, who can delegate to executive authorities (ministers/ members of the provincial executive councils). Ministers/ Members of the Executive Councils on provincial level therefore have a direct role in the appointment of DGs, other HoDs and DDGs. Candidates for posts of DG and DDG are recommended by a selection panel, which include ministers and deputy ministers. DGs are appointed by the President with the concurrence of the Cabinet while DDGs are appointed by Ministers after concurrence with the Cabinet. Again, all are required to meet knowledge, skills and competence criteria.

### **Appointments on policy considerations**

The South African Constitution does not preclude the appointment of a number of persons on policy considerations (Section 195(4) of the Constitution). Such appointments are made to advise the executive authority (the relevant minister) on the exercise of his/her powers and duties or on the development of policy (Section 12A of the Public Service Act). Such advisers can be appointed without advertising a post, which means that such a post can be filled without a competitive process. However, appointees must still meet the inherent requirements as stated in the guidelines for the appointment of advisers. Staff directly supporting a Minister can also be appointed without advertising a post and such staff are appointed on contract and their terms are linked to that of the Minister or a three year contract.

### **Who appoints**

The power of appointment in South Africa is assigned by section 3(7) of the Public Service Act to ministers on national level/ members of the executive council on provincial level. Ministers can delegate the power to officers within their departments. The rationale for having this in 1994 was the need to transform the apartheid public service. The question going forward is whether

appointment at all levels should remain in the hands of the Executive Authority.

### **Appointment requirements**

Appointment requirements in advertisements are derived from job specifications. Very specific requirements may be set in advertisements but some of the advertisements may not be as clear and specific as required. Public service training courses are not set as a condition for permanent appointment, though compulsory induction has been introduced (for new public servants). For Middle and Senior Management Service, the requirement is a three-year degree but in many cases not a specific degree. In the case of technical and professional jobs, specific degrees are required and some technical and professional jobs may also require professional registration. In such cases, the requirements set by professional bodies must also be met.

While entry into the senior management service requires at least an NQF level 6 qualification, the task requirements for such positions are very demanding and cannot be met by any degree/diploma. It seems clear and accepted that a university degree/diploma does not prepare a candidate to readily serve in the public service without additional on-the-job training. The issue is whether the public service and its National School of Government (NSG) will be able to develop and run training courses and programmes that will bridge the gap between theoretical knowledge (acquired from universities) and the practical demands of the public service, as it is done in all the countries visited.

### **Employment Equity**

In addition to the advertised requirements, representativeness considerations also play a role in appointments. Representativeness is a specific constitutional and legal requirement. Representativeness considerations and the job requirements are considered together and the one is not prioritised over the other. Representativeness considerations are applied in accordance with the provisions of the Employment Equity Act, Act 55 of 1998, as well as departments' employment equity policies and employment equity plans that must meet the specific legal requirements of the Act. It should not undermine the constitutionally-defined merit principle. Representativeness requirements and how these are applied are contested and the courts have clarified some

of the legal principles. A recent case of the Constitutional Court is pertinent (South African Police Service v Solidarity obo Barnard [2014] ZACC 23). The majority judgement “underlined the requirement that beneficiaries of affirmative action must be equal to the task at hand. They must be suitably qualified people in order not to sacrifice efficiency and competence at the altar of remedial employment. The Employment Equity Act sets itself against the hurtful insinuation that affirmative action measures are a refuge for the mediocre or incompetent.”

### **Selection method**

The main selection tool is an interview. Selection committees are appointed by the authority with the power of appointment, who is the Minister or the Member of the Executive Council for the department, or the officer to whom the minister has delegated his power of appointment. Selection, after minimum requirements have been met, is not based on rigorously defined objective criteria. The PSC found that departments continue to be faced with significant challenges in the application of recruitment processes and procedures. In particular the PSC found that:

- The majority of departments did not have job descriptions for posts that had been advertised.
- Advertisements for posts were rarely approved prior to their publication.
- Shortlisting criteria were in many instances not documented. There also appeared to be no consistency in the application of scoring systems for shortlisting.
- Potential conflicts of interest of selection committee members in their relationship with candidates were rarely identified (They should be identified, but rarely are).
- There was little evidence of proper record-keeping by departments of the entire selection process.

The PSC concluded that these “deficiencies are of a serious nature and impact negatively on the credibility of the process and its outcome”.

In 2009, the PSC found that the major implications in this regard were that:

- The public service fails to place people with the right skills and competencies in the right places.

- The public service is at risk of not delivering on its mandate due to failure to attract/ source suitable skills.

- There are areas where there is little or no accountability for ensuring efficient and effective recruitment processes.

In order to make interviews more rigorous, the PSC has published a Toolkit on Recruitment and Selection. The Toolkit requires pre-set questions and pre-set rating scales so that candidates can be scored consistently. The DPSA commissioned research into recruitment and selection best practices in 2000. One of the recommendations was that competencybased recruitment and selection should be adopted (DPSA, 2000). Despite this, large variation can occur in the scores that members of selection committees may award candidates. Since there is no set of objective criteria against which candidates are scored, it is to be expected that large variations would occur, with the implication that one panellist's best candidate is not the next panellist's best candidate.

### **Competency assessments**

Competency assessment has been introduced for members of the senior management service. The competency framework contains generic management competencies and does not replace the functional criteria for senior management service jobs. In other words, the competency assessment is not linked to the task requirements of a specific job or category of jobs. Functional criteria are derived from job specifications and may be set as specific requirements in job advertisements. Competency assessments are used in conjunction with the other processes associated with recruitment, which include interviewing, and not as a single decider on whom to appoint to the post. The testing against the competency framework is done by pre-selected and centrally appointed service providers. However, unlike developmental states, the competency testing is not done by the national Department of Public Service and Administration (not centralised). Also, in South Africa the results of the competency assessments have only been validated for development interventions and not for selection purposes