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Department:
Justice and Constitutional Development
REPUBLIC OF SOUTH AFRICA

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**DEPARTMENT: JUSTICE AND
CONSTITUTIONAL DEVELOPMENT**

REPUBLIC OF SOUTH AFRICA

RECRUITMENT AND SELECTION POLICY

NAME OF POLICY:	HUMAN RESOURCE REVIEWED RECRUITMENT AND SELECTION POLICY
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A. ACRONYMS

SMS refers to Senior Management Services

MMS refers to Middle Management Services

EAC refers to Employee Advisory Committee

LRA refers to Labour Relations Act 1997

DPSA refers to Department of Public Service and Administration

EE refers to Employment Equity

PWD refers to People with Disability

B. DEFINITION OF TERMS

“inherent job requirements” means competencies & skills that, according to Job Evaluation outcomes, an employee needs in order to carry out a job

“from previously disadvantaged groups” as defined by the Employment Equity Act 55 of 1998.

“grading” means the relative value of a particular job as reflected by the job weight which is linked to a salary range in a salary scale used in the public service

“job” means the basic duties, tasks, functions, competency requirements and responsibilities according to which one or more posts of the same grade are established

“competency” means the blend of knowledge, skills, experience 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.

1. POLICY STATEMENT

- 1.1 The Department of Justice and Constitutional Development is committed to achieving a work force that is broadly representative of the South African population; and to utilise recruitment processes that are open, transparent, fair, objective and that comply with labour legislation, prescripts and Departmental policies.

2. POLICY OBJECTIVES

- 2.1 Recruitment and selection policy shall be utilized to obtain or retain the necessary skills and competencies to meet the Departmental strategic objectives and operational needs.
- 2.2 This policy is aimed at ensuring that consistency is maintained in the filling of posts in the Department.
- 2.3 Recruitment and selection processes shall also be used to establish and promote a positive image of the Department as the Employer of Choice.

3. PRINCIPLES

The Recruitment and selection Policy will adhere to the following principles;

- 3.1 Recruitment and selection in the Department shall be strategy driven to ensure the appointment of the most suitable candidates in promotion of organisational efficiency and effectiveness
- 3.2 Employment practices shall ensure the adherence to employment equity objectives, Affirmative Action measures, fairness and transparency in the achievement of a representative Department.
- 3.3 Employment practices should maximise flexibility, minimise administrative burden on both the employer and employee, and generally prevent waste and inefficiency.
- 3.4 Recruitment processes shall take cognisance of succession planning in the Department.
- 3.5 Selection Criteria shall be objective, related to the inherent requirements of the job and consistently applied.
- 3.6 Foreigners will be considered for appointment in accordance with the DPSA Policy on the utilisation of Foreign Nationals to address human resource and skills needs in the Public Service.

4. SCOPE OF APPLICABILITY

This policy shall apply to the appointment of all persons who are being considered for employment within the Department in terms of the Public Service Act as amended.

5. POLICY PROVISIONS

5.1 AUTHORISATION TO FILL A VACANCY

- 5.1.1 Where a vacancy has occurred either through the vacation of the position or the creation of a new position and before filling any vacancy the delegated authority must:
- i) confirm that the post is required to meet the Department's objectives;
 - ii) liaise with Human Resources on the existence of the post on the approved establishment;
 - iii) ensure that the post is funded.
- 5.1.2 The authority to approve/disapprove appointments/transfers shall be in line with Departmental Delegation of Authority Framework of DOJ&CD.

6. ADVERTISEMENT

- 6.1 To ensure that the objectives of advertising are met, the following principles shall be adhered to:
- 6.1.1 An advertisement shall not favour, prejudice or discriminate against any applicant
 - 6.1.2 An advertisement shall be fully in line with the job content and post requirements
 - 6.1.3 The vacancy shall be advertised to attract the widest pool of applicants especially the designated group in a cost effective manner.
 - 6.1.4 Advertising shall promote staff mobility, utilization and career development opportunities.
 - 6.1.5 All posts from level 9 and above shall be advertised nationally both inside and outside the public service.
 - 6.1.6 All posts from level 1 to 8 shall be advertised internally on DJINI' and/or DPSA circular and in the media on request.
 - 6.1.7 Reasonable accommodation will be provided to attract candidates with disabilities, the following methods shall be considered:
 - i) Departmental Database of PWD
 - ii) Website address of PWD/ Recruitment Agencies
 - iii) Local Radio stations through Communication Unit (PEC)
 - iv) Headhunting.
 - 6.1.8 All advertisements for permanent posts shall run for a minimum of two weeks.
- 6.2. All permanent posts must be advertised in line with Departmental Recruitment processes with the exception of 7.2

- 6.2.1 All non permanent posts must be advertised in line with Departmental Recruitment processes; where applicable, the applications for previously advertised posts may be considered to fill a similar vacant post for up to six months after the closing date.
- 6.3 Advertisements shall be compiled and placed by the following divisions:
- 6.3.1 **HR at National Office:** All Senior Management posts and all other posts at National Office
- 6.3.2 **Recruitment divisions at Regional level:** All other posts level 1- 12. Copies of all advertisements must be sent to the HR at National Office for placement in the media/DPSA.
- 6.4 Department reserves the right to withdraw/amend advert for the post and retains the right not to fill the posts as determined by the Head of Office/Chief Director: HR.

6.5 RECEIPT OF APPLICATIONS

- 6.5.1 Applications shall be managed in accordance with the Recruitment and Selection Procedure Manual.
- 6.5.2 All National Office applications shall be processed by the HR National Office in line with 6.3.1
- 6.5.3 All the Regional Offices applications shall be processed by the Regional Office in line with 6.3.2

6.6 SELECTION COMMITTEE

- 6.6.1 The Delegated authority shall appoint Selection Committees to make recommendations on appointment to each relevant post.
- 6.6.2 The Selection Committee shall consist of at least three members who are employees of a grading equal to or higher than the grading of the post to be filled or suitably qualified persons from outside the Department.
- 6.6.3 The chairperson must be a permanent employee and of a grading higher than the post.
- 6.6.4 If the manager of the component within which the vacant post is located is graded lower than the vacant post but officially appointed in an acting position, she or he may be a member of the Selection Committee and where necessary can chair the panel.
- 6.6.5 A Selection Committee shall include adequate representation of designated groups.
- 6.6.6 Employees of a level which is lower than the grading of the post to be filled may provide advisory services during the Selection process, but shall not form part of the Selection Committee, in line with 6.6.1.
- 6.6.7 All Selection Committee members are obliged to sign declaration form and shall be expected to maintain confidentiality; disciplinary actions shall be instituted against any member who may disclose information during selection process

- 6.6.8 Selection process shall serve as a platform which Employee Advisory Committee members participate to monitor Employment Equity Act compliance.
- 6.6.9 The EAC may attend short listing and interview as observers to ensure transparency and fairness.
- 6.6.10 Where EAC member is having a concern during the recruitment process, s/he shall bring that to the Panel's attention to consider and if its objected a written report should be submitted to the delegated authority.
- 6.6.11 Should EAC member not be able to attend the selection process shall proceed.

6.7 SELECTION PROCESS

- 6.7.1 The short list shall include only those applicants assessed as having met the minimum post requirements and also having completed and submitted all required documents.
- 6.7.2 It is compulsory that all applicants submit a signed Z83 application form obtainable from any Public Service Department
- 6.7.3 The final short-list for interview shall consist of at least a minimum of three candidates for a post.
- 6.7.4 In cases where a particular post is advertised and a similar post becomes vacant while the process is unfolding, such post may be filled using the same pool of applications and that shall be recorded in the appointment submission for approval.

6.8 INTERVIEWS

- 6.8.1 The interview questionnaire should be structured and be based on the inherent (built-in) post requirements. Biased or discriminatory questions must be avoided.
- 6.8.2 The selection proceedings shall be recorded or minuted.
- 6.8.3 The criteria used during the selection process and EAC report (where applicable) will be retained to justify the decisions of the selection committee.
- 6.8.4 Where the panel members fail to reach consensus with regard to recommendation of the most suitable candidate for a post, the reasons for not reaching consensus must be recorded in the submission.
- 6.8.5 Reasonable accommodation shall be provided to PWD in line with People with Disability Policy and EE requirements.

6.9 COMPETENCY ASSESSMENT

6.9.1 All Senior Management Services applicants shall be subjected to a competency assessment in line with DPSA prescripts. For any other position, the selection committee shall decide whether competency assessment should form part of the selection process.

6.10 REFERENCE AND BACKGROUND CHECKS

6.10.1 Reference and background checks shall be conducted by the delegated HR official on recommended candidates in collaboration with the Chief Directorate: Risk Management. Such background and reference checks shall be recorded and form part of the selection of suitable candidates. The background checks shall include the following:

- i) Criminal record checks
- ii) Citizenship verifications
- iii) Qualification/study verifications
- iv) Previous employment verifications (reference checks)

6.10.2 Where adverse remarks which may disadvantage the applicant are made during background and reference checking, the candidates shall be given a right to reply which shall be done by the HR official and feedback given to the selection committee for decision making.

6.11 RECOMMENDATIONS / APPROVALS

6.11.1 Submissions will be prepared by the HR official in a prescribed format indicating recommended candidate/s in order of preference to be considered for appointment.

6.11.2 A job applicant shall not be regarded as a successful candidate until the executing authority or delegated authority has approved the recommendation of the selection committee, and the candidate has received a signed offer of employment.

6.11.3 Where the selection committee makes recommendations that will not enhance representivity, and the candidature included previously disadvantaged persons, the submission, with reasons for such deviation shall be forwarded to the delegated authority for approval / disapproval.

6.11.4 In such event, the delegated authority/Director-General shall consider written reports by HR Practitioner/appointed HR Official and where applicable shall attach the EAC Report with regard to the interview process.

6.11.5 Appointments shall be done in line with the relevant legislative requirements except where the delegated authority has approved the relaxation of certain requirements.

6.11.6 The relaxation of job requirements may be considered for scarce skills as defined by HRD policy and relevant legislation. The approval must be granted by the delegated authority for the deviation.

6.12 HEAD HUNTING

6.12.1 The practice of head hunting shall only be undertaken where the normal recruitment process has been exhausted in identifying a suitable candidate for a position

6.12.2 Head hunting through referrals and use of recruitment agencies and other relevant sources may be used to identify possible candidates where skills are scarce or could not be attracted after the labour market has been tested.

6.12.3 Once the candidates have been identified, the normal process of selection shall be applied by the same selection panel.

6.12.4 Head hunting may run concurrently with re-advertising process.

6.13 EMPLOYMENT OF FAMILY MEMBERS

6.13.1 The Department recognises that every individual has a right to a just administrative system. However members of the Selection Panel may not participate in a selection process where a friend, relative or a closely related person is involved.

6.13.2 In light of the provision of this clause in the policy, the selection panel member is required to recuse him/herself from the selection process.

6.13.4 Where possible appointment of relatives in the same unit should be avoided.

6.14 COUNTER OFFER/AWARDING OF A HIGHER NOTCH

6.14.1 The counter offer or awarding of higher notch shall be applied for purposes of attracting or retaining candidates with scarce skills.

6.14.2 The awarding of a higher notch may be considered when a prospective candidate's remuneration package is more than the offer made by the Department. The notch offered shall be calculated within the salary range applicable to the advertised post and shall be within the comparable notch. The calculations shall be based on salary package/all inclusive remuneration package provided funds are available.

6.14.3 The counter offer shall be applied to retain competent or employees with scarce skills by offering a comparable notch within the salary range.

- 6.14.4 The candidates shall provide current, sufficient and acceptable proof of the remuneration package on which the counter offer/higher notch will be based.
- 6.14.5 Once the candidate accepts the offer in writing, no further negotiations on the remuneration package shall be entered into.

6.15 EMPLOYMENT OF FOREIGNERS

- 6.15.1 Job opportunities in the Department shall as far as possible be reserved for South African Citizens and permanent residents.
- 6.15.2 However where it is not possible to fill a vacancy with a South African citizen due to scarcity of skills in the local labour market, consideration may be given to the employment of non-SA citizens on a contract basis provided that:
- i) Applicants are in possession of a valid SA work permit
 - ii) Transfer of skills within the Department is guaranteed as a condition of employment and such skills transfer is formally monitored.
 - iii) Security vetting of foreigners shall be conducted by Department of International Relations and Cooperation, Home Affairs and Chief Directorate: Risk Management.

6.16 EMPLOYMENT OF NON-PERMANENT EMPLOYEES

- 6.16.1 Non-permanent employees will be appointed based on the following conditions:
- i) Where the incumbent of the post is expected to be absent for such a period that her/his duties cannot be performed by other personnel
 - ii) a temporary increase in work occurs
 - iii) it is necessary for any other reason to temporarily increase the staff of the department
 - iv) Confirmation of availability of funds
 - v) The request for advertising and appointment of a non-permanent employee must be accompanied by a strong motivation to the delegated authority for approval
 - vi) All non-permanent appointments must be within a specified fixed term not exceeding twelve months except where dictated by the life span of the project.
- 6.16.2 Non-permanent appointments may be extended once for a period not exceeding six months where motivation must be attached and submitted for approval to a delegated authority.
- 6.16.3 Appointment of casual employees shall be sourced through Regional/National HR database which shall be monitored and maintained bi- annually.

6.17 EMPLOYMENT CONTRACT VS LEGAL OBLIGATION

6.17.1 Managers must comply with all statutory requirements when entering into an employment contract with their appointees.

6.18 RE-APPOINTMENT OF FORMER EMPLOYEES

6.18.1 The executing authority or delegated official as set out in delegations of authority framework of the Department may not re-appoint a former employee where:

- i) The original grounds for termination mitigate against re-employment;
- ii) Termination from the public service was due to ill-health and there is no recent and conclusive evidence of recovery;
- iii) The former employee left the Public Service earlier on the condition that she or he would not accept or seek re-appointment.

6.18.2 The importance of transfer of skills should be taken into account when a decision to re-appoint is made (especially if the former employee has skills which are valuable to Department).

7 TRANSFERS

Department may only consider lateral transfer on the following conditions:

- i) An employee must have occupied the post at the same level;
- ii) Meet the minimum requirements and competencies of the vacant post;
- iii) An employee must have occupied the post for a period of twelve months.

Department shall only consider a lateral transfer without advertising where a vacant post exists with same functions and such transfer is not in conflict with Human Resource Policy & Public Service Prescripts.

8. RECRUITMENT AND TRANSFER COSTS

8.1 The Unit/Branch/Region where a vacancy exists shall do the logistical arrangements and bear the Subsistence and travelling costs when inviting a candidate for an interview, subject to availability of funds.

8.2 The employee shall carry the relocation costs where transfer is without promotion and was not initiated by the employer.

8.3 The Unit/ Branch/Region where a post is needed shall carry the costs wherein the relocation is employer-initiated or otherwise depending on the compelling circumstances.

8.4 Prior approval must be obtained for any associated costs related to the recruitment process before date of interviews.

8.5 Any costs emanating from non-attendance of interviews after confirmation obtained

shall be recovered from the candidate.

9. POLICY MONITORING AND EVALUATION

9 The Department retains the right to amend, review or set aside provisions of this policy. Such amendments, review or setting aside shall be reduced in writing and incorporated into this policy after consultation with all stakeholders.

10 COMPLIANCE

10.1 In the event of non compliance with any provisions of this policy disciplinary steps shall be taken against responsible officials.

10.2 This Policy must be read in conjunction with the Recruitment Procedure Manual and other Departmental HR Policies.

Initiated by:

Directorate: HRM

Version:

2 of 2011

Approved:

Signature:

DIRECTOR-GENERAL

MS TN SINDANE

Date:
