



PUBLIC PROTECTOR
SOUTH AFRICA

**POLICY ON THE
APPOINTMENT OF SPECIAL ADVISORS TO THE EXECUTIVE
AUTHORITY**

Effective Date

This document will be effective once approved by the Public Protector

Confidentiality

This document has been issued for internal business processes of the Public Protector

Copyright

All rights including those in copyright in the content of this document by the Public
Protector South Africa

A handwritten signature or mark, possibly a stylized 'S' or 'B', is located in the bottom right corner of the page.

1. PURPOSE

- 1.1 The purpose of the policy is to regulate the appointment of Special Advisors to the Executive Authority.

2. LEGISLATIVE FRAMEWORK

Basic Conditions of Employment Act no 75 of 1997

Employment Equity Act, 55 of 1998

Labour Relations Act, 66 of 1995

Public Protector Act, 23 of 1994

Constitution of Republic of South Africa

3. DEFINITIONS

- 3.1 **Full time employment:** means working for the Public Protector South Africa at least the minimum prescribed working hours, 8h00 to 16h30.

- 3.2 **Part-time employment:** means working less than the normal working hours.

- 3.3 **Ad hoc employment:** means the employed person is called in to work as and when required.

4. NEED FOR SPECIAL ADVISORS

- 4.1 The Constitution of the Republic of South Africa, the Public Protector Act and other national legislation give a wide range of powers to the Public Protector of the Republic of South Africa.

- 4.2 The Public Protector is expected to deal with matters brought before him/her efficiently and effectively as the outcome of such matters usually has a bearing on the South African public.

8

- 4.3 This requires the Public Protector to have access to high level specialist advice on each matter as identified and requested by him/her.

5. APPOINTMENT OF SPECIAL ADVISORS

- 5.1 The Public Protector may appoint not more than one Special Advisor at a time.
- 5.2 Only South African citizens should be appointed as Special Advisors.
- 5.3 Candidates for appointment as Special Advisors will be subjected to a security clearance within 30 days of assuming duties.
- 5.4 Since the Special Advisor is advising the Executive Authority, there shall be no link nor reporting lines between the Special Advisor and the Accounting Officer.
- 5.5 The Special Advisor shall direct his/her input/advice to the Executive Authority and s/he shall not interfere in the administration and management of the institution as that is the responsibility of the Accounting Officer.
- 5.6 The Special Advisor is not part of the staff compliment of the Public Protector South Africa.
- 5.7 The contract of appointment of a Special Advisor shall not exceed the term of office of the incumbent Public Protector.
- 5.8 The Special Advisor will not be appointed through the normal recruitment and selection and/or supply chain management processes, the Public Protector will use his/her prerogative to appoint the Special Advisor.
- 5.9 The Special Advisor may be employed on a fulltime, part-time basis or ad hoc basis.
- 5.10 The Special Advisor must at all times have his/her vehicle available for official purposes.
- 5.11 If a Special Advisor uses his/her vehicle to travel for PPSA official purposes the Executive Authority shall reimburse him/her for kilometres travelled, including other expenses such as toll gates, parking etc.



5.12 The trips undertaken must be pre-authorized by the Public Protector or the delegated person within the office of the Executive Authority.

6. REMUNERATION OF SPECIAL ADVISORS

6.1 Special Advisors will be remunerated at the level of Executive Managers but their remuneration is negotiable between the Executive Authority and the Special Advisor concerned.

6.2 The Special Advisor may structure his/her remuneration package according to his/her personal circumstances taking into consideration prescribed parameters regulating remuneration structuring.

6.3 Other conditions of service will be negotiated between the Executive Authority and the Special Advisor.

7. RESPONSIBILITIES OF SPECIAL ADVISORS

Special Advisors duties will amongst others include the following:

7.1 To advise the Public Protector on the exercise or performance of her/his powers and duties.

7.2 To advise the Public Protector on the development of policy that will promote the PPSA objectives.

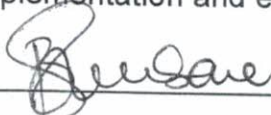
7.3 To perform such other tasks as may be appropriate in respect of the exercise or performance of the Public Protector's powers and duties.

8. POLICY REVIEW

The Policy will be reviewed as and when necessary taking into account changing circumstances such as legislative framework and best practice.

9. APPROVAL OF THE POLICY

Implementation and effective date of the Policy is the 14 February 2018



ADV. BUSISIWE MKHWEBANE

PUBLIC PROTECTOR OF THE REPUBLIC OF SOUTH AFRICA

DATE 14, 02, 2018