

DEPARTMENT OF CORRECTIONAL SERVICES

NO. 4483

8 March 2024

**correctional services**

Department:
Correctional Services
REPUBLIC OF SOUTH AFRICA

AMENDMENTS TO DCS DELEGATIONS OF AUTHORITY: ANNEXURE A TO THE TREASURY REGULATIONS, PUBLIC SERVICE REGULATIONS AND CORRECTIONAL SERVICES ACT

I, **Makgothi Samuel Thobakgale, National Commissioner (and accounting officer)** of the **Department of Correctional Services** in accordance with the powers vested in me by:-

- Section 97(2) of the Correctional Services Act, 1998 (act 111 of 1998) as amended;
- The Public Finance Management Act, Act 1 of 1999, as amended by Act 29 of 1999 and (b) the Treasury Regulations, 2005, promulgated in terms of Section 76 of the said Act;
- The Public Service Act, 1994, as amended by Act 30 of 2007, and (b) the Public Service Regulations, 2016, promulgated in terms of Section 41 of the said Act, as set;

hereby amend the following delegations that formed part of the delegations published in the Government gazette no 49108 on 11 August 2023. The amendments becomes effective on the date of this publication:

1. **Delegation number 19:** Delegations by the Accounting officer, Treasury Regulations: Annexure A: Delegations related to expenditure control
2. **Delegation numbers 10; 15; 17, 19 and 103:** Delegations by the National Commissioner: Correctional Services Act 111 of 1998 as amended.
3. **Delegation number 41:** PART B, APPENDIX B: Delegations Register: National Commissioner delegations to performer levels in terms of the Public Service Regulations 2016.

The amendments is set out in the attached amended pages.

MS Thobakgale
National Commissioner
Date: 12/02/2024

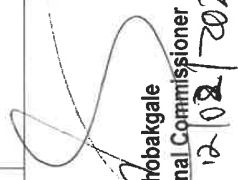
Amendment to Annexure A: Financial delegation of powers, activities and duties in respect of the Treasury regulations: Department of Correctional Services: 2023

ANNEXURE A

**DEPARTMENT OF CORRECTIONAL SERVICES
AMENDMENT TO DELEGATIONS RELATED TO EXPENDITURE CONTROL**

Note: All general abbreviations and conditions applicable to the principal delegations is applicable to this Annexure A

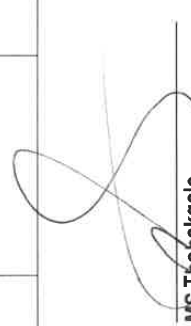
NO	DESCRIPTION	DELEGATION			REMARKS/FINANCIAL LIMITS (PER TRANSACTION)
		HEAD OFFICE	REGIONS	MANAGEMENT AREAS / CORRECTIONAL CENTRES	
19	<p>1. Processing and payments of arbitration awards on PERSAL and BAS in Head Office.</p> <p>2. Furnishing of security in terms section 145 (7) of the LRA if approved that an arbitration award can be taken on review by the delegated authority (refer to delegation no 103: Decision to review arbitration award- Correctional Services Act delegations)</p>	<p>1. DC: ER DC: HRM DC: FMA</p> <p>2. DC LS</p>	<p>1. Not delegated</p> <p>2. Not delegated</p>	<p>1. Not delegated</p> <p>2. Not delegated</p>	<ul style="list-style-type: none"> The delegation and limitation under section 96(2)(a) of the CSA delegation number 103 must be adhered to. Regional Co-coordinators Employee Relations in the regions and Head Office must facilitate and consolidate all arbitration awards and submit under the signature of RC and relevant CDC to Head Office: DC Employee Relations for validation and confirmation. DC Employee Relations must register and validate all the awards and certify in writing to DC HRM and DC FMA for calculations and processing of the payments.


MS Trobakgale
 National Commissioner
 Date: 12/02/2024

AMENDMENTS TO DELEGATIONS: CORRECTIONAL SERVICES ACT AND REGULATIONS: DEPARTMENT OF CORRECTIONAL SERVICES

A. CORRECTIONAL SERVICES ACT 111 OF 1998 AS AMENDED

No	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	
10	Section 3(5)(c) and (g)	1. Approval of transport for school children, transport between residence and place of work 2. Approval of transport to funeral of an official	NC	1. CDC Human Resources 2. Relevant CDC where official was	1. Regional Commissioner 2. Regional Commissioner	Not delegated Not delegated	Compliance to DPSA financial manual Compliance to prescripts issued by the DPSA and the Department of transport, as well as all relevant prescripts on cost containment
15	Section 3(5)(g) read with Section 96(3)(d)	Approve all placements and transfers/temporary transfers on state cost.	NC	Levels 2-7 Director HR Administration & Utilization Levels 8-10 (Excluding officials who are Heads of Correctional or Remand Detention Centres or Community Correction offices) DC HR Management Levels 11-12 (Excluding officials who are Heads of Correctional or Remand Detention Centres or Community Correction offices) DC HR Management CDC Human Resources	No delegation	No delegation	Subject to the Policy on transfers and prescripts on finances and logistics. Note 1: Transfers and placement of all SMS members: Levels 13-15 not delegated. Decision maker: National Commissioner Note 2: Officials who are Heads of Correctional or Remand Detention Centres or Community Correction offices not delegated. Decision maker remains the National Commissioner
17	Section 3(5)(g) read with Section 96(3)(d)	Approve transfers/temporary transfers and placements of officials on own time and cost from level 2 (SCO or equivalent) to level 12 (DD or equivalent), including interdepartmental transfers from DCS to other departments/ institutions.	NC	Level 2-7 Relevant Director after consultation with the Director HR A&U Level 8-12 Relevant DC after consultation with Director HR A&U	Within RC Office Levels 2-7: Relevant RH Corporate Services after consultation with the DRC Across Management Areas: Deputy Regional Commissioner after consultation with the RH Corporate Services	Levels 2-7: Within Management Area only, Area Commissioner (including interdepartmental transfers from DCS)	Compliance to transfer policy and procedures. To be processed/managed by HR In regional offices and Head Office the application for transfer must be submitted to Personnel Office that will process the application to the relevant Directorate. Note: Officials who are Heads of Correctional or Remand Detention Centres or Community


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No	POWER OR DUTY BEING DELEGATED		Principal Functionary	DESIGNATION/POST LEVEL DELEGATED TO PER TIER		DELEGATION CONDITIONS AND LIMITATIONS
	Section	Topic Description		Head Office	Region	
19	Section 3(5)(g) read with Section 96(3)(d) and Public Service Regulations 2016, Regulation 63	Appoint employees in acting capacity (read with delegations in terms of the Public Service Regulations)	NC	<p>Level 2-12 Relevant Director</p> <p>Level 13 Relevant DC in consultation with the CDC of the Branch.</p> <p>Level 14 Relevant CDC in consultation with the NC.</p>	<p>Levels 8-10: (Excluding officials who are Heads of Correctional or Remand Detention Centres or Community Correction offices)</p> <p>Deputy Regional Commissioner (Excluding Heads of Centres and Community Correction offices)</p> <p>Levels 11-12: (Excluding officials who are Heads of Correctional or Remand Detention Centres or Community Correction offices)</p> <p>Regional Commissioner</p>	<p>Correction offices not delegated. Decision maker remains the National Commissioner</p>
103	Section 96(2)(a) read with Chapter VII of the Labour Relations Act 66 of 1995 as	Decision to review all arbitration awards (Section 145 of the LRA) or to withdraw such review.	NC	<p>Level 2-12 Relevant Director</p> <p>Level 13 DRC in consultation with the RC</p> <p>Level 14 RC in consultation with the NC.</p>	<p>Regional Head Human Resources for region to decide if matter must be</p>	<p>1. Level 15 in consultation with the Minister. 2. Compliance to relevant policy and Public Service Regulation 63 at all times. 3. The appointment in acting capacity of SMS members for longer than 6 months must be submitted to the Minister for approval in terms of DPSA policy via the National Commissioner. 4. The delegation to approve any level in acting capacity must comply with the prescripts on acting and the National Commissioner may at any time revoke such acting appointment. 5. HR-Head Office will provide template letters to be used for appointment of officials who must act. 6. HR must certify that a post is vacant on PERSAL before any acting appointment where acting allowance is involved. 7. CDC HR to issue a directive on the administrative conditions for acting appointments.</p> <p>NB: If the award is not referred for a decision to review there is no requirement for a mandate to implement and must be implemented, since</p>

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POWER OR DUTY BEING DELEGATED		Principal Functionary	DESIGNATION/POST LEVEL DELEGATED TO PER TIER			DELEGATION CONDITIONS AND LIMITATIONS
No	Section		Topic Description	Head Office	Region	
	amended read together with PSCBC Resolution 5/2005		implemented or not. If not to be implemented it must be referred to the DC Legal Services for a decision to review. Director CEU for Section 95B cases to decide if award must be implemented or not. If not to be implemented, it must be referred to the DC Legal Services for a decision to review. Decision to review in all cases is with the DC Legal Services.	implemented or not. If not to be implemented it must be referred to the DC Legal Services for a decision to review. Regions have no delegation to review arbitration awards. No delegation for Section 95B matters		there is already an award that is enforceable in terms of Section 143 of the LRA. Failure to implement may lead to contempt proceedings in the Labour Court. The Director, Employee Relations, Director CEU (latter in Section 95B cases only) and the Regional Head Human Resources are responsible to ensure implementation and to issue instructions to ensure such implementation.


MS Thobakgale
 National Commissioner
 Date: 12/02/2024

AMENDMENT: PART B, APPENDIX B: DELEGATIONS REGISTER - NATIONAL COMMISSIONER
 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	
41	CHAPTER 1 48	<p><u>Leave</u></p> <p>A head of department shall—</p> <p>(a) encourage an employee to fully utilize his or her annual leave entitlement in the leave cycle;</p> <p>(b) ensure that all leave taken by an employee is recorded accurately and in full; and</p> <p>(c) ensure that an employee does not abuse sick leave.</p>	NC	<p>Approval of application for all types of leave 1-30 days (except leave without pay and incapacity leave):</p> <p>Supervisor (minimum level 7) and next level manager.</p> <p>31- 60 Days</p> <p>Minimum level DD</p> <p>61 – 89 Days</p> <p>Relevant Director</p> <p><u>Leave without pay</u></p> <p>1-7 Days</p> <p>Relevant Director</p> <p>8-29 Days</p> <p>Director HR Administration & Utilization</p> <p>30-89 Days</p> <p>DC HR Management</p> <p>90 days* (all types of leave except incapacity leave)</p> <p>Relevant Branch Head in Head Office</p> <p>More than 184 calendar days of unpaid leave in a period of 18 months</p> <p>DC HR Management</p>	<p>Approval of application for all types of leave 1-30 days (except leave without pay and incapacity leave):</p> <p>Supervisor (minimum level 7) and next level manager</p> <p>31- 60 Days</p> <p>Minimum level DD</p> <p>61 – 89 Days</p> <p>RH Corporate Services</p> <p><u>Leave without pay</u></p> <p>1-7 Days</p> <p>Relevant Director</p> <p>8-29 Days</p> <p>RH Corporate Services</p> <p>30-89 Days</p> <p>Deputy Regional Commissioner</p> <p>all types of leave except incapacity leave)</p> <p>Regional Commissioner</p> <p>More than 184 calendar days of unpaid leave in a period of 18 months</p> <p>DC HR Management</p>	<p>Approval of application for all types of leave 1-30 days (except leave without pay and incapacity leave):</p> <p>Supervisor (minimum level 7) and next level manager</p> <p>31- 60 Days</p> <p>Minimum level DD</p> <p>61 – 89 Days</p> <p>Area Commissioner</p> <p><u>Leave without pay</u></p> <p>1-7 Days</p> <p>Head Correctional/ Remand Centre/ Community Corrections (minimum level DD)</p> <p>8-29 Days</p> <p>Area Commissioner</p> <p>30-89 Days</p> <p>DRC or Area Commissioner on DC level</p> <p>90 days* (all types of leave except incapacity leave)</p> <p>Regional Commissioner</p> <p>More than 184 calendar days of</p>	<p>DPSA determination on leave must be adhered to.</p> <p>In Management Areas where the AC is on the level of a Director the leave forms of DD's must be recommended by the Area Coordinator. Corporate Services to verify correctness and availability of leave.</p> <p>Leave forms for Area Commissioner (including on DC level) in regions must be recommended by the DRC.</p> <p>Leave forms of DRC's must be recommended by the Regional Head: Human Resources to verify correctness and availability of leave.</p> <p>Leave forms of CDC's and RC's must be recommended by the CDC HR to verify correctness and availability of leave</p>

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