



SAFETY AND SECURITY SECTOR EDUCATION AND TRAINING AUTHORITY

Dear SASSETA Stakeholder,

PROCESS FOR THE APPOINTMENT OF THE BOARD OF THE SAFETY AND SECURITY SECTOR EDUCATION AND TRAINING AUTHORITY (SASSETA)

This communiqué serves to inform members of the public and stakeholders, that the nominations for the appointment of a SASSETA Board has been re-opened for nomination of candidates. This re-nomination process follows a Department of Higher Education and Training (DHET) consultative process with employer and employee stakeholders on 2 August 2017 and the announcement by DHET to extend the administration of SASSETA (Ref: Government Notice No.626 published in the Government Gazette 41033 of 8 August 2017).

1. BACKGROUND

On the 12th February 2015, the Minister placed the SASSETA under administration as a result of constant levels of poor financial and operational performance. He then appointed an Administrator for an initial period of 12 months but subsequently extended the administration period ending on 31 March 2018, to allow the administrative team to implement the processes started in 2014/15 and to introduce the new initiatives to put SASSETA on a firm footing.

Some of the identified systemic strategic and operational challenges that led to SASSETA being under administration included:

- Inadequacies in the planning and reporting processes within SASSETA (including SSP, Strategic Planning and Annual Performance Planning)
- Issues regarding the overall performance of the body and ability to report on achievements.
- Lack of formal proper decision-making processes and documentation linked to this decision-making.
- Mismanagement of the Discretionary Fund and serious irregularities in a number of contracts entered, as well as non-compliance with the Skills Development Act and prescripts related to this.
- Inadequacy of policy and procedures within the body and non-adherence to those policies and procedures that exist.
- Non-compliance with the Public Finance Management Act (PFMA) and other related National Treasury requirements.

To this end, the re-establishment of the new SASSETA Board is but one of the many corrective interventions that are being implemented by the Administrator, to ensure that SASSETA performs and delivers on its mandate.

- (iii) the number of members to be appointed to the SETA, provided that the SETA must consist of an equal number of members representing employees and employers;
- (iv) the procedure for the replacement of a member of the SETA by the organization that nominated that member;
- (v) the circumstances and manner in which a member may be replaced by the SETA;

- (vi) the election of office-bearers by the members of the SETA and of persons to act during their absence or incapacity, their term of office and functions and the circumstances and manner in which they may be replaced;
- (vii) the establishment and functioning of committees, including an executive committee;
- (viii) the rules for convening and conducting of meetings of the SETA and its chambers and committees, including the quorum required for and the minutes to be kept of those meetings;
- (ix) the voting rights of the different members and the manner in which decisions are to be taken by the SETA and its chambers and committees;

2. SKILLS DEVELOPMENT ACT

The Skills Development Act outlines the nomination and appointment of Members of the Board as follows:

- (a) At least three months before the expiry of the term of office of the members of the Accounting Authority, the Chief Executive Officer must invite nominations for members for the forthcoming term of office, from organised labour, organised employers and the categories of role players referred to in section 11(2)(b) of the Act within the Constitution. Should the SETA be under Administration, the Administrator shall fulfill this task.
- (b) Any person nominating another person for appointment as a Member of the Accounting Authority must take into account the provisions of section 14(4) of the Act set out in item 3 of Annexure 5.
- (c) The Minister must, by notice in the Gazette, invite nominations of the position of Chairperson of the Accounting Authority of the SETA from interested parties in the Constitution.
- (d) The Chief Executive Officer must provide members appointed to the Accounting Authority with formal letters of appointment on the SETA letterhead and must set out in the letter the duties and responsibilities of the members. In the case where the SETA is placed under Administration the nomination process will be managed by the Administrator.
- (e) Members must accept their appointment and declare in writing that they accept, and furthermore, sign under oath that they will be bound by the Code of Conduct of the SETA on or before the induction date referred to in sub-item (10).

3. APPOINTMENT OF THE BOARD

The labour organisations, employer organizations and category of role players contemplated in section 11(3) (c) of the Act in the Sector are as follows:

- (a) Labour organisations;
- (b) Employer organisations; and
- (c) The following categories of role players;
 - (i) Government departments that have an interest in the Sector but that are not an organised employer contemplated in sub-item (2),
 - (ii) Interested professional bodies,
 - (iii) Bargaining councils with jurisdiction in the Sector, and
 - (iv) Organisations or communities that have an identifiable interest in skills development in the Sector.

The Board consists of a Chairperson (who is appointed by the Minister), not more than 14 members, comprising:

- (i) six members representing organised labour within the scope of the SETA;
- (ii) six members that represent organised employers within the scope of the SETA; and
- (iii) two members representing the role players contemplated in item 1(3) within the scope of the SETA.

4. SASSETA PROCESSES

The SASSETA will be responsible for the process of recommending names of employee and employer representatives to the Board to the Minister. This will be done through:

- SASSETA advertising the nomination process in the media, Government Gazette and on SASSETA website.
- SASSETA receiving all application and reviewing these applications against the criteria listed below.
- Compiling a submission to the Minister of the recommended candidates representing employees and employers who should serve on the Board.

5. CRITERIA TO NOMINATE EMPLOYEE AND EMPLOYERS REPRESENTATIVES

- (a) Members of the Accounting Authority must be able to participate in the decision-making processes, understand the consequences of such decisions and share in the accountability as Members of the Accounting Authority.
- (b) Members nominated for the Accounting Authority should comply with the following minimum requirements:
 - (i) They must represent the interest identified in the NSDS;
 - (ii) If taken as a whole, they must achieve-
 - (aa) gender representation;
 - (bb) demographic representation;
 - (cc) representation of disadvantaged persons or communities that have been prejudiced by past racial and gender discrimination in relation to skills development programmes; and
 - (dd) a blend of knowledge, skills and experience required for the effective funding of the SETA.
 - (iii) They must be drawn from the ranks of senior officials in the organisation concerned.

6. DETERMINATION OF REPRESENTATION ON THE BOARD

The SASSETA currently has 7 public subsectors and 2 private subsector representations. There are more than 20 employee department/employee associations operating within then sector and more than 15 unions that operate in one or more subsectors. Therefore it is important to ensure a fair and transparent nomination process.

Nominations from unions must include:

- Verified/verifiable membership numbers.
- Certificate of registration with the Department of Labour.
- Subsectors which the union represents.
- Nominations must be signed by the official of that relevant association.
- The nominator and the nominee both need to be senior members of the union.
- A recent and detailed CV of the nominee needs to be submitted.
- The number of Union members must be clearly stated

In instances where there are smaller unions (in size), there is nothing prohibiting the unions to come together and nominate their representative on the Board. In such cases, the nomination must be accompanied by relevant motivation.

With employer organisations, the nomination should include:

- Statutory documents that indicate that they have been formally associated.
- How long they have been in operation.
- Verifiable/verified number of employees they represent.
- Subsector which the employer represents.
- The nominator and the nominee both need to be senior members of the organization.
- A recent and detailed CV of the nominee needs to be submitted.

Given the vast number of representation of both public and private sector employee and employer ratio, the following formula will be utilised:

$$\frac{\mathbf{A}}{\mathbf{B}} \times \frac{\mathbf{C}}{\mathbf{1}} = \mathbf{D}$$

A represents either-

- (a) the number of employees employed by the members of an employers' organisation listed in item 1; or
- (b) the number of members of a trade union listed in item 1.

B represents either-

- (a) the total number of employees employed by all the employers who are members of all employers' organisations listed in item 1; or
- (b) the total membership of all the trade unions listed in item 1.

C represents 10.

D represents either-

- (a) the number of members whom an employer's organisation may nominate for the Accounting Authority; or
- (b) the number of members that a trade union may nominate for the Accounting Authority.

For example, if there are only two trade unions, one with 600 members and the other with 1 000 members, they would be proportionately represented on the Accounting Authority as follows:

$$\begin{array}{rclcl} 600 & & 10 & & 1,000 & & 10 \\ & & & & & & \\ & \times & & = 3.75 & \times & & = 6.25 \\ 1,600 & & & & 1,600 & & 1 \end{array}$$

- (a) The trade union with 600 members would nominate 40 per cent of the five members that represent organised labour.
- (b) The trade union with 1 000 members would nominate 60 per cent of the five members that represent organised labour.

7. DETAILS OF THE NOMINATION TO BE CONDUCTED BY SASSETA

Date of advertisement: 01 September 2017 in the Government Gazette, 03 September 2017 in the *Sunday Times* and *City Press* newspapers as well as published on the SASSETA website.

The process will be open for 21 days and therefore closes on **26 September 2017**.

Nomination forms will be available on the SASSETA website www.sasseta.org.za. A copy of the approved SASSETA Constitution is also available on the website.

Should you have a query please contact us at nominations@sasseta.org.za

8. SUBMISSION OF NOMINATION FORMS

Nominations can either be emailed to nominations@sasseta.org.za **OR** hand delivered to SASSETA Offices, Attention: Tsholofelo Nyamathe, Riverview Office Park, Janadel Avenue (off Bekker Road), Halfway Gardens, Midrand **OR** posted to SASSETA Offices, Attention: Tsholofelo Nyamathe, PO Box 7612, Halfway House, 1685.

Yours sincerely,



Ms Jennifer Irish-Qhobosheane
SASSETA Administrator