

## Acting policy and memo

- Acting forms



GAUTENG PROVINCE

REPUBLIC OF SOUTH AFRICA

## GDE ACTING POLICY

Policy Administrator	Transversal Human Resources Services (THRS)
Date of approval	21/02/2020
Internal Policy Register No.	IP/2014/12

## TABLE OF CONTENTS

1.	TITLE OF THE POLICY .....	3
	GDE ACTING POLICY.....	3
2.	EFFECTIVE DATE .....	3
3.	DATE OF NEXT REVIEW .....	3
4.	REVISION HISTORY .....	3
5.	PREAMBLE.....	4
6.	PURPOSE OF THE POLICY.....	4
7.	PRINCIPLES.....	5
8	DEFINITIONS OF TERMS .....	10
9.	SCOPE OF APPLICABILITY .....	12
10.	LEGISLATIVE FRAMEWORK.....	12
11.	OTHER RELEVANT POLICIES/ CIRCULARS .....	13
12.	CONDITIONS FOR APPOINTING AN EMPLOYEE IN AN ACTING CAPACITY .....	13
13	CONDITIONS UNDER WHICH AN EMPLOYEE MAY BE APPOINTED IN AN ACTING CAPACITY .....	13
15	PAYMENT OF AN ACTING ALLOWANCE.....	14
15.1	Payment of an acting allowance is .....	14
15.2	Calculation basis for non-SMS.....	14
15.3	Calculation basis (SMS Members) excluding HoD .....	15
16	PAYMENT OF THE HoD's ALLOWANCE TO MEMBERS ACTING IN A DESIGNATED HoD POSITION .....	16
17	ROLES AND RESPONSIBILITIES .....	16
18	GENERAL CONDITIONS.....	17
19.	SHORT TITLE.....	17
20	APPROVAL.....	17

**1. TITLE OF THE POLICY**

GDE ACTING POLICY

**2. EFFECTIVE DATE**

The implementation of this policy shall be effective from the first day of the month following the date of approval.

**3. DATE OF NEXT REVIEW**

This policy may be reviewed when there is a change in the relevant legislative or policy framework; and/or after every three years when deemed necessary.

**4. REVISION HISTORY**


## **5. PREAMBLE**

The GDE accepts that from time to time an employee may not be available to discharge his/her duties and responsibilities in terms of the employment contract. Furthermore, the GDE recognises that from time to time there would be a need to appoint another competent employee to discharge the duties of another employee who is absent or to perform duties in a vacant funded post. The policy provides that employees who have acted on a vacant funded posts for an uninterrupted period of six weeks and more shall receive acting allowance. In order to ensure a uniform application of acting appointments, the Department shall always comply with the applicable legislative frameworks in appointing employees to act in positions

## **6. PURPOSE OF THE POLICY**

The purpose of this policy is to:

- 6.1 To provide a uniform application of acting appointments.
- 6.2 ensure that there is continuity in the provision of services during times of unexpected vacancies.
- 6.3 To develop and empower employees by appointing them to act in higher positions.
- 6.4 To determine conditions under which employees can be appointed to act in positions.

## **7. PRINCIPLES**

- 7.1 The delegated authority may request and / or direct an employee under his/her control to perform duties other than those ordinarily assigned to the employee or appropriate to her/his grade or post.
- 7.2 The Department shall ensure fairness and transparency during implementation of this policy.
- 7.3 Educators employed on post level 6 and those educators appointed on SMS do not qualify for the payment of acting allowances. However, in extraordinary circumstances the employer may deviate from this policy requirement.
- 7.4 An employee or an educator shall be appointed to act in a post that is one level higher than his/her permanent post provided that he/she is competent to act in the higher post level.
- 7.5 Notwithstanding, the provision referred to in paragraph 7.4 above, an employee shall only be appointed to act in a post that is two levels higher than their permanent post if there is a vacancy in the next higher post level.
- 7.6 The clause referred to in paragraph 7.5 above shall not be applicable to educators.
- 7.7 An educator shall receive an acting allowance only if appointed to a post that is one level higher than his/her current position.

- 7.8 An employee or an educator appointed in writing to act in a higher vacant post, shall be paid an acting allowance provided that:-
- (a) the post is vacant and funded; and
  - (b) the period of appointment to act into the higher vacant post is uninterrupted and longer than 6 weeks.
- 7.9 The provision and conditions referred to in the paragraph 7.8 (a) and (b) above are not applicable to educators who act in the filled posts.
- 7.10 An educator appointed in writing to act in a filled post, where the incumbent of the post is absent for an uninterrupted period of 12 weeks due to maternity leave, sick Leave, study leave, suspension; and secondment shall receive an acting allowance.
- 7.11 The acting allowance referred to in paragraph 7.8 and 7.10 above shall be limited to the maximum period of 12 months.
- 7.12 An employee or an educator must accept the acting appointment by signing the acceptance letter.
- 7.13. An employee or an educator shall only be allowed to act in a post for a maximum period of 12 months.
- 7.14. The acting allowance shall be backdated from the date of appointment in the higher post level.

- 7.15. The deviation in terms of the extension of acting appointments beyond 12 months calendar must be submitted to the MPSA for decisions and advice.
- 7.16 The relevant delegated authority shall compensate employee(s) who is appointed to act in a higher vacant funded position, provided that not more than two employees may simultaneously be compensated as a result of a single vacancy.
- 7.17 Appointment into a higher vacant funded posts must not create a legitimate expectation that when the post is advertised the acting incumbent shall automatically be appointed permanently into the post.
- 7.18 An employee who is appointed to act in a higher position for three months or longer must amend their performance agreement to include the responsibilities of the higher post.
- 7.19. An educator who has been appointed to act in certain post will be subject to all the responsibilities appropriate to the post for the period during which he/she is appointed.
- 7.20 Notwithstanding the provision referred to on paragraph 7.18 above, an employee acting in a higher post level shall be assessed in line with the performance standards of his/her permanent post.
- 7.21. Managers are encouraged to rotate employees who are eligible for acting, notwithstanding the referred provision, the rotation of employees would not be practical in the schools as educators are appointed in terms of their area of specialisation.



- 7.22 Managers should not appoint the same employees to act in a higher post level when there are other employees who can be appointed to act in the higher post level.
- 7.23. In instances where there is more than one employee who qualifies to act, managers must rotate the qualifying employees or appoint two employees to act in a higher post in line with the principle of 60/40 referred to below.
- 7.24. The principle of 60/40 must be applied in allocating the responsibilities for a higher post. An employee or an educator who has been delegated more responsibility in terms of this principle shall take decisions in the higher position. The employee who has been delegated less responsibility shall report to his/her counterpart on the responsibilities of the permanent post.
- 7.25. If a manager wants to appoint the same employee to act in a higher post level, it should be based on the fact that there is proof that the other employees have been approached to act in a higher post level and have declined the appointment to act.
- 7.26. An employee appointed to act must be from the same occupational classification. The appointment of the employees who meet the demands of the higher post level from other occupational classification must be based on the fact that there is no qualifying employee on the same component who can be appointed to act in the higher post and such appointments are made based on the inherent requirements of the job.
- 7.27. Employees on probation and fixed term contract of less than one year must not be appointed to act in a higher post level.

- 7.28. Notwithstanding the provision mentioned in paragraph 7.27 above, employees who by virtue of their previous accumulated experience on the same post/rank equivalent to the post which they are currently occupying, may be appointed to act into the higher post even though appointed on probation or appointed on contract for a period less than a year.
- 7.29. The absence of an employee or an educator for more than 30 consecutive working days due to any nature of leave shall result in the termination of acting appointment and allowance.
- 7.30. An employee appointed to a post below SMS shall qualify to work overtime if acting to an SMS level post.

## DEFINITIONS OF TERMS

8.1. In this policy any term to which a meaning assigned in the Public Service Act and Employment of Educators Act bears that meaning, unless the context otherwise indicates:

8.1.1	Acting	means temporary performance of functions of another post.
8.1.2	Acting allowance	<p>means an allowance payable to an employee or an educator who is appointed to act in a higher <b>vacant funded post</b> for uninterrupted period of 6 weeks for a period not exceeding 12 months.</p> <p>The definition of acting allowance also includes educators who act in a filled post where the incumbent of the post is absent due to maternity leave, sick leave, secondment and suspension for an uninterrupted period of 12 weeks.</p>
8.1.3	Competence	means the blend of knowledge, skills, behaviour 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.
8.1.4	Delegated authority	means a person who is entrusted with the power to enforce or perform a particular task.

No.	Term	Explanation
8.1.5	Department	For purposes of this policy, means the Gauteng Department of Education.
8.1.6	Employee	means a person appointed in the post establishment of the Department of Education in terms of the Public Service Act. (This definition shall also include those employees appointed additional on the establishment of the Department).
8.1.7	Educator	a person who teaches, educates or trains or who provide professional educational services, including professional therapy and educational psychological services, at any public school, departmental office or and who is appointed in a post on any education establishment, including support staff appointed in terms of employment of educators act who are referred to as office based educators in clause 5.2 of the elrc collective agreement 1 of 2008.
8.1.8	Vacancy	means a post that is funded and has no incumbent occupying it.
8.1.9	principle of 60/40	means 60% of functions or duties will be allocated to the first acting incumbent to the post and 40% of the functions or duties will be of the second acting incumbent to the vacant post. (NB: The principle of 60/40 can only be used as an option if employees to be appointed to act into the vacant post did not relinquish their own permanent functions or duties).

## 8.2 Acronyms

Term	Explanation
ESSP	Extra School Support Programme
MMS	Middle Management Service.
SMS	Senior Management Service
HoD	Head of Department
DPSA	Department of Public Service and Administration
MPSA	Minister for Public Service and Administration
OSD	Occupational Specific Dispensation
PAM	Personnel Administrative Measures

## 9. SCOPE OF APPLICABILITY

This policy applies to all employees in the Department excluding all abnormal appointments such as interns, learnership, Extra School Support Programme (ESSP) Workers, as well as School Governing Body appointments.

## 10. LEGISLATIVE FRAMEWORK

- 10.1 Employment of Educators Act, 1998 (Act No.76 of 1998), as amended.
- 10.2 Public Service Act, 1994 (Proclamation 103 published in *Government Gazette* 15791)
- 10.3 Public Service Regulations, 2016 (GN No. R877 of *Government Gazette* No. 40167).
- 10.4. Personnel Administrative Measures, 1999 (as amended)
- 10.5 Policy on Acting Allowance for employees on salary levels 1 to 12 in the Public Service, issued by the Department of Public Service and Administration, effective from 24 January 2003.
- 10.6 PSCBC Resolution No. 9 of 2001.
- 10.7. Collective Agreement 8 of 2002.
- 10.8. Collective Agreement 1 of 2008.

## **11. OTHER RELEVANT POLICIES/ CIRCULARS**

11.1 Policy on an acting allowance for Senior Management service, 1 April 2003.

11.2 Senior Management Services, Public Service Handbook 2003.

## **12. CONDITIONS FOR APPOINTING AN EMPLOYEE IN AN ACTING CAPACITY**

12.1 An acting appointment must only be made if service delivery will be hampered.

12.2 The employee must be familiar with the operations of the unit where the vacancy exists.

12.3 An employee directed to act in another post should have the necessary competency for the post to which he or she is appointed to act.

12.4 An educator appointed to act should have relevant qualification and experience to teach the subject phase of the vacant post.

12.5 Employees in posts that are classified as non OSD's can act in OSD posts provided that the employee possesses the necessary experience, knowledge and skills as well as registration with the professional body where applicable.

## **13 CONDITIONS UNDER WHICH AN EMPLOYEE MAY BE APPOINTED IN AN ACTING CAPACITY**

Appointments to act in higher positions shall be made based on the following conditions :-

- (a) when a vacant post exist(s)
- (b) when the incumbent of the post is absent from duty,
- (c) if the appointment of an employee to act in the posts is in writing.
- (d) when there is confirmation that the higher vacant funded post exist and proof of such confirmation must be attached on the submission requesting approval for acting appointment.
- (e) if appointment of an employee is above the period of twelve calendar months, the letter of approval from DPSA for deviation shall be required.

## **15 PAYMENT OF AN ACTING ALLOWANCE**

### **15.1 Payment of an acting allowance is:**

- (a) only effected when the post exists on the post establishment of the unit, vacant and funded.
- (b) implemented only if the period of appointment is uninterrupted and longer than 6 weeks.
- (c) implemented only if the period of acting does not exceed twelve calendar months.
- (d) payments of acting allowance for educators shall be done in line with the PAM Document, Chapter C, Clause No: C 4.1.6.

### **15.2 Calculation basis for non-SMS**

- (a) The acting allowance is calculated on the basis of the difference between the current salary notch of the employee and the commencing salary notch of the higher post.
- (b) An employee who is not an SMS member, appointed to act in a post on the SMS level, will receive the difference between his/her current salary notch and 70% of the commencing inclusive flexible remuneration package applicable to the vacant SMS post.
- (c) An employee appointed in an acting capacity, who is on a higher salary notch than the commencing salary notch of the vacant post, will receive the difference between his/ her/current salary notch and the next higher salary notch of the higher vacant post or 70% of the commencing inclusive flexible remuneration package applicable to the vacant SMS post, provided there is a difference.

- (d) If the payment of the acting allowance commences after the 1st day or terminates before the last day of a month, the daily tariff is calculated by dividing the annual amount by 12 (number of months per year) and then by the number of calendar days for the specific month.
- (e) The acting allowance for MMS members (salary levels 11 and 12) who act in higher vacant SMS posts, is calculated as the difference in the acting MMS member's total remuneration package and the minimum total remuneration package attached to the relevant vacant SMS post. The calculation of the acting allowance in terms of the above provision shall also be applicable to employee appointed into Occupational Specific Dispensation (OSD).
- (f) Employees who are appointed out of adjustment and receive a notch in the next higher level post and act in such posts shall not qualify for acting allowance.
- (g) If the employee is appointed out of adjustment in the next higher level post and appointed to act two levels higher than their current permanent post they shall be eligible for acting allowance.

### **15.3 Calculation basis (SMS Members) excluding HoD**

- (a) The acting allowance for SMS members is calculated on the basis of the difference between the current total remuneration package of the member and the commencing remuneration package of the higher vacant post.
- (b) A member on an inclusive flexible remuneration package, including those employees on a personal remuneration package, which is higher than the commencing inclusive flexible remuneration package of the higher graded vacant post should receive the difference between her/his current package and the next higher remuneration package applicable to the vacant higher post, provided there is a difference.



- (c) If the payment of the acting allowance and the payment of the HoD's allowance to a member who acts in a designated HoD position commences after the 1st day or terminates before the last day of the month, the daily tariff is calculated by dividing the annual amount by 12 (number of months per year) and then by the number of calendar days for the specific month.
- (d) The HoD may approve an acting allowance, if an employee is appointed to act in the post during the absence of the SMS member. The 10% HoD's allowance is paid to an employee appointed by the MEC to act in the post of HoD.

#### **16 PAYMENT OF THE HoD's ALLOWANCE TO MEMBERS ACTING IN A DESIGNATED HoD POSITION**

- 16.1 Where an SMS member acts in a vacant designated HoD post the HoD's allowance is payable in addition to the acting allowance, calculated at 10% of the employee's current inclusive flexible remuneration package.
- 16.2 The HoD's allowance is payable with effect from the date the employee is appointed, to act in the vacant designated HoD's post. This must be captured in writing.
- 16.3 In cases of suspension of the HoD, the payment of the HoD's allowance must be terminated with effect from the date of suspension.

#### **17 ROLES AND RESPONSIBILITIES**

The delegated authority at all levels must:

- 17.1 Ensure that the appointment of an employee in an acting capacity is done in writing.
- 17.2 Consult the identified employee prior to the issue of the appointment letter, since it is the prerogative of the employee to either accept or decline the appointment.

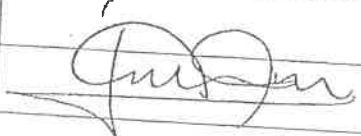
**.18 GENERAL CONDITIONS**

- 18.1 Appointment in an acting capacity is a management prerogative and not an employee's right.
- 18.2 An employee shall not be appointed to act in 2 positions simultaneously.
- 18.3 Acting appointments must be effected and undertaken in accordance with the approved delegations or circular (s) as issued by the HoD.
- 18.4 An employee on contract may be appointed to act in a vacant higher position, provided that she/he has been employed on contract for a period of 12 months or longer and is familiar with the functional responsibilities and work processes of the relevant organisational unit.
- 18.6 It is the prerogative of the delegated authority to terminate an acting appointment at any time. In such occasions, the delegated authority must provide reasons for termination in writing.

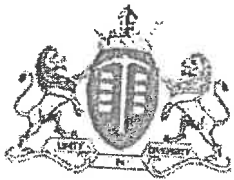
**19. SHORT TITLE**

This policy shall be called **GDE ACTING POLICY**

**20 APPROVAL**

Approved by GDE: (HOD)Print Name:	
Signature:	
Date of Approval	24/2/2020





THRS MEMO 3/2021

**ACTING APPOINTMENTS AND PAYMENT OF ACTING ALLOWANCE**

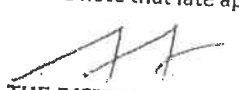
**ALL PRINCIPALS**

Acting appointments of CS Educators and payment of acting allowance, are governed by the Department's Acting Allowance Policy.

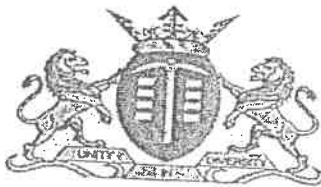
The following should be adhered to when submissions for acting allowance are made:

- The post must be *substantively vacant* e.g. the Principal post is vacant and the Deputy Principal is acting as Principal. In this case the Deputy Principal is eligible for acting allowance. Cascading is however not permissible for payment of acting allowance so if the Head of Department will act in the place of the Deputy Principal who is acting as Principal, only the Deputy Principal will be entitled to acting allowance as only the Principal post is substantively vacant.
- Acting allowance is only paid for periods of **6 weeks but shorter than 12 months**. Acting appointments may be made for longer than 12 months but only in extra-ordinary circumstances and special permission needs to be obtained. Acting allowance will only be paid after 6 weeks has lapsed and will be implemented retrospectively from date that acting commenced.
- The only exceptions to the post being substantively vacant are long periods of sick leave, maternity leave or secondments. Proof must be submitted. In these cases, acting allowance will only be paid for periods longer than 12 weeks.
- An educator may only act in a position which is **one post level higher** than his/her current position. If the prevailing situation necessitate otherwise e.g. the Principal post is vacant and the school has no Deputy Principals, special permission must be obtained e.g. for a Head of Department to act as Principal. The acting incumbent will however only receive an acting allowance equivalent to the difference between his current salary position and that of one post level higher.
- Acting positions should be rotated, where possible, to prevent expectations from being created.
- Acting appointments must be made from the beginning of a month/ school term until the end of a month/ school term. Rotations should be done accordingly. Acting appointments indicating periods falling within months will no longer be considered except in the case of sick leave and maternity leave.
- Acting appointments must be made in writing, accepted by the educator, recommended by the Cluster Leader and approved by the District Director. ***This must be done before acting commences.*** The acting appointment and the acting allowance application form (attached) must be submitted to the relevant HRP officials dealing with your school.

Please note that late applications for acting appointments and payment of acting allowance will no longer be accepted.

  
**THE DISTRICT DIRECTOR**  
**EKURHULENI NORTH**





**education**  
Department: Education  
GAUTENG PROVINCE

SURNAME AND INITIALS: \_\_\_\_\_

INSTITUTION: \_\_\_\_\_

APPOINTMENT AS ACTING \_\_\_\_\_

You are hereby appointed as acting \_\_\_\_\_ for the  
period \_\_\_\_\_ to \_\_\_\_\_. Please note  
that with this acting appointment, you accept all the responsibilities and duties  
attached to this position. A request for acting allowance for this period will  
also be submitted. Please note that the final approval of the acting appointment  
and the payment of the acting allowance resides with the District Director.

THE PRINCIPAL  
DATE: \_\_\_\_\_

SGB CHAIRPERSON  
DATE: \_\_\_\_\_

**ACCEPTANCE:**

I, \_\_\_\_\_, Persal number: \_\_\_\_\_ hereby  
accept the position of acting \_\_\_\_\_ for the  
period \_\_\_\_\_ to \_\_\_\_\_.

SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_

**APPROVAL BY DISTRICT OFFICE:**

Recommended:

Approved:

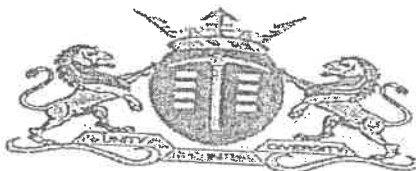
CLUSTER LEADER \_\_\_\_\_

DISTRICT DIRECTOR \_\_\_\_\_

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_





**education**  
Department: Education  
GAUTENG PROVINCE

**ANNEXURE A (GDE ACTING ALLOWANCE POLICY)**

**A. APPLICATION FOR PAYMENT OF ACTING ALLOWANCE TO CS-  
EDUCATORS AT INSTITUTIONS**

SURNAME AND INITIALS

PERSAL NUMBER

NAME OF INSTITUTION

COMPONENT NUMBER

917

STARTING DATE

FINISHING DATE

PREVIOUS ACTING PERIOD

\* If applicable

ACTING AS (RANK)

\*Delete if not applicable

Head of Department/ Deputy Principal/ Principal

REASON FOR ACTING

\*Delete if not applicable

- A vacant substantive post
- Present incumbent \_\_\_\_\_, Persal number: \_\_\_\_\_, is on sick leave/ maternity leave/ seconded to: \_\_\_\_\_. (Proof attached)

I accepted all the responsibilities and duties attached to the post for the duration of the acting period.  
(Approved acting letter and acceptance attached)

APPLICANT

DATE

**B. RECOMMENDATION:**

I hereby declare that the information provided is correct and the above-mentioned educator qualifies for an acting allowance in terms of the criteria as set out in the policy.

SUPERVISOR

DATE: \_\_\_\_\_

SGB CHAIRPERSON

DATE: \_\_\_\_\_

**C. APPROVAL BY DISTRICT OFFICE:**

APPROVED/ NOT APPROVED

DISTRICT DIRECTOR

DATE: \_\_\_\_\_



