



# **PRESENTATION ON PERFORMANCE MANAGEMENT SYSTEM FOR ICASA COUNCILLORS**

**23 AUGUST 2022**

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# LEGISLATIVE CONTEXT (ICASA Act)

## PMS development in consideration of the ICASA Act:

- *Section 6A(1)* requires Minister to establish PMS in consultation with the National Assembly (NA)
- Section 6A(2) further requires PMS to set out KPIs and targets as well as procedures to measure and review performance of ICASA Council at least once a year;
- *Section 6A(3)* as soon as practicable after the appointment of the Chairperson or any Councilor, a Performance Agreement must be concluded between the Chairperson other Councillors, the Council and the Minister;
- *Section 6A(4)* an evaluation of the performance must be conducted by a panel constituted by the Minister in consultation with the NA; and
- *Section 6A(5)* requires the panel to submit a report to the NA for consideration



# PURPOSE OF PMS



## **Fundamental Purpose of PMS:**

- Ensure performance of ICASA Council is monitored and evaluated in accordance with set goals and targets contained in the Strategic Plan/s and APP/s;
- Integrate individual performance of Councillors with organisational performance

## **Other interrelated purposes:**

- Determine corrective measures to improve poor performance and rewards for good performance
- Payment of (financial) incentives, subject to availability of budget
- Retention of Councillors, to the extent permitted by section 7(1) to (5) of the Act
- Succession planning
- NA may utilize assessments reports to determine eligibility or non-eligibility for re-appointments, s

# PERFORMANCE CONTRACTS





## Signing of Performance Agreements:

- The Chairperson and other Councillors required to each enter into Performance Agreement with the Minister within 3 months of appointment and thereafter 2 months of the beginning of each FY;
- Failure to comply, the Chairperson and/or other Councillors must table a written explanation to the Speaker of the NA within 30 days after the submission deadline, setting out reasons for non-compliance;
- If reasons / explanation are not satisfactory, the Speaker of the NA may invoke provisions of section 8(1)(g) of the Act



## Development of KPI's and Targets in Performance Agreements:

- KPI's and targets must be in accordance with Annual Work-Plan developed by Chairperson and Councillors and approved by Minister; and
- KPI's and targets must be consistent with key targets contained in the approved Strategic Plan/s and APP/s of ICASA.



# **EVALUATION PANEL**

## **(In line with section 6A(4) of ICASA Act)**



## As contemplated in section 6A(4) of ICASA Act:

- Evaluation of performance of Councilors shall be conducted by external independent experts (Evaluation Panel);
- Evaluation Panel to be appointed by Minister in consultation with NA, through a public nomination process and/or transparent headhunting process;
- Evaluation Panel will conduct bi-annual and annual performance reviews by no later than 30 November each year, after tabling of Annual Reports;
- Upon completion of evaluation, the panel will produce reports for submission to the NA



# FUNCTIONS OF EVALUATION PANEL



- Develop an evaluation methodology that shall be applied in reviewing the performance of Councillors individually and collectively
- evaluate performance based on the documentation submitted to it by the Minister, and/or oral submissions made by the Chairperson and other Councillors on request
- compile a report and make recommendations to the National Assembly on the performance of the Chairperson, the individual Councillors and the Council of ICASA
- submit a report on the outcomes of the evaluation meeting to the National Assembly within 14 days after evaluation

# CONSTITUTION OF THE PANEL





- **The Evaluation Panel will be constituted by three (3) members:**
  - One expert from any of the accounting and auditing organisations;
  - One representative from the organised consumer groups (civil society) or academia; and
  - A legal expert, preferably with extensive skills on labour related matters
- **The Evaluation Panel will be appointed for a non-renewable period of 3 years**
- **The Minister shall designate one member of the panel as the Chairperson**

# EVALUATION PROCESS

## The process of evaluation shall entail:

- First step will entail a self-assessment exercise undertaken by individual Councillors;
  - ***Governance Committee of ICASA must ensure that a process exists for the Council, Committees and also for each Councillor to perform a self-assessment***
- Chairperson must ensure performance review reports of the individual Councillors and the Council submitted to Minister
  - ***Minister will submit the self-assessment reports to the Evaluation Panel within 14 days of receipt***
- Evaluation Panel will conduct the performance assessment of the Councillors and produce review reports **within 20 days of receipt;**
- During the performance review sessions, Councillors may be required to provide oral submissions to the panel

# PERFORMANCE MANAGEMENT PROCESS



- Cycle of performance management of Chairperson and Councillors linked to one FY;
- Evaluation Panel shall use methodology referred to in slide 13 when reviewing performance of Chairperson and Councillors;
- Evaluation Panel shall submit a report to the Minister for submission to the NA for consideration within 14 days of receipt;
- The decision of the National Assembly on the panel review reports shall be communicated by the Minister to the Chairperson and other Councillors;
- Outcome of the performance reviews shall be communicated to the Committee responsible for the Determination of Remuneration of Independent Constitutional Institutions for the consideration of any remuneration incentives.

# DISPUTE-RESOLUTION





- If the Councillor is dissatisfied with the decision of the NA/Minister/Evaluation Panel, she/he may request a review by the NA in writing

# VALIDITY OF THE PMS SYSTEM



- PMS system is valid for a period of three (3) years
- Shall be review in consultation with the NA, Chairperson and other Councillors of ICASA

