

EMNAMBITHI/LADYSMITH MUNICIPALITY



PERFORMANCE MANAGEMENT POLICY FRAMEWORK

DRAFT

2012/2013

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INTRODUCTION

1. Section 152 (1) of the Constitution of the Republic of South Africa, refers to the objectives of local government, which are:
 - a) To provide democratic and accountable government of local communities;
 - b) To ensure the provision of services to communities in a sustainable manner;
 - c) To promote a safe and healthy environment; and
 - d) To encourage the involvement of communities and community organisation in the matters of local government.
2. Section 151 (1) of the Constitution of the Republic of South Africa, Act 108 of 1996, defines the category of municipalities that can be established. A category C (district) municipality is a municipality that has municipal executive and legislative authority in an area that includes more than one municipality. A category B (local) municipality is a municipality that shares municipal executive and legislative authority in its area with a Category C (district) municipality within those areas it falls. The constitution therefore provides for joint responsibility between Category C (district) municipality and the Category B (local) municipalities within its area of jurisdiction to ensure service delivery to the communities within their respective service areas.
3. In terms of Section 10 of the Municipal Structures Act, as amended, there are following types of Category C (district) municipalities.
 - a) A municipality with a collective executive system
 - b) A municipality with a mayoral executive system; and
 - c) A municipality with a plenary executive system.

Emnambithi/Ladysmith municipality is a Category B (local) municipality with a collective Executive System.

4. Section 156 of the Constitution of the Republic of South Africa, Act 108 of 1996, deals with the powers and functions of municipalities. Section 156 (1) indicates that a municipality (whether district or local) has execute authority in respect of, and has a right to administer–
 - a) The local government matters listed in Part B of schedule 4 and Part B schedule 5 of the Constitution; and
 - b) Any other matter assigned to it by national or provincial legislation.
5. The powers and functions allocated to local municipalities are recorded in Section 84 (1) of the Municipal Structures Act, Act 117 of 1998, as amended. The Municipal Structures Act, Act 33 of 2000, in addition to expanding the definition of powers and functions of the district municipalities, also introduced the concept of national functions–potable water, waste, electricity and municipal health services. Section 6 (b) of the Local Government determines, after consultation with the MEC for Local Government in the province, the allocation of responsibility for the performance of these functions between the district and local municipalities within the area of its jurisdiction. The MEC for Local Government in each of the provinces determines the allocation of responsibilities for the remaining functions of the district municipality listed in Section 84(1) of the Municipal Structures Act, Act 117 of 1998, as amended. However, in terms of Section 85 (2) of the Municipal Structures Act, as amended, an MEC may allocate a function or power only if–
 - a) The municipality in which the power or function is vested lacks the capacity to perform that function or exercise that power; and
 - b) The MEC has consulted the Municipal Demarcation Board and considered its assessment of the capacity of the municipality.
6. With the exception of the district municipal functions listed as Section 84 (1)(o) and Section 84 (1)(p), all the functions listed in Section 84 (1) of the Municipal Structures Act, Act no 117 of 1998, as amended, have corresponding functions listed in either Schedule 4 Part B or Schedule 5 Part B of the Constitution. The effect of its provision is that these powers and functions are split between

the local municipality and district municipality of which it forms a part. The minister of Provincial and Local Government and the MEC for local government in each province, can therefore, authorise a local municipality to perform its function as indicated in the Constitution or authorise a district municipality to the full function within the service area of a local municipality in its area of jurisdiction, including the local municipality component derived from Schedule 4 Part B and Schedule 5 Part B of the Constitution.

BACKGROUND

7. The Constitution of the Republic of South Africa, Act 108 of 1996, introduced the concept of developmental local government to the third tier of government in South Africa. Section 153(a) of the Constitution stipulates that a municipality must structure and manage its administration and budgeting and planning processes to give priority to the basic needs of the community and to promote the social and economic development of the community. The developmental local government approach requires that plans are not only made by municipalities but that they are implemented and the municipality actually achieves what it planned for. Planning is merely an enabling process, the efficiency and effectiveness of which is by the performance management system.
8. Section 26 of the Municipal Systems Act, Act 32 of 2000, as amended, outlines the core components of an integrated plan, the principal planning document within any municipality. It stipulates that an integrated development plan must reflect–
 - a) The municipal council's vision for the long term development of the municipality with special emphasis on the municipality's most critical development and internal transformation needs;
 - b) An assessment of the existing level of development in the municipality, which must include an identification of communities which do not have access to basic municipal services;
 - c) The council's development priorities and objectives for its elected term, including its local economic development aims its internal transformation needs;
 - d) The council's development strategies which must be aligned with any national or provincial sectoral plans and planning requirements binding on the municipality in terms of legislation;
 - e) A spatial development framework which must include the provision of basic guidelines for a land use management system for the municipality;
 - f) The council's operation strategies;
 - g) Applicable disaster management plans;
 - h) A financial plan, which must include a budget projection for at least the next three year; and
 - i) The key performance indicators and performance targets determined in terms of section 41 of the Municipal Systems Act.
9. In terms of Section 35 (1)(a) of the Municipal Systems Act, Act 32 of 2000, as amended, an integrated development plan adopted by the council of a municipality is the principal strategic planning instrument which guides and informs all planning and development, and all decisions with regard to planning and management and development in the municipality. Section 36 of the Municipality Systems Act requires that a municipality must give effect to its integrated development plan and conduct its affairs in a manner which is consistent with its integrated development plan.
10. Section 38 of the Municipal Systems Act, Act 32 of 2000, as amended, stipulates that the municipality must–
 - a) Establish a performance management systems that is–
 - i. Commensurate with its resources;
 - ii. Best suited to its circumstances; and
 - iii. In line with the priorities, objectives, indicators and targets contained in its integrated development plan;
 - b) Promote a culture of performance management amongst its political structures, political office bearers and councillors and in its administration; and
 - c) Administer its affairs in an economical, effective, efficient and accountable manner.

11. In terms of Section 39 of the Municipal Systems Act, Act 32 of 2000, as amended, the executive committee (in the case of Emnambithi/Ladysmith Municipality) must-
 - a) Manage the development of the municipality's performance management systems;
 - b) Assign responsibilities in this regard to the municipal manager; and
 - c) Submit the proposed system to the municipal council for adoption.
12. Section 40 of the Municipal Systems Act, Act 32 of 2000, as amended requires that a municipality must establish mechanisms to monitor and review its performance management system.

LEGISLATIVE FRAMEWORK

13. This performance management policy has been developed in accordance with the prescriptions of recently promulgated local government legislation, regulations and other guidelines, especially; the following relevant to the development of this performance management policy-
 - a) The Constitution of the Republic of South Africa, Act 108 of 1996
 - b) The White Paper on Local Government, Published in 1998
 - c) The Municipal Structures Act, Act 117 of 1998, as amended
 - d) The Municipal Systems Act, Act 32 of 2000, as amended
 - e) The Municipal Structures Amendment Act, Act 33 of 2000
 - f) The Municipal Planning and Performance Regulation, Gazetted in August 2001
 - g) Municipal Finance Management Act, Act 56 of 2003
14. The concept of performance management for the third tier of government was first raised in the white paper on Local Government. The concept document indicated that "there is a need for a national management system to assess the overall state of local government, monitor the effective of development strategies adopted from different municipalities and ensure that scarce resources are used efficiency". Further "to provide an early warning where municipalities are experiencing difficulties and enable other spheres of government to provide appropriate support before a crisis develops". It would also enable municipalities to compare their own performance with that of similar municipalities across South Africa, identify successful approaches or 'best practices', and learn from one another.

DEFINITIONS

15. Performance Management is a strategic approach to management that equips leaders, managers, workers and stakeholders at different levels with a set of tools and techniques to regularly plan, continuously monitor, periodically measure and review the performance of the organisation in terms of indicators and targets for efficiency, effectiveness and impact.

Performance Indicators are measures that independently reflect whether progress is being made in the achievement of goals. They describe the performance dimensions considered key in the measurement of performance.

Performance Measurement involves determining the extent, to which objectives are being achieved through developing performance indicators and linking them to performance targets and related standards. The review of performance is undertaken on a specific and regular basis. Performance measurement is usually, but not exclusively, quantitative in nature.

Baseline Indicators are indicators that measure conditions before a project or programme is implemented.

Input Indicator refers to an indicator that measures the cost, resources and time used to produce an output.

Output Indicator refers to an indicator, that measures the result of the activities, processes and strategies of a programme of the municipality. Outcome Indicator refers to an indicator that measures the quality and/or impact of an output in achieving a particular objective.

OVERVIEW OF PERFORMANCE MANAGEMENT

16. The overall purpose of developing a performance management policy for the Emnambithi/Ladysmith Municipality is to measure the extent of the implementation of the District Municipality's integrated development plan is a contract entered into by the Emnambithi/Ladysmith Municipality and other stakeholders within its area of jurisdiction in terms of which priorities and objectives are established, through a process of consultation, to be addressed in the ensuing five year period
17. The policy prescriptions contained in this document provide a guideline-
 - a) for a uniform approach to performance management throughout the Emnambithi/Ladysmith Municipality and
 - b) to define the roles of the different participants in the performance management system
18. The performance dimensions to which the Emnambithi/Ladysmith Municipality will give attention are-
 - **Service Delivery** – the Emnambithi/Ladysmith Municipality focused on the needs of the communities it serves and it plans to enhance and extend the delivery of services to all communities within its area of jurisdiction
 - **Municipal Financial Management** – the Emnambithi/Ladysmith Municipality will ensure financial sustainability of its operation and the implementation of effective financial management procedures and processes
 - **Development Impact**– the Emnambithi/Ladysmith Municipality will engage in the programmes to promote local economic development and poverty alleviation among its constituent communities
 - **Democratic Governance** – the Emnambithi/Ladysmith Municipality will ensure the existence implementation of mechanisms to regulate the relationship of political office bearers, municipal officials and the community, including mechanisms, processes and procedures for community participation in the affairs of the local municipality.

This methodology has been described as the balanced scorecard approach to performance management.

19. The performance management system is linked to the operational budget of Emnambithi/Ladysmith Municipality through the determination of performance targets. If the performance targets relates to the incurring of expenditure, higher targets will involve more costs while lower targets will involve fewer costs. If the performance targets relate to the general of revenue, higher targets will result in more benefit accruing while lower targets will have lower returns. The operating budget process within the Emnambithi/Ladysmith Municipality is separate from the integrated development plan and the performance management system but linked to it. Budget priorities set by Emnambithi/Ladysmith Municipality will be integrated development plan priorities; the areas that the performance management system is designed to monitor and measure. Section 21(1) (a) of the Municipal Finance Management Act, Act 56 of 2003, stipulate that the mayor of a municipal must co-ordinate the processes for preparing the annual budget and for reviewing the municipality's integrated plan and budget –related policies to ensure that the tabled budget and any revisions of the integrated development plan and budget policies are mutually consistent and credible.
20. The Municipal Systems Act, Act 32 of 2000, as amended, contains almost identical provisions for the participation of communities in the processes of developing (and the annual revision) the integrated development plan and the performance management system. Section 29(1) (b)(ii) of the Municipal

Systems Act, as amended, refers to the participation of communities in the development of an integrated of an integrated development plan and Section 24 of the Act ,as amended, to community participation in the development of the performance management system. The mechanism used to structure participation in these two instances must not be different as this could lead to confusion. The Municipal Planning and Performance Regulations, published by the Minister of Provincial and Local Government in August 2001, suggest that a municipality wide forum structured to facilitate participation on the integrated development plan and the performance management system and Emnambithi/Ladysmith Municipality conforms to this suggested approach. As a sequence the community forum established during the development (and the annual revision) of the integrated development plan will be utilised to facilitate the community participation for the performance management purposes.

ELEMENTS AND FACETS OF PERFORMANCE

21. Performance and capacity are interrelated concept. Institutional performance arises from the use of capacity. Assessing performance, therefore, identifies areas where capacity needs to be developed. Emnambithi/Ladysmith Municipality will ensure that, where shortcomings in its institutional or human resource capacity are identified, these shortcomings will be addressed. Specifically, Emnambithi/Ladysmith Municipality will ensure that–
 - a) Its systems, structures and work processes are suitable for increased performance
 - b) Its official and political office bearers have the skills and expertise required to undertake their respective responsibilities effectively ; and
 - c) Programmes are designed and implemented to promote the development of capacity.
22. Performance focuses on the improvement of service delivery. In order to promote increased effectiveness in this regard, Emnambithi/Ladysmith Municipality will seek to–
 - a) improve the quality and coverage (proportion of the community that benefit from or receive a service) of all services
 - b) continuously update its information about the nature and the extent of the need for services and the improvement in services
 - c) gather information about the impact (the change of status that can be attributed to a particular intervention) of services on the lives of the community; and
 - d) set clear, transparent and measurable objectives against which the performance of the Emnambithi/Ladysmith Municipality and that of service providers who act on behalf of the Emnambithi/Ladysmith the satisfaction of communities can be measured.
23. Performance focuses on the efficiency of rendering services – the extent to which the municipality produces an output of the desired quality in the desire quantity with the least possible resources. It relates to the quantum of human, financial and other resources. Consumed and; where applicable, the time taken to deliver each service, project and programme at specified quality and in the specified quantity. In order to improve efficiency, will ensure that–
 - a) The integrated plan includes clear objectives that must be achieved;
 - b) all role players within the municipality know what those objectives are;
 - c) standard to measure the achievement of objectives and the use of resource exist;
 - d) continuous action to improve efficiency are undertaken; and

- e) role players within Emnambithi/Ladysmith Municipality are committed and have the skills (or the potential to develop the skills) and other attributes necessary for continuous improvement.

24. The performance of the Emnambithi/Ladysmith Municipality as a whole will improve if the performance of an individual person either employed within; or involved with the municipality improves. This performance management policy provides for mechanism to reward superior performance and processes and procedures to address performance that is below the required standard. The performance management system at Emnambithi/Ladysmith Municipality is designed to operate in the context of performance by contract rather than performance by command.

PROCEDURE AND PRACTICE OF PERFORMANCE MANAGEMENT

25. The Municipal Planning and Performance Regulations, published in August 2001, indicate that a municipality's performance management system must have a framework that describes how the municipality's cycle and processes of performance planning, monitoring, measurement, review, reporting and improvement will be conducted, organised and managed, reflecting the diverse roles of the different role players.

26. Section 7(2) of the Municipal Planning and Performance Regulations stipulates that, in developing a performance management system, a municipality must ensure that the system-

- a) complies with all the requirements set out in the Municipal Systems Act, Act 32 of 2000, as amended;
- b) demonstrates how it is to operate and be managed from the planning stage to the stages of performance review and reporting;
- c) clarifies the role and responsibilities of each role player, including the community, in the functioning of the system
- d) clarifies the processes of implementing the system within the prescripts of the integrated development planning processes;
- e) determines the frequency of reporting and the lines of accountability for performance
- f) relates to the municipality's employee performance management processes;
- g) provides for the procedure by which the performance management system is linked to the municipality's integrated development planning and budgeting processes; and
- h) proposed mechanisms, procedures and processes for monitoring, measurement and review of the key performance indicators.

27. Emnambithi/Ladysmith Municipality undertakes to develop a performance management framework that complies with the requirements prescribed by the Municipal Planning and Performance Regulations for the implementation of performance management within its operation. This performance management framework will be formally adopted by the full Council of the Municipality.

28. In terms of Section 41(1) (a) of the Municipal Systems Act, Act 32 of 2000, as amended, a municipality must set appropriate key performance indicators as a yardstick for measuring performance, including outcomes and impact, with regard to the municipality's development priorities and objectives set out in its integrated development plan. The Municipality's key performance indicators will include the general indicators as published by the Minister of Provincial and Local Government from time to time, where appropriate.

29. Emnambithi/Ladysmith Municipality will set measurable performance targets with regard to each development priority and objective contained in the integrated development plan (as annually reviewed), after consultation with the community structures. This is in line with the prescription contained in Section 41(1) (b) of the Municipal Systems Act, Act 32 of 2000, as amended.
30. Emnambithi/Ladysmith Municipality will continuously monitor its performance in all key performance areas and in respect of all the performance dimensions for which key performance indicators and performance targets have been set.
31. Performance will be measured against the general and locally determined key performance indicators. This will include the measurement of costs, resources and time used to produce outputs in accordance with the output indicators, the extent to which Emnambithi/Ladysmith Municipality's activities or processes produced outputs in accordance with the output indicators and the total improvement brought about by inputs in accordance with the outcome indicators.
32. The integrated development sets out what Emnambithi/Ladysmith Municipality will intend to achieve every year during the term of office of the elected Council. In essence it contains a promise to deliver by Emnambithi/Ladysmith Municipality to the community it serves. The performance management system must determine whether this promise has been kept, more accurately, the extent to which the promise has been kept. The performance must clearly identify any underperformance that has been established, steps to improve performance with regard to those development priorities and objectives where performance targets have not been met must be taken.
33. The performance of Emnambithi/Ladysmith Municipality will only improve if all its officials contribute effectively to its operation. Therefore, an important component of the performance management system of the Local Municipality is an employee appraisal system. The Emnambithi/Ladysmith Municipality will ensure that the employee appraisal system is developed in such a way that-
 - a) Employees know exactly what is expected of them within their field of responsibility
 - b) employees are involved in the setting of their own performance objective
 - c) superior performance is consistently recognised and rewarded;
 - d) where below standard performance has occurred, the employee appraisal system must assist in determining the reasons for such below standard performance; and
 - e) Emnambithi/Ladysmith Municipality will give reasonable opportunity to employee rendering below standard performance to improve such performance to an accepted level
34. Emnambithi/Ladysmith Municipality recognises the need for the existence and development of core competencies for it to be able to successfully perform the powers and functions allocated to it and to meet the expectations contained in the integrated development plan. In order to ensure a measure of balance the Emnambithi/Ladysmith Municipality in its performance measurement process will allocate 80% to the achievement of performance objectives and 20% to the development of core competencies.
35. Emnambithi/Ladysmith Municipality recognises that core competencies need to be developed and, as part of the performance measurement processes, competency gaps for individuals are to be identified and skills development plans compiled to address these gaps.
36. The institutional arrangements for the performance management framework at Emnambithi/Ladysmith Municipality is set out hereunder:
 - i. The council of Emnambithi/Ladysmith Municipality will receive performance reports from Executive Committee at least twice a year.

- ii. the Municipal Manager is responsible for ensuring that the senior management of Emnambithi/Ladysmith Municipality gather relevant information throughout each reporting period and submit progress report on a quarterly basis;
- iii. the Municipal Manager and the senior management team must ensure that each performance targets; the progress toward which is measured by the key performance indicators for their priority or objectives involved. This requires proper work planning and scheduling, the appropriate resourcing of activities and effective supervision. The senior management are required to identify likely occurrence of below standard performance and take corrective action where necessary to ensure that performance targets are met;
- iv. section 14 of the Municipal Planning and Performance Regulations outlines the role of internal audit in the monitoring of the performance management within a municipality. The internal auditing function at Emnambithi/Ladysmith Municipality must assess-
 - the accuracy of performance reports;
 - the functionality of the performance management system;
 - whether the performance management system complies with the requirements of the Municipal Systems Act, Act 32 of 2000, as amended and other applicable legislation;
 - the reliability of the performance measurement of the municipality; and
 - submit quarterly reports on its findings to the Municipal Manager and the Performance Audit Committee.

The Municipal Planning and Performance Regulations, published in August 2001, outline the role and composition of the Performance Audit Committee. The Performance Audit Committee must-

- Review the quarterly reports submitted to it;
 - Review the performance management system focusing on economy, efficiency, effectiveness and impact in so far as the key performance indicators and performance targets set by Emnambithi/Ladysmith Municipality are concerned and make recommendations in this regard to the council of the municipality through the executive committee; and
 - At least twice in a financial year submit an audit report to the Council through the Executive Committee.
- v. The municipal Manager must compile an annual performance management report for submission to the Council through the Executive Committee. Access to this annual report must be provided to the community structures, the MEC for local government in the KwaZulu-Natal, the Auditor General and the Minister for Provincial and Local Government.

The annual performance report forms part of the financial reporting and auditing prescriptions outlined in Section 121 (3) of the Municipal Finance Management Act, Act 56 of 2003. It must therefore be completed prior to 31 August each year, within two months of the conclusion of the financial year on which the report is focused.

- 37. In terms of Section 57(1) of the Municipal Systems Act, Act 32 of 2000, as amended, a person to be appointed as the Municipal Manager of a municipality, and a person to be appointed as a manager directly accountable to the municipal manager, may be appointed to that position only-

- a) in terms of a written employment contract with the municipality; and
 - b) subject to a separate performance agreement concluded annually.
38. Section 57(2) of the Municipal Systems Act, Act 32 of 2000, as amended, requires that the performance agreement referred to in Section 57(1)(b) of the Act must-
- a) be concluded within a reasonable time after a person has been appointed as the Municipal Manager or as manager directly accountable to the Municipal Manager and, thereafter, within one month after the beginning of the financial year of the municipality;
 - b) in the case of the Municipal Manager, be entered into with the municipality as represented by the Mayor; and
 - c) in the case of the manager directly accountable to the Municipal Manager, be entered into with the Municipal Manager.
39. Performance Agreements in terms of Section 57 of the Municipal Systems Act, Act 32 of 2000, as amended, will be concluded with the Municipal Manager and the Head of Departments (Section 57 Managers) of Emnambithi/Ladysmith Municipality only in the first financial year of implementation of the performance management system. Thereafter, the concluding of annual performance agreements, one on one between the manager and the subordinate will be cascaded down throughout the municipality structure to the lowest level. In this regard it is noted that the responsibility for achieving the key performance indicators and performance targets annually will also be cascaded down throughout the structure of Emnambithi/Ladysmith Municipality.
40. It is the express policy of Emnambithi/Ladysmith Municipality that-
- a) superior performance is recognised and rewarded appropriately; and
 - b) performance that is below the expected standard is corrected effectively.
41. The process of performance management is outlined in the performance management framework developed and adopted by Emnambithi/Ladysmith Municipality. Superior/ adequate/ below standard performance can only be determined by the measurement process developed as part of the performance management system.
42. Where an employee is on a performance based fixed contract of employment in terms of Section 57 of the Municipal Systems Act, Act 32 of 2000, as amended, the rewarding of superior performance will be in financial nature. This reward consists of the payment of an annual performance bonus.
43. A performance bonus ranging from 5% to 14% of the all-inclusive remuneration package may be paid to an employee in recognition of outstanding performance. In determining the performance bonus the relevant percentage is based on the overall rating, calculated by using the applicable assessment rating calculator; provided that-
- a) A score of 130% to 149% is awarded performance bonus ranging from 5% to 9%;
 - b) A score of 150% and above is awarded a performance bonus ranging from 10% to 14%

The assessment range for the measurement of performance score in terms of the assessment rating calculator is recommended to simplify the range gaps as outlined below for the financial year 2012/2013.

Assessment Score	130% - 139%	140% - 149%	150% - 153%	154% - 157%	158% - 161%	162% - 165%	166% - 167%
Recommended Bonuses	08%	09%	10%	11%	12%	13%	14%

44. For the purpose of evaluating the performance of the municipal manager, an Performance Evaluation Panel constituted of the following persons:

- i) Executive Mayor/Mayor of Emnambithi/Ladysmith Municipality;
- ii) Chairperson of the Performance Audit Committee or Chairperson of the Audit Committee in the absence of the Performance Audit Committee;
- iii) One of the two appointed Executive Committee Members/Mayoral Committee Member;
- iv) Mayor from other municipality; and
- v) Member of a ward committee as nominated by the Executive Mayor/Mayor.

For purposes of evaluating the annual performance of managers directly reporting to the Municipal Managers, an evaluation panel constituted of the following persons:

- i) Municipal Manager of Emnambithi/Ladysmith Municipality;
- ii) Chairperson of the Performance Audit Committee or Chairperson of the Audit Committee in the absence of the Performance Audit Committee.
- iii) One of the two appointed Executive Committee Members/Mayoral Committee Member; and
- iv) Municipal Manager from other municipality

45. Budgetary provision must be made in the operational budget of Emnambithi/Ladysmith Municipality on annual basis for the payment of performance bonuses to Section 57 Managers as indicated above.

46. For all officials other than the Section 57 Managers who are permanent staff members of Emnambithi/Ladysmith Municipality, performance is not directly linked to a financial reward. In addition, there is no merit increase system for these officials who receive an annually bargained increase determined by the South African Local Government Bargaining Council. Officials whose remuneration is subject to the Bargaining Council, recognised as having rendered superior performance, are to receive a non financial reward.

47. Emnambithi/Ladysmith Municipality acknowledges that not all of its officials will render either adequate or superior performance all of the time. When an official scores less than the required performance score line during any performance review or annual appraisal of performance, he/ she must be counselled with regard to the level of work performance rendered. The reasons for the below standard performance need to be established an agreement reached on the steps to be taken to improve his/ her performance. If an official has scored less than the required score line for three consecutive reviews, a formal enquiry into his/her performance must be held.

48. Whether an official disagrees with the performance score determined during any performance review, an appeal against the performance determination may be made. In the case of the Municipal Manager, such an appeal is made to the MEC for local government in the province within thirty (30) days of receipt of a formal dispute form the employee, or any other person designated by the MEC and in the case of managers directly accountable to the municipal manager, a member of the municipal council, provided that such member was not part of the evaluation panel provided for in sub-regulation 27 (4)(e), within thirty (30) days of receipt of a formal dispute from the employee; whose decision shall be final and binding on both parties. For all other officials within Emnambithi/Ladysmith Municipality, appeals are directed to the Municipal Manager; if no resolution can be reached, the matter is referred to the Mayor for final decision.

GENERAL

49. The contents of the performance agreement must be made available to the public by the employer in accordance with the Municipal Finance Management Act, 2003 and Section 46 of the Act.
50. Nothing in this agreement diminishes the obligations, duties or accountabilities of the employee in terms of his or her employment contract, or the effects of existing or new regulations, circular, policies, directives or other instruments.
51. The performance assessment results of the municipal manager must be submitted to the MEC responsible for local government in the relevant province as well as the national minister responsible for local government, within fourteen (14) days after the conclusion of the assessment.

CONCLUSION

The policy framework for performance management supplies the necessary guidelines and direction for the development, implementation and management of performance within the Emnambithi/Ladysmith Municipality.