



Background on National Youth Development Agency Board Selection

30 June 2020

1. Introduction

The Portfolio Committee on Women, Youth and Persons with Disabilities and the Select Committee on Health and Social Services will embark on a recruitment and selection process with an aim to appoint Members of the Board of the National Youth Development Agency. This brief has been drafted to aid Members with the selection and recruitment process.

The Board is established in terms of the National Youth Development Agency Act (54 of 2008) and consists of seven members. Members hold office for a period of three (3) years. Its functions are encapsulated by the Act, which are to manage the affairs of the National Youth Development Agency and exercise control over its powers and execution of its function. The President will, on recommendation by Parliament, appoint members to serve on the National Youth Development Agency.¹

2. NYDA Board: Composition, appointment and conditions of service

It is imperative that during the shortlisting and interview process, Members should consider the conditions of service of the Board as outlined in the National Youth Development Agency Act.² Having considered the mandate of the Board holistically it is necessary that the composition of the NYDA Board is dissected and more importantly consider the skills and competencies to operationalize the functions of the institution.

Section 9 of the Act which is critical for this selection process deals with composition, appointment and conditions of service of the Board. According to the prescripts of the NYDA Act the Board consists of seven members, two (2) of whom are executive directors and the Chief Executive Officer, who is an ex-officio member of the Board without voting rights.³ The members of the Board must be appointed by the President on the recommendation of Parliament. In addition to the composition of the Board the Act entails the process of recruitment. It provides that members must be appointed in a manner ensuring—

- (a) participation by youth in the nomination process;
- (b) transparency and openness; and
- (c) that a short-list of candidates for appointment is published.⁴

Furthermore, the members must reflect the demographics and geographical spread of the Republic. In particular, this section is intended to manifest the multiracialism espoused by the Constitution. The President must designate one of the members as the chairperson and

¹ S 9(2).

² S 8.

³ S 9(1)(a)-(b).

⁴ S 9(3)(a)-(c).

another member as a deputy chairperson and both are executive directors referred in subsection (1).⁵ Members who are not executive directors serve on a part-time basis. The Act is very clear in section 9(1)(a) that the Board comprise of only two executive directors, which is the chair and deputy chairperson. This position is further accentuated by the Act that The deputy chairperson must, when the chairperson is absent or unable to perform his or her duties, act in his or her stead and when so acting, perform any function of the chairperson.⁶

Members hold office for a period of three (3) years. Procedurally, in terms of the Act the President must publish the appointment of a member in the *Government Gazette*.⁷ The Act further envisaged a situation where a member could resign or be removed from office. Therefore, a member appointed to fill a vacancy holds office for the unexpired portion of the term of the member he or she replaces.⁸ Section 9(10) provides “the conditions of service of members are determined by the President in consultation with the Minister of Finance.”⁹ Members who are employed by an organ of state are not entitled to remuneration, or any allowance, but must be reimbursed for out-of-pocket expenses by the Board. To avoid an issue of a member serving in several Boards and claiming from government and organs of state are prohibited from claiming remuneration.

Roles and Responsibilities of the Board¹⁰

According to the Charter of the NYDA Board of Directors, the Board is accountable and responsible for the affairs of the Agency. To this end, the Board shall:

- a) Retain full and effective control of the Agency;
- b) Be responsible for implementing the " Objects of the Agency" and "Principles of Youth Development" as defined in the Act;
- c) Fulfil the Agency's responsibility in terms of 'Reporting by Agency" as defined by the Act;
- d) Appoint the Chief Executive Officer;
- e) Determine the Agency's values;
- f) Determine the strategy to achieve its purpose;
- g) Approve, on an annual basis, the Business Plan, Budgets and Reporting Framework of NYDA
- h) Exercise leadership, enterprise, integrity and judgement in directing the Agency so as to achieve sustainability for the Agency;
- i) Monitor and evaluate the implementation of Strategies, Policies and Management performance criteria and business plans;

⁵ S 9(5)(a).

⁶ S 9(7).

⁷ S9(8).

⁸ S9(9).

⁹ S9(11).

¹⁰ National Youth Development Agency (2019). The Charter of NYDA Board of Directors.

- j) Identify key risk areas and key performance indicators of the Agency in order for it to achieve its objectives in a sustainable manner so as to enhance stakeholder value;
 - i. Regularly review processes and procedures to ensure effectiveness of internal systems of control and accept responsibility for the total process of risk management;
 - ii. Identify and monitor relevant Non-Financial matters;
- k) Ensure that the Agency complies with all relevant laws, regulations and leading practices;
- l) Ensure that technology and systems are adequate to run NYDA properly and for it to provide world class products and services through efficient use of its assets, processes and human resources;
- m) Creation, enforcement, monitoring and auditing of development and progress of an organisational culture, structures and process that seek to support the development of people and the optimisation of their potential;
- n) Address and correct any inequalities in staff profiles and organisational practices;
- o) Establish procedure for induction programme for incoming Directors;
 - i Regularly assess Board performance and effectiveness as a whole, and that of individual directors, including that of the Chief Executive Officer;
 - ii Ensure that the Agency has developed a succession plan for the Executive Directors and Senior Management;
 - iii Ensure that the Agency communicates with Shareholders and relevant

3. Board Committees

The Board is authorised to form Board Committees in the execution of its duties, powers and authorities, but at all times remains accountable to the Shareholder. The following are Board committees:

- Audit Committee
- Human Resource and Remuneration Committee
- Investment Committee
- Executive Management Committee
- Social & Ethics Committee
- ICT Steering Committee

Board Committees must be constituted having the skills, expertise and experience of Members with reference to the respective Committees' mandates. Where appropriate or necessary, independent external professionals with relevant skills and expertise may be

appointed to assist or bolster the Committees where there is a shortage of such skills or expertise. Co-opted professionals shall form part of additional members to the Committee, shall form part of the quorum for meetings and shall have voting rights.

During the recruitment process, Member of the Joint Committee should consider the following criteria with the board committees in mind. Section 5(1) of the Act crisply captures the critical skills need to achieve or take forward the objects of the Agency. What is of fundamental importance is that the Committees recruit candidates with the necessary skills and experience thereof. However, candidates should not be prejudiced by lack of experience if he or she has other skills. Experience is one of the factors, but not a deciding factor. The skills might be indirectly implied by the Act which leads to the issue of formal qualification. Added to the skills will be the experience to operationalize the Agency. Another critical factor in the recruitment is stated in section 3(1)(i) is the need to promote the interest of the youth especially those with disabilities.

4. Board candidate criteria

The Committee should consider the following criteria for the NYDA board candidates.

Essential Criteria (S3 of the NYDA Act)

- Proven experience contributing to the leadership and strategic direction of a complex organisation.
- Personal credibility and integrity to command the confidence in the youth of the country.
- Ability to lead and to engage effectively with diverse and high profile stakeholders.
- Track record in understanding and previous involvement on youth development matters.
- A candidate should have played a meaningful role in youth development in the society.
- A candidate should be someone of reliability, integrity and independence.

The essential criteria must be informed on what the Act says based on the Board mandate or objectives as envisaged in the Act. Desirable criteria is what is not expressly prescribed by the Act, but is thought essentially in corroborating what is already prescribed. The Act in section 10 further provides that a person may not be appointed or continue to serve as a member if he or she

(a) is an unrehabilitated insolvent;

(b) has been convicted and imprisoned without the option of a fine, or fined more than the prescribed amount, for theft, fraud, forgery, perjury, an offence in connection with the promotion, formation or management of a company, any violation of the Public Finance Management Act or any offence involving dishonesty;

(c) has, as a result of improper conduct, been removed from an office of trust; or

(d) has been declared by a court to be mentally ill or unfit.

Desirable criteria

- Experience or training in governance in the private, public and non-government sectors
- Experience or training in government system.
- Experience or training in finance.
- Experience or training in auditing.
- Experience or training in dealing with credit risk.
- Experience or training in human resources management.
- Experience or training in policy, research and development
- Experience or training in legal skills

In conclusion it must be accentuated that the Committees involved in the recruitment must aspire to have a Board with balanced skills. There must be continuity in the Boards to ensure a seamless transition from the previous Board to the new one. The selection criteria is important for future development of the youth in the country depending on the attributes of the people at the helm of the organization to fulfil its mandate. Furthermore, the Committees must champion the interest of the youth and there must be a realignment of priorities to advance the cause of youth development, inequality and unemployment.

5. References

National Youth Development Agency Annual Report (2014-2015).
National Youth Development Agency Act No. 54 of 2008.

