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GOVERNMENT NOTICE

DEPARTMENT OF EDUCATION**No. 774****24 August 2001**

I, Kader Asmal, Minister of Education, have in terms of section 4 of the Employment of Educators Act, 1998 determined the terms and conditions of employment of educators as set out in the Schedule.

PROFESSOR KADER ASMAL, MP
MINISTER OF EDUCATION

Signed: 8 August 2001

SCHEDULE

The Personnel Administration Measures applicable to educators are amended as follows:

1. By inserting the following new paragraph 2.7 in Chapter A:

"2.7 Re-grading of Institutions

- (a) An institution is upgraded to a higher grading level if, in terms of two consecutive annual statistics surveys, the learner enrolment of the institution exceeds the minimum enrolment requirement of such higher grading level by at least 50 full-time equivalent learners.
- (b) An institution is downgraded to a lower grading level if, in terms of two consecutive annual statistics surveys, the learner enrolment of the institution has dropped to at least 50 full-time equivalent learners below the maximum enrolment requirement of such lower grading level.
- (c) Where the enrolment of an institution increases or decreases substantially and sufficient evidence exists that the new enrolment level will be maintained for a reasonable period, the head of the department may immediately re-grade the institution in accordance with the new enrolment level.

- (d) The head of a department may grade a new institution in accordance with the enrolment that the institution is expected to maintain for a reasonable period."

2. By replacing paragraphs 2.1 and 2.2 of Chapter B with the following new paragraphs:

"2.1 Definition

The concept 'appointment' includes the following:

- (a) Employment in a full-time or part-time capacity. This includes employment in a shared capacity where more than one educator is appointed to a post.
- (b) The first appointment of a person as an Educator by an education department.
- (c) The transfer of an educator to a higher, an equal or a lower post level grading within the same education department or from one department to another.
- (d) The reappointment, after a break in service, of an educator by an education department.
- (e) The appointment of an educator can be in a permanent or temporary capacity. If the appointment is in a temporary capacity, it is for a fixed period. Appointment in a temporary capacity can either be to a substantive vacant post or as a substitute for another educator who is temporarily not occupying his or her post.

2.2 Minimum requirements for appointment

- (a) Educational qualifications
 - (i) In order to qualify for appointment as an educator a person must have at least a recognised three year qualification (REQV13) which must include appropriate training as an educator.
 - (ii) Notwithstanding the requirements set out in paragraph (i), a person appointed to any one of the following posts, is not required to be a qualified educator but must comply with the relevant requirements for appointment as set out in the document "Evaluation of Qualifications for Employment in Education":

- Posts for Technical Subjects, including Hair Care
 - Posts for Technical Drawing
 - Posts for Instrumental Music
 - Posts for Practical Ballet, National Greek Dances, History of Ballet and Anatomy
 - Posts for training in the Hotel and Catering Industry
 - Accompanist posts for Ballet
 - Posts for Speech and Drama
 - Posts for the teaching of Nursing at Schools for Learners with Special Educational Needs
 - Posts for Television production and maintenance
 - Librarian posts at colleges and departmental head office libraries
 - Posts of Education Therapists, Psychologists and Social Workers/Pedagogues
 - Posts for the offering of instructional programmes in the Engineering field of study
 - Posts for the offering of instructional programmes in the fields of study of Business Studies, Art, Agriculture, Computer and Information Studies, Maritime Studies, Utility Services and Social Services
- (iii) Notwithstanding the requirements set out in paragraph (i), the Minister may approve the appointment, to educator posts outside education institutions, of persons who have not been trained as educators in cases where such training is not a prerequisite to perform the duties attached to the specific educator post, but who are otherwise suitably qualified to perform such duties. The total number of such appointments to posts in provincial education departments as well as the Department of Education may not exceed 100.
- (iv) Notwithstanding the requirements set out in paragraph (i), a person who does not comply with the minimum qualification requirements, but who is already employed as an educator in terms

of previous measures that provided for his or her appointment, may retain his or her employment status in terms of the measures that applied when he or she was appointed.

- (v) With the exception of persons appointed to posts referred to in paragraphs (ii) or (iii), a person who is appointed from outside education and who is not appropriately qualified, may only be appointed in a temporary capacity. These appointments are regarded as individual relaxations of the requirements.
- (vi) Persons who qualify for appointment in a permanent capacity in terms of paragraphs (i) to (iv), may also be promoted to appropriate posts on higher post levels.
- (vii) Notwithstanding the provisions in paragraphs (ii) to (vi), preference should in all cases be given to appropriately qualified applicants for any educator post.

(b) Experience

(i) Post level 1

Unless otherwise required by the provisions for the filling of posts referred to in paragraph (a)(ii), no experience is required for appointment to posts at post level 1.

(ii) Post level 2-6

The minimum requirements in respect of experience for appointment to promotion posts are as follows:

Post level	Minimum Experience required (years)
2	3
3	5
4	7
5	8
6	9

Educator's actual as well as appropriate experience must be taken into account for purposes of appointment at post levels 2 and higher."

3. By inserting the following new paragraph 2.5 in Chapter B:

"2.5 Position of principals in cases where an institution is upgraded or downgraded

- (a) When an institution is re-graded, the post of the principal is regarded as a new, and therefore vacant, post that must, subject to these measures, be filled in terms of paragraph 3 without undue delay.
 - (b) If the permanent incumbent of a principal post that has been upgraded, qualifies to be promoted to the new level and the governing body or council recommends in writing that the person may be appointed to the higher post, such appointment may be made without having to advertise the post. If the governing body or council does not make such a recommendation, the post must be advertised in which case the incumbent will be entitled to apply for the upgraded post and s/he shall be short-listed.
 - (c) If such a principal's application for appointment to the upgraded post is unsuccessful, he or she will be regarded as in excess as a result of operational requirements and must be dealt with in terms of paragraph 2.4.
 - (d) If a principal post is downgraded, the principal will be in excess as a result of operational requirements and must be dealt with in terms of paragraph 2.4. This includes holding the person at his or her current salary level against the downgraded post for a reasonable period up to a maximum of 2 years. If circumstances warrant it, the head of department may extend this period. Circumstances that will determine what a reasonable period is include the probability for the post to be upgraded to its original level in the near future, the personal circumstances of the incumbent and the availability of suitable posts to which the person can be transferred. The person so in excess may at any time, while occupying the downgraded post, exercise the option to be permanently appointed to the post concerned in which case his or her remuneration will be determined in terms of paragraph 4. In such a case the post does not need to be advertised if it is in accordance with a recommendation of the governing body or council."
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