

**DEPARTMENT OF HIGHER EDUCATION AND TRAINING
NOTICE 9 OF 2016**

USE OF OFFICIAL LANGUAGES ACT, 2012 (ACT NO. 12 OF 2012)

LANGUAGE POLICY OF THE DEPARTMENT OF HIGHER EDUCATION AND TRAINING

I, Bonginkosi Emmanuel Nzimande, MP, Minister of Higher Education and Training, in terms of section 4 of the Use of Official Languages Act, 2012 (Act No. 12 of 2012), hereby publish the draft Department of Higher Education and Training Language Policy for public comment, as set out in the Schedule.

Members of the public are invited to submit written comments within 30 days after the publication of this notice.

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Department of Higher Education and Training
Attention: Ms M Maninjwa
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By hand at: 123 Francis Baard Street, Pretoria, 0002

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Comments received after the closing date will not be considered.



Dr BE Nzimande, MP
Minister of Higher Education and Training

Date: 18/01/2016



higher education
& training

Department:
Higher Education and Training
REPUBLIC OF SOUTH AFRICA

DRAFT LANGUAGE POLICY

DEPARTMENT OF HIGHER EDUCATION AND TRAINING

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1. INTRODUCTION

This, a Department of Higher Education and Training Language Policy, fulfills the prescripts of the Constitution of the Republic of South Africa (1996), amplified in the Use of Official Languages Act (2012). The Constitution provides for recognition and use of eleven (11) official languages. Further, recognises the diminished use and inferior status of indigenous languages, therefore requiring government Departments to take practical and positive measures to elevate the status and use of indigenous languages. In addition, the Constitution requires all official languages to be afforded parity of esteem and equitable treatment.

The Use of Official Languages Act (2012) provides for, amongst other requirements, the regulation and monitoring of the use of official languages by national government for government purposes; requires the adoption of a language policy and provides for the establishment of a national language unit by the department.

The Act came into operation on 2 May 2013 by Proclamation No. 10 published in Government Gazette No. 36392 of 26 April 2013. The Regulations to the Act came into effect on 5 February 2014 through Government Notice No. 10140 promulgated in Government Gazette No. 37398 of 28 February 2014.

The Department of Higher Education and Training (DHET) in its capacity as a national government department developed and adopted this Language Policy in fulfilment of the prescripts of the Constitution and the Act.

2. ACRONYMS

ACRONYMS	DEFINITION
DHET	Department of Higher Education and Training
DG	Director-General
DLPS	Directorate: Language Practice Services
CIO	Chief Information Officer
IRC	Information Resources Centre

3. GLOSSARY OF TERMS

TERM	DEFINITION
Constitution	The Constitution of the Republic of South Africa, 1996
Act	Use of Official Languages Act, 2012 (ACT NO. 12 OF 2012).
Policy	DHET Language Policy

4. PURPOSE

The purpose of the policy is to outline how the DHET will comply with the prescripts of the Act and how it will use official languages to meet its communication needs and information needs of the citizens; articulate policy, services, benefits for and empower communities.

This policy document outlines the initiatives of DHET to take reasonable steps to ensure meaningful access to its services and activities by all citizens of the Republic and limited English proficient persons in compliance with the Constitution, the Use of Official Languages Act, 2012, Promotion of Access to Information Act, 2000, Promotion of Equality and Prevention of Unfair Discrimination Act, 2000.

5. POLICY STATEMENT

Recognizing and subscribing to the founding provisions espoused in Chapter 1 of the Constitution, the Department of Higher Education and Training is committed to providing quality, efficient, responsive and professional post-school education services to all the citizens of the Republic and the global community regardless of their language and status.

The DHET is committed to the requirements of the Constitution, the Act and to recognition of all official languages by ensuring that these enjoy parity of esteem and equitable treatment through and in all its communication and interaction with communities and individuals

The DHET is dedicated to linguistically accurate and appropriate deciphering of information that conveys the thought, intent, meaning and spirit of the message. Equal access to education including the rights to receive education in the official language or languages of choice and to establish and maintain independent educational institutions is legally mandated by section 29 of the Constitution. The rights to equality and access to information are guaranteed in sections 9 and 32 respectively of the Constitution.

6. LEGISLATIVE FRAMEWORK

6.1 This policy is developed in accordance with requirements of the Constitution and, particularly Section 4 of the Use of Official Languages Act no 12 of 2012; sub-section 4(1) which requires that a national department and its entities must adopt a language policy on the use of all official languages.

6.2 In addition, the policy is also guided by the following legislative instruments, text and principle:

- Regulations promulgated in terms of section 13 of the Act;
- Promotion of Access to Information Act , 2000 (Act No. 2 of 2000);
- Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (Act No. 4 of 2000)
- The White Paper for Post-School Education and Training: Building an expanded, effective and integrated post-school system, approved by the Cabinet on 20 November 2013; and
- The Batho Pele principle.

6.3 Further, that the DHET will comply with requirements of sub-section 4(4.2 (b)) which requires that the DHET must adopt at least three official languages that the national department and its entities will use for government purposes as well as sub-section 4 (2.(d) (i) and (ii)) which requires the DHET to where applicable use any other language other than official languages or South African Sign Language or Braille where applicable.

7. OBJECTIVES

The objectives of this policy are based on the Act, Section 2 sub-sections (a) to (d), being:

- 7.1 to adopt, implement a language policy and monitor its application by its entities in the use of official languages for government purposes
- 7.2 to promote parity of esteem and equitable treatment of official languages in the Republic
- 7.3 to facilitate equitable access to services and information of DHET; and
- 7.4 to promote good language management by DHET for efficient public service administration and to meet the needs of the public

8. PRINCIPLES

The principles of this policy derive from the Constitution and the Act namely;

- 8.1 Commitment to the recognition and promotion of the use of all eleven (11) official languages in the republic to ensure constitutional language equity and rights.
- 8.2 Taking practical and positive measures to elevate the status and use of indigenous languages to instil and maintain healthy partnerships, social inclusion and cohesion;
- 8.3 Promotion of parity of esteem and equitable treatment of official languages in this democracy
- 8.4 Promotion of good language management by the DHET to ensure efficient public service administration that meets the needs of the public and ensures equitable access to services and information of the DHET;
- 8.5 Prevention of the use of any language for the purposes of exploitation, domination and discrimination with the DHET;
- 8.6 Enhancement of people-centeredness by addressing the interest, needs and aspirations of language communities through on-going discourse; and
- 8.7 Support of special redress programmes for previously marginalized official indigenous languages, and the learning and teaching of all the official languages of the Republic at all levels of education.

9. SCOPE OF APPLICATION

The scope and application of this policy take into account the language needs and cultural dynamics at national level and provincial contexts as outlined in 9.1 and in Table 1.

The following factors have been taken into consideration in arriving at the choice of official languages the DHET will use in each context/situation:

- Usage;
- Practicability;
- Expense;
- Regional circumstances; and
- The balance of the needs and preferences of the public it serves

9.1 The national DHET will use for official government business , the following languages:

- **English**
- **Sepedi and**
- **isiZulu**

9.2 Provinces will have an option to adopt at **least three** or more official languages and will adopt an **additional**, reserve or alternative language (see Table 1. C)

TABLE 1.

A. PROVINCE	B. LANGUAGES USED	C. ADDITIONAL (when required)
Gauteng	English; Setswana and isiZulu	Sign Language and Braile
Mpumalanga	English; Sepedi, Xitsonga, IsiNdebele and siSwati	Sign Language and Braile IsiZulu
Free State	English; Sesotho, Afrikaans	Sign Language and Braile Setswana, IsiXhosa
Northern Cape	English; Sesotho, Afrikaans	Sign Language and Braile Setswana, IsiXhosa
Eastern Cape	English; IsiXhosa; Afrikaans	Sign Language and Braile Sesotho, IsiZulu
Western Cape	English, Afrikaans, IsiXhosa	Sign Language and Braile
North West	English, Setswana, Afrikaans	Sign Language and Braile

A. PROVINCE	B. LANGUAGES USED	C. ADDITIONAL (when required)
Limpopo	English, Sepedi, Xitsonga, Tshivenda	Sign Language and Braile IsiNdebele
KwaZulu-Natal	English, isiZulu,	Sign Language and Braile IsiXhosa

9.3 Notwithstanding the above languages, the DHET will also use other official languages as and when required.

9.4 Public higher education institutions, Technical Vocational Education and Training colleges and Community Education and Training colleges should, with necessary changes, align their respective language policies with this policy.

9.5 The importance of the service the DHET provides to the public is self-evident. Accordingly, the DHET takes all measures possible to provide language services sufficient to ensure that all citizens of the Republic enjoy comparable access to its services.

9.6 The chosen languages may not apply to electronic communication platforms such as the DHET website content

9.7 Departmental publications, policies, forms, notices and adverts that are exclusively intended for public use will be translated into nominated languages as outlined in Table 1.

10. IDENTIFICATION OF AN INDIVIDUAL'S LANGUAGE PREFERENCE

10.1 At first contact with members of the public or their representative, the dedicated staff members of the DHET will inform the individual or his or her representative that the DHET will provide an interpreter, including sign or foreign language, if the individual needs one and will enquire in what language the individual prefers to receive his or her service.

10.2 All individuals who indicate the need for an interpreter will receive language assistance to ensure that language is not a barrier to their access and participation. The need for an interpreter and the language needed will be noted down by the DHET dedicated staff members.

- 10.3 Individuals or groups requiring assistance in languages other than those nominated will apply for assistance to the Director-General ten (10) office days in advance

11. ROLES AND RESPONSIBILITIES

- 11.1 The Director-General is the Chief Information Officer of the DHET. The DG is the overseer of the implementation of this policy by staff within the DHET, Provinces, colleges and all other public institutions directly accountable to the DHET.
- 11.2 Heads of DHET institutions will ensure adoption and use of official languages in line with this policy and when required, report to the DG on the status of the use of official languages within the institutions.
- 11.3 The DHET views the provision of language access services to the general populace as being one of providing quality, efficient, responsive and meaningful service. With respect to its language access programmes, the DHET recognizes that ongoing monitoring and evaluation are essential to meeting the challenges inherent in effectively working with the public whose language and culture stem from literally across the Republic.

12. LANGUAGE SERVICES UNIT

- 12.1 Section 7 of the Use of Official Languages Act, 2012, prescribes that, every national department, national public entity and national public enterprises, must :
- a) establish a language unit.
 - b) ensure that the language unit is provided with human resources, administrative resources and other resources necessary for its effective functioning.
- 12.2 The Director General will therefore make available resources for the establishment and functioning of a national Language Unit with DHET Headquarters at a Directorate level to be referred henceforth as ***Directorate: Language Practice Services***. The head of DLPS will facilitate the adoption, use of official languages, monitoring and redress where required.
- 12.3 All DHET facilities will have instant around-the-clock access to telephonic interpretation services covering most of the official languages in the Republic.

13. OPERATING PROCEDURE

- 13.1 Unless required by circumstances other than provided for in this policy in table 1 (c), or unless this policy is reviewed, this policy will apply at all times for the purposes of use of official languages for government business
- 13.2 Individuals who may wish to lodge a complaint shall do so in writing to the Director-General not more than thirty (30 days from the date on which language assistance was denied or was not of a minimum standard
- 13.3 Any complaint lodged must provide full and details description of the complaint.
- 13.4 The DG will consider the complaint and respond in writing not later than three months after the complaint was lodged, informing the complainant of the decision.

14. REVIEW

This policy will be reviewed when necessary or at least once within a period of five years.

15. PUBLICATION AND ACCESS

- 15.1 This policy will be translated into all official languages according to the grid in Table 1.
- 15.2 This policy will be made available in Braille upon written request to the CIO
- 15.3 This policy will be published on the DHET website and on websites of its institutions
- 15.4 This policy will be made available in paper form for reading or reference in all institutions of the DHET, in the IRC and DLPS
- 15.5 The DHET will post in a conspicuous place in the reception area a clear statement translated into the most common languages among the local populace of the availability of interpreter services. A statement to this effect will also be posted on the DHET's website.

16. APPROVAL

This policy will be adopted and used only after it has been approved by the DG of the DHET.