Circular 24/2010
Date: 02 July 2010

Topic

APPOINTMENT OF EDUCATORS IN PUBLIC ADULT LEARNING CENTRES

Enclosure

Annexure A: Educator Post Allocation Register
Annexure: Notice of Temporary Appointment Form & Double Dipper Claim Form
Annexure F: Summary of Posts Occupied

Distribution

✓ All Chief Directors at Head Office;
✓ District Directors at District Offices;
✓ Managers and Staff at ABET Institutions;
✓ Principals of Public Schools;
✓ Managers of Public Adult Learning Centres;
✓ Learners of Public Adult Learning Centres;
✓ Members of the Governing Bodies;
✓ All Educator Unions and Non-Governmental Organisations.

Enquiries

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On request, this circular will be made available in isiZulu, Sepedi and Afrikaans within 21 days.

Also available on the GDE website: www.education.gpg.gov.za

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1. INTRODUCTION AND BACKGROUND

The Department has implemented Conditions of Service (CoS) and National Norms and Standards for Funding Adult Learning Centers (NNSF-ALCs). The implementation of CoS and NNSF-ALC has far reaching implications that require systems to manage and monitor the process. It was observed that public adult learning centres were not fully ready to implement the process and a number of labour matters, concerns and disputes were sighted.

This circular will provide clear processes in appointing ABET educators in any Public Adult Learning Centre (PALC).

2. LEGAL FRAMEWORK

2.1 Adult Basic Education and Training Act 52 of 2000

2.2. Norms and Standards for Funding Adult Learning Centres Gazette

2.3. Employment of Educators Act 76 of 1998

2.4 National Education Policy Act 27 of 1996

2.5. Employment Equity Act 55 of 1998


2.7. Public Finance Management Act 1 of 1999

2.8. Labour Relations Act No. 66 of 1995

2.9. ELRC Collective Agreement 2 of 2005

3. SET STANDARDS TO APPOINT CS PERSONNEL IN PALCs

The Employment of Educators Act is the basis of appointment for all educators employed on full time basis in any PALC. SACE Certificate or a provincial registration with SACE should be a requisite for the appointment of an educator in any PALC.

Centre Management must ensure that any vacant post in their centers is openly contested and fair process to appoint an educator is adhered to.

The Equity Act should also be implemented so that fair and reasonable representivity prevails in any PALCs.

4. TYPES OF APPOINTMENTS

The adult learning normally occurs after the main stream day is completed. This means that most of the educators in adult centers will provide teaching for not more than eight hours. See Table 1 below.

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<tr>
<th>TYPE</th>
<th>HOURS IN CENTRE</th>
<th>MINIMUM QUALIFICATION</th>
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<tr>
<td>Full Time</td>
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Adult Educators that are offered employment will also qualify for benefits related to the appointment. Benefits are as the table 2 below

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<th>Employment offered</th>
<th>Benefits</th>
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<td>Full Time</td>
<td>All Benefits of a full time educator</td>
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<td>Six hour</td>
<td>37% more on basic income</td>
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<td>Four hour</td>
<td>37% more on basic income</td>
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<tr>
<td>Two hour</td>
<td>37% more on basic income</td>
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An example is the recommendation of an adult educator to be appointed on full time basis who must be engaged for 8 hours a day. The recommendation may include teaching and assisting in the management of the centre. Centre management and governance are given an opportunity to recommend the appointment of educators according to the needs of the centre. An educator will spend the actual hours that he/she is appointed on at the learning site.

5. CRITERIA USED TO APPOINT CS PERSONNEL

5.1. The requirements for the appointment of educators as stated in the Revised Personnel Administration Measures are applicable.

5.2. All stakeholders must note Section 6 (1) 93) (a) of the Employment of Educators Act, 1998 which Reads as follows:

6.1.3 (a) “Subject to paragraph (m), any appointment, promotion or transfer to any post on the educator establishment of a public school, may only be made on the recommendation of the Governing Body of the public school or council of the further education and training institution”

6.1.3 (b) in considering the applications the Governing Body must ensure the principles of equity, redress and representivity are complied with and the Governing Body must adhere to-

i. The democratic values and principles referred to in paragraph 7 (1)

ii. Any procedure collectively agreed upon or determined by the Minister for the appointment, promotion or transfer of educators;

iii. Any requirement collectively agreed upon or determined by the Minister for the appointment, promotion or transfer of educators which the candidate must meet;

iv. A procedure whereby it is established that the candidate is registered or qualifies for registration as an educator with the South African Council for Educators; and undue influence on the members of the Governing Body as the case may be”

6.1.3 (c) The Governing Body must submit in order of preference to the Head of Department, a list –

i. At least three (3) names of recommended candidates; or
ii. Fewer than three (3) candidates in consultation with the Head of Department

6.1.3(d) When the Head of Department considers the recommendation contemplated in paragraph (c), she/he must before making an appointment, ensure that the Governing Body has met the requirements in paragraph (b)

6.1.3(e) If the Governing Body has not met the requirements in paragraph (b) the Head of Department must decline the recommendation

6.1.3(f) **Despite the order of preference** in paragraph (c) and subject to paragraph (d) the Head of Department may appoint any suitable candidate on the list

6.1.3 (g) If the HOD declines a recommendation, he must-

i. Consider all the applications submitted for this post:

ii. Apply the requirements in paragraph (b) (i-iv); and

iii. Despite (a) appoint a suitable candidate temporarily or re-advertise the post

6.3.1(l) A recommendation contemplated in paragraph (a) shall be made two months from the date on which the Governing Body was requested to make a recommendation, failing which the HOD may, subject to paragraph (g) make an appointment without such a recommendation.

NB: All references to HOD mean the delegated authority i.e. District Director.

5.3. Grievance from union and/ or candidates should be submitted within 5 **working days** after the specific process.

NB: It is improper for interviewing panel members or union representatives observing the process to inform any of the interviewees about the outcome of the interviews before the HOD or delegated authority has approved the recommendation of the ICGB. Such disclosure of official information without approval will be viewed as misconduct and will be dealt with according to law. (Panel members and union representatives have to complete the declaration form that forms part of the Shortlisting and Interview process)

5.4. **Registration with Professional Bodies**

It is compulsory for all potential applicants to be registered with the South African Council for Educators (SACE). **Please Note:** Applications without proof of registration with SACE would be provisionally accepted on condition that **definite proof of registration would be provided prior to appointment.**

5.5. **Sifting/Shortlisting/Interviewing**
5.5.1 **Sifting** will be done by GDE. Applications which do not meet the following criteria will be disqualified:

- Use of incorrect application form
- Unsigned application forms or photocopied signature
- Late submission of application forms

5.5.2 **Shortlisting and interviewing** will be done in terms of GAUTENG PROVINCIAL CHAMBER Collective Agreement 2 of 2005 together with relevant guidelines as agreed by all parties.

5.5.3 The Interim Centre Governing Body merely recommends a candidate. The Head of the Department or the person with the delegated authority approves the appointment.

5.5.4 Appointments are subject to confirmation by the department. A recommended candidate must, therefore, refrain from taking any steps to assume duty until she/he has received an official appointment letter.

5.6. Language requirements

Due consideration should be given to the advertised requirements of each post in respect of language competence of a specific school.

5.7. Re-appointment of former employees

Educators who retired in terms of Resolution 3 of 1996 (Voluntary Severance Package) and those who retired on pension prematurely will be considered in line with PAM Chapter B paragraph 2 (NB: Only those who have a valid acceptance letter signed by the HOD for re-employment can apply)

5.8. Educators appointed and have been working in the centre the previous year need not undergo the process of interview if reappointed for the same hours as the previous year. ONLY new applicants and educators offered improved hours that should undergo the process of an interview.

**SIGNED:** BOY NGOBENI  
**HEAD OF DEPARTMENT**  
**DATE:** 2010-06-22
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