

25 November 2016

**SUBMISSION TO THE EDUCATION PORTFOLIO COMMITTEE**  
**Wednesday, 30 November 2016 (Old Assembly Chamber, Old Assembly Wing, Parliament) AT 11:15**

**REPORT OF MINISTERIAL TASK TEAM: INVESTIGATION INTO THE SELLING OF EDUCATOR POSTS**

The final report of the Task Team, dated 20 February 2016, refers.

The SAOU wishes to confirm that we have made a thorough study of the report, submitted it to our Management Committee, as well as to our National Executive Committee for consideration and the preparation of a considered response. We wish to submit as follows in this regard:

1. We are grateful that an investigation into the selling of educator posts has occurred as we have heard rumours in this regard for quite some time and were understandably concerned. We are convinced that such actions are tantamount to fraud and similar criminal actions. Such actions have no place whatsoever in education and must be addressed.
2. We are equally heartened to note that the approach of the Ministerial Task Team (MTT) is that the law must be applied and must run its full course. Such actions will be supported by the SAOU.
3. We are however concerned that a large part of the report deals with matters outside the actual brief of the MTT. Instead of adhering to the brief, i.e. the identification of perpetrators and appropriate actions against them, the report in large part is a *vade mecum* for the conception of an ideal process of appointment of educators. It is our contention that in its eagerness to address the ill doings that have been identified, the MTT has gone beyond its brief.
4. To base the complete overhaul of the process of appointments and the erosion of the powers and competencies of school governing bodies on the small number of actual perpetrators is not acceptable. The current system of public schools (note not state schools) is based on sound and universal principles of democracy.
5. The overarching theme of the recommendations is to advocate the large scale centralisation of the education system. We can come to no other conclusion that it is an initiative that will reinstate a schooling

system that will be at the behest of the ruling political party of the day and reminds one of the 1976 model of schooling.

6. What all concerned role players in the public education system need to do, is to address the negative perceptions regarding public education and the fostering of ownership among all members of communities for their schools. If this cannot be attained, the perception that order and quality can only be found in the independent school system will be strengthened. The best possible mechanism to strengthen public schools is through parents and their active participation in school governing bodies. The vast majority of school governing bodies comply with their fiduciary duties towards their schools, learners and parents. There are numerous examples of such well-functioning school governing bodies.
7. If school governing bodies do not have the necessary skills and competencies, the blame must be laid before the door of the education authorities. The SAOU, and we are certain so will other unions, take hands with school governing body organisations to address such shortcomings to ensure that each and every role player is aware of the respective roles that need to be played.
8. We are equally concerned that the conclusions reached from the SAOU's input was either badly understood or deliberately misrepresented. To regard our input as "*people resisting the transformation of pre-1994 hegemonic values*" is to say the least, extremely malevolent. Amongst others, the SAOU's input is recorded as "vehement resistance" – this is overstated and totally misunderstood. This stereotype belies the actual value members of the SAOU add in the real world of education. We regard the statement as grossly unfair.
9. It also needs to be recorded that there is an uncanny correlation with the Basic Education Laws Amendment Bill (dated 18 August 2015) that was provided to unions on 20 September 2015 by the Deputy Minister for Basic Education. The impression is that the MTT's report was drafted to support the Bill.
10. We now turn our attention to the various recommendations:
  - a. **Recommendation 1:** Illegal actions by educators and/or departmental officials to be reported to SAPS:
    - i. Supported.
  - b. **Recommendation 2:** Disciplinary action to taken against educators and/or officials who made themselves guilty of corruption and/or other illegal acts:
    - i. Supported.
  - c. **Recommendation 3:** Actions be taken to support and protect whistle blowers and the establishment of a dedicated unit in the DBE and various provincial departments of education (PDEs):
    - i. Supported.
  - d. **Recommendation 4:** That the various PDEs should regain control of the process of advertisement and the filling of vacant posts and that the roles of the various role players be clearly delineated.
    - i. The SAOU agrees with the recommendation, i.e. that clear roles for the various provincial departments of education and unions be delineated.

- ii. However, we wish to add that the role of school governing bodies need to be added to this particular process as they are indispensable role players.
- e. **Recommendation 5:** That education legislation be amended to make clear provision for the delegation of authority concomitant with the Public Administration Framework in terms of the 2013 Cabinet decision in this regard.
  - i. Supported.
- f. **Recommendation 6:** That the powers of SGBs to make recommendations for appointments be revoked.
  - i. The SAOU does not support this recommendation.
  - ii. A community should have the power to make recommendations with regard to teachers that fit the various communities' requirements for teachers.
  - iii. The provincial department of education has no responsibility towards a particular community and is not *au fait* with such community's requirements, as well as the relevant school's curriculum, extra-curricular needs and requirements.
- g. **Recommendation 7:** The principle of the detailed selection of principals in terms of competence, expertise and suitability to only appoint the most competent applicant.
  - i. The SAOU supports the principle that principals must comply with minimum requirements with regard to suitability, academic qualifications, experience and professional competencies.
  - ii. The possibility of pre-interviewing testing can be supported provided that the assessment model is agreed to and will be applied in such a manner that it will comply with the principles of equity and fairness. Furthermore, although the results of such testing may be made available to the envisaged selection panels, the information must be regarded as personal and confidential, i.e. that it may only be used for purposes of the interviewing process.
  - iii. The principle of selection panels can also be supported provided that the final recommendation will be made by the SGB.
  - iv. The *caveat* to the above is to note that ELRC collective agreements currently determine the processes that underpin the appointment procedures of educators on all post levels. Any amendment of such processes can only be effected by a collective agreement agreed to by the parties to the ELRC.
  - v. The organised teaching profession has held discussions among the various constituting members of the ELRC and in a pro-active manner have requested the ELRC that all processes that underpin the appointment procedures of educators as contemplated in the relevant collective agreements, be reviewed, refined and where necessary amended in order to address the problem areas as identified by the MTT.
- h. **Recommendation 8:** The principle of a post level 1 educator becoming a school principal should be rescinded.
  - i. Supported.
  - ii. Provided that it must be borne in mind that principals of small schools are appointed on post level 2, and therefore, the logical pool of possible candidates will in the majority of cases be post level 1 educators.

- i. **Recommendation 9:** To renegotiate the observer status of unions during the appointment (not “recruitment”) process.
  - i. Supported, but the focus should be on the essence of the role and status of an observer.
- j. **Recommendation 10:** The proven competency, professional experience and qualifications of District officials and the banishment of “cadre redeployment”
  - i. Fully supported
  - ii. In the opinion of the SAOU, this is the actual weak link in the chain of processes.
- k. **Recommendation 11:** That educators and District officials should no longer be allowed to (a) officially represent political parties at any level and (b) that educators in management posts should not be allowed to occupy leadership positions in unions
  - i. Full support to the principle that education and political roles for educators should be divorced from one another. A school should at all times be regarded as politically neutral, and therefore the principal of such a school should not be an office bearer of a particular political party. The same principle applies to District officials
  - ii. The proposal that educators in management posts may not occupy leadership positions in teacher unions cannot be supported. It is vitally important that a teachers’ union should at all times be able to reflect a balanced view on all educational matters. Therefore, it is of the utmost importance that all post levels should be represented in the leadership of a teachers’ union. We have obtained legal advice that the proposal will not pass constitutional compliance with regard to freedom of association.
- l. **Recommendation 12:** Separate and distinct unions for office-based educators
  - i. Not supported – in conflict with the constitutional principle of freedom of association.
- m. **Recommendation 13:** The urgent implementation of measures to prevent cadre redeployment
  - i. Fully supported.
- n. **Recommendation 14:** That discussions be held with universities, DHET and DBE to focus on the underpinning philosophy of Education
  - i. Supported.
  - ii. Provided that cognisance be taken that the biggest problem with the training of teachers is that the subject knowledge of such teachers are not on par with the minimum requirements for teaching such subjects effectively.
- o. **Recommendation 15:** That the role of SACE be reconceptualised and freed from union and political domination.
  - i. The principle of non-domination by a particular organisation or section is supported.
  - ii. However, bear in mind that any professional council is the responsibility of the profession itself, i.e. that it governs itself with regard to moral and ethical codes of conduct and minimum requirements for entering such a profession.
  - iii. The SAOU finds it difficult to accept that the teaching profession should be degraded in comparison to other professions.
- p. **Recommendation 16:** That SACE should release the findings of its investigation into the matter under discussion in this report

i. Supported.

The SAOU wishes to reiterate its gratefulness to the MTT, the Minister of Basic Education and the DBE for the opportunity to comment on the report. We trust that the organised teaching profession will be afforded the opportunity to discuss the report as part of a consultation process and where necessary collective negotiations. Furthermore, we trust that the educational authorities will not abuse the legislative process to circumvent its duty to bargain on those issues that are regarded as matters of mutual interest.

Yours faithfully

A handwritten signature in black ink, appearing to read 'JC KLOPPER', with a stylized flourish at the end.

JC KLOPPER  
CHIEF EXECUTIVE OFFICER