

Appointments and Promotions

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1. Section A number 2 - Essential legislation.
2. Section D - A quick reference to the appointment procedures.

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APPOINTMENTS AND PROMOTIONS IN EDUCATION

A About this manual

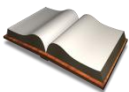
This manual has been designed to help school governing bodies in their task of overseeing the appointment and promotion of educators in their schools. It provides all the National and Provincial legislation, resolutions and circulars school governing bodies need to understand and put into practice in order to be effective.

For technical and legal matters it is essential that the manual be read in conjunction with the relevant legislation.

B How is this manual designed?



Where there is information that is regulated by legislation, you will see a flag like this.



Where there is additional information to assist you, you will see a book like this.



Information taken from the Manual for School Management will be indicated with an icon like this.

GLOSSARY

Basic Conditions of Employment Act 75 of 1997

This Act determines minimum standards that apply to any contract of employment.

Circulars

Notices or letters that supply information normally on a specific topic relevant to an organisation.

Cross-examine

Detailed questions to establish the veracity (truth) of statements.

Employment Equity Act 55 of 1998

Addresses steps to be taken to promote equal opportunity in the workplace by eliminating unfair discrimination while allowing for affirmative action measures to be taken into consideration.

Equity

Fairness and justness .

Grievance

A dissatisfaction or complaint tendered in terms of an appointment.

Grievant

The person, in the grievance procedure, who alleges that he/she has been wronged in the appointment process.

Labour Relations Act of 1995

Is informed by Section 27 of the Constitution and focuses on the study and managing of employment issues as a subarea of Industrial Relations

Leading Question

A question, which by the words used in it suggests the answer that the questioner wants.

Nomenclature

A formal system of naming or designating.

Nominations

This is part of the process of selecting a candidate for either election to an office or position, or the bestowing of an honour or award.

Redress

To make amends or compensate for an injury or a wrong.

Representativity

The principle whereby an individual stands in the place of many others who have formed or find themselves in a community either by choice or circumstance.

Resolutions(Joint)

A decision which is approved by various parties involved becomes a formal agreement to be observed as in a contractual arrangement.

Personnel Administration Measures 1999 (PAM)

Sets out the minimum requirements in terms of qualifications and experience for various positions as well as a detailed procedure to be followed in promotions.

Short – Listing

A **short list** or **shortlist** is a list of candidates for a job, prize, award, political position, etc., that has been reduced from a longer list of candidates (sometimes via intermediate lists known as "long lists"). The length of short lists varies according to the context.

South African Council for Educators (SACE)

A national organisation aiming to enhance the status of the teaching profession and to promote the development of educators and their professional conduct.

South African Schools Act 84 of 1996:

An Act of parliament to provide for a uniform system for the organisation, governance and funding of schools; to amend and repeal certain laws relating to schools; and to provide for matters connected therewith.

Unanimous

Where everyone is in agreement on a particular issue.

Weighting

A system of apportioning different ratings or measures to indicate different levels or strengths.

SECTION A: INTRODUCTION

1. Introduction to the appointment / promotion of educators in public schools



South African Schools Act, Act 84 of 1996 as amended

1.1 The functions of School Governing Bodies

*Every public school is a juristic person, with legal capacity to perform its functions as prescribed in the **South African Schools Act 84 of 1996**. The professional management of a public school must be undertaken by the school principal under the authority of the Head of the Provincial Department of Education. The governance of every public school is vested in its Governing Body as prescribed in the Act. School Governing Bodies are a vital part of the democratic governance envisioned by the Schools Act, which places the effective power to run schools in the hands of the parents and guardians of learners through the School Governing Body.*

*In terms of the South African Schools Act, a governing body must recommend to the Head of Department the appointment of educators, subject to the **Employment of Educators Act 76 of 1998**. The procedure to be followed when appointing an educator is clearly indicated in the personnel regulations to the Employment of Educators Act (also known as the **Personnel Administration Measures, 1999 (PAM)**). Further clarification is contained in **Resolutions of the Education Labour Relations Council** and **Provincial Circulars**.*



1.2 The selection and employment process

At public schools there are two types of educator appointments that may be made.

- 1.2.1. Educators employed in departmental positions who are appointed by the provincial Head of Department in terms of the Employment of Educators Act after a recommendation by the school governing body and whose salaries are paid by the state.
- 1.2.2. Educators employed in governing body positions are appointed, employed and paid by school governing bodies in terms of the Schools Act.

The selection and employment process for all personnel involves a number of procedures as indicated in the table below.

Selection and employment procedures for personnel	
Departmental appointments	SGB appointments This process is not considered in detail in this manual
1. Vacancies	1. Vacancies
2. Advertisements	2. Advertisements
3. Applications	3. Applications
4. Sifting applications	4. Sifting applications
5. Short-listing	5. Short-listing
6. Interviewing applicants	6. Interviewing applicants
7. Nominations	7. Nominations
8. Informing successful applicants	8. Letter of appointment to successful applicant
9. Assumption of duty	9. Drawing up a contract
10. Drawing up a job description	10. Drawing up a job description

2. Legislative Framework

It is important that School Governing Bodies familiarise themselves thoroughly with all legislation so that they understand how appointments are made in public education.

Essential legislation pertaining to the appointment / promotion of educators:

2.1. The South African Schools Act, Act 84 of 1996 as amended

- ▶ **Section 16** prescribes that the governance of every public school is vested in its governing body.
- ▶ **Section 18** requires the governing body to have a constitution.
- ▶ **Section 20**, subsection(i) and (j) provide that a governing body must recommend to the Head of Department the educators to be appointed at the school or the non - educator staff to be appointed at the school
- ▶ Subsection 4,5 and 8 of Section 20 provide for the creation of additional educator and non – educator post at a school and regulate the factors to be taken into account when those appointments are to be made.
- ▶ Section 23 governs membership of the governing body.
- ▶ Section 26 deals with recusal by governing body members when a member have a interest in a particular matter
- ▶ **Section 28** deals with elections
- ▶ **Section 30** deals with the establishment of a committee of a governing body.
- ▶ **Section 31** establish the terms of office of members and office bearers of governing bodies

The importance of the above sections is that it is critical that a governing body is properly constituted, that it acts within its powers and that it follows proper procedures in regard to all administrative issues such as holding meetings etc.

2.2. Employment of Educators Act 76 of 1998 as amended

- ▶ **Section 3** defines who the Employer of educators is and for what purposes.
- ▶ Chapter 3, Sections 6,7,8 and 9 deals specifically with appointments, promotions and transfers.
- ▶ The appointment , promotion and transfer of any educator at a provincial level is made by the HOD (Section 6 (1)).
- ▶ Any appointment , promotion or transfer may only be made on the recommendation of the SGB of a public school and if there are educators in excess, only from the pool of excess educators.

- ▶ **Section 6** (b) give the grounds on which the HOD can decline a recommendation of the SGB
- ▶ **Section 7** set out two factors that may be taken into account in making appointments-
 - ▶ - the ability of the candidate
 - ▶ - the need to redress the imbalance of the past in order to achieve all representations.

2.3. Personnel Administrative Measures (PAM) – EEA

- ▶ The minimum requirements in terms of qualifications and experience for various positions.
- ▶ PAM also sets out a detailed procedure to be followed in promotions.

Chapter B paragraph 3 sets out:

1. *Sifting (Department function)*
2. *Shortlisting and Interviews (SGB function)*
3. *Appointment (Department function)*

2.4. ELRC Resolution 5 of 1998

National Bargaining Council sets out:

1. *Sifting (Department function)*
2. *Shortlisting and Interviews (SGB function)*
3. *Appointment (Department function)*

2.5. PELRC Resolution 2 of 2002

Provincial Bargaining Council sets out:

1. *Procedure before interview*
2. *Procedure during interview*
3. *Procedure after the interview*

2.6. Provincial Circular 49 of 2005

Provincial Guidelines to deal with the filling of vacant institution / school based posts.

2.7. Bulletin

Advertisement

2.8. Criteria

Specific requirements to attempt to find the most suited candidature from qualifying applicants.

2.9. Labour Relations Act of 1995

- In Schedule 7 of the LRA, an unfair labour practise is defined so as to include any unfair act or omission that arises between an employer and employee, involving the unfair conduct of the employer relating to the promotion, demotion or training of an employee.

2.10. Employment Equity Act 55 of 1998

- This act impacts the most on the appointment and the promotion process
- Takes steps to promote equal opportunity in the workplace by eliminating unfair discrimination.
- Take affirmative action measures in to consideration.
- Does allow an employer to distinguish, exclude or prefer any person on the basis of an inherent requirement of the job.
- Medical testing of an employee is prohibited.
- Psychological testing and other similar testing is prohibited.

2.11. Basic Conditions of Employment Act 75 of 1997

- ▶ **Section 29** important –requires an employer to reduce a contract of employment to writing, and specifies a list of details which must go into every contract of employment.

2.12. Other regulations

- ▶ Public Service Act of 1994
- ▶ Public Service Regulations
- ▶ Collective Agreements
- ▶ Provincial Circulars

SECTION B : PROCEDURES FOR THE ADVERTISING AND FILLING OF POSTS



PROVINCIAL CIRCULAR No. 49 of 2005, p.5.

1. Minimum requirements for appointment

The requirements stated in the Personnel Administration Measures (PAM) are applicable, viz:

1.1 Qualifications

All persons must have at least a recognized three-year (3) NQF level 6 qualification (REQV 13) obtained after Grade 12, which must include appropriate training as an educator. (Exceptions to this rule only apply to specific post requirements in technical subjects etc., - refer to ELRC Resolution 5/2001, par 2.2(ii). Preference should however always be given in all cases to appropriately qualified applicants for any educator post - Resolution 5 / 2001 par 2.2 (vii)).

NB: The required qualifications must be obtained prior to the date of commencement of duty.

1.2. Experience

<i>Post Nomenclature (e.g.)</i>	<i>Post Level</i>	<i>Minimum teaching Experience</i>
Teacher / lecturer	1	0 years
HOD / Principal / Sen lecturer	2	3 years
Principal / Deputy Principal	3	5 years
Principal	4	7 years

NB: Actual educator's experience as well as appropriate experience [relevant to Education] is taken into account for the purposes of appointment on post level 2 and higher.

1.3 Registration with SACE

The non-registration with SACE should not prevent an educator from being sifted or short-listed or interviewed for a post. However, to be appointed the educator must be registered with SACE. Should the educator not produce a registration certificate or other valid proof of registration for appointment purposes, the ECDoE reserves the right to appoint the next qualifying candidate on the order of merit according to the recommended list.

1.4 Status of non-SA citizens

1.4.1. Only foreigners with permanent or temporary resident status with valid work permits may apply/be considered for appointment in a permanent post.

- 1.4.2. The onus rests upon such applicants to verify the status of their foreign qualifications before seeking employment. Where no accreditation/validation from the national DOE is given / attached to the application of foreign qualifications, such applications will be sifted out.

1.5 Acknowledgement of receipt

The Department will acknowledge receipt of all applications via an advertisement in the media.



PERSONNEL ADMINISTRATIVE MEASURES (PAM), section 3.1

2. The advertising and filling of educator posts

2.1 Advertising

- (a) The advertisement of vacant posts for educators must:
 - (i) be self-explanatory and clear and must include:
 - minimum requirements,
 - procedure to be followed for application
 - names and telephone numbers of contact persons
 - preferable date of appointment, and
 - closing date for the receipt of applications;
 - (ii) be accessible to all who may qualify or are interested in applying for such post(s);
 - (iii) be non-discriminatory and in keeping with the provisions of the Constitution of the RSA; and
 - (iv) clearly state that the State is an affirmative action employer.
- (b) All vacancies in public schools are to be advertised in a gazette, bulletin or circular. The existence of which shall be made public by means of an advertisement in the public media both provincially and nationally. The information to be furnished in the latter advertisement shall include offices and addresses where the gazette, bulletin or circular is obtainable. The gazette, bulletin or circular must be circulated to all educational institutions within the province.
- (c) Educator posts outside public schools shall be advertised both in the national and provincial media and by circular to all schools in the relevant province, ensuring that the provisions of paragraph 1.1 are met.
- (d) Educator posts at colleges shall be advertised in the national and provincial media by the employing department, ensuring that the provisions of paragraph 1.1 are met.



Principals must complete the official prescribed form (***ECDE/Personnel/01***) to request the placement of advertisements in the Bulletin. The original copy should be sent to the Provincial Office through the District Office. A copy should be appropriately filed at school.

2. Applications for departmental educator posts (as contained in all bulletins)

1. IMPORTANT INFORMATION FOR ALL APPLICANTS

- A. Applications should be made on the attached Eastern Cape Province application form (**Educator Employment Profile EDP 01 Form**). Such form must be photocopied from this bulletin. Additional copies of this application form can be obtained from any District Office. This form has been designed to allow SGB's to shortlist with as much possible relevant information. This form combines the information in the standard application form and the standard CV information into one Employment Profile Form. Although the standard form may still be used, SGBs require the maximum amount of information in order to shortlist candidates.
- B. Application Forms are to be accompanied by all relevant documentation. (Recommended list)
- Completed (EDP 01) application form
 - A valid working permit for non-South African citizens
 - Certified copy of the green South African Identity document
 - Certified copies of all academic qualifications, which must include appropriate training as educator
 - Certified copy of membership certificate with SACE (OR proof of application for registration)
- C. **Forms without all the relevant documentation will be discarded.**
- D. Separate application forms should be completed for **EACH POST**. Each form must be accompanied by the required documentation. Completed forms which are photocopied will not be accepted.
- E. Where there is misrepresentation of facts, or any other deviations from these procedures, regulations, or collective agreements, the Department reserves the right not to fill the post or posts affected.
- F. The post, post number and the name of the educational institution for which an application is being made should be clearly stated.
- G. **NO LATE APPLICATIONS WILL BE ACCEPTED.**
- H. Successful candidates are only to assume duty on receipt of an official letter of appointment duly signed by the relevant DISTRICT DIRECTOR.
- I. **All applications must be directed to the relevant District Offices only.**
- J. The Eastern Cape Department of Education is an affirmative action employer.
- NB.** You can regard your application as unsuccessful if you have not heard from us within three months of the closing date.

Only shortlisted candidates will be contacted. Shortlisted candidates will be expected to pay for their own travelling costs.



4. Sifting

- (a) The employing department shall acknowledge receipt of all applications by:
 - (i) informing all applicants in writing of receipt;
 - (ii) clearly indicating whether the application is complete or not; and
 - (iii) indicating whether the applicant meets the minimum requirements for the post and that such applications have been referred to the institutions concerned.
- (b) The employing department shall handle the initial sifting process to eliminate applications of those candidates who do not comply with requirements for the post(s) as stated in the advertisement.
- (c) In the case of colleges, where applications are received at the institution, the college council shall acknowledge receipt of applications in terms of paragraph 2.1 above.
- (d) Trade Union parties to Council will be given a full report, at a formal meeting, on:
 - (i) names of educators who have met the minimum requirements for the post/s in terms of the advertisement;
 - (ii) names of educators who have not met the minimum requirements for the post/s in terms of the advertisement; and
 - (iii) other relevant information that are reasonably incidental thereto.



The District Office takes final responsibility for the initial sifting process in order to eliminate the applications of those candidates who do not comply with the minimum requirements or eligibility criteria. It is still possible that errors may occur in the above information. Possible errors detected will be corrected and appointments may be cancelled if discovered that it was effected on incorrect information.



5. Selection panel

The task of selecting staff for departmental and SGB posts are the responsibility of the SGB. Each year the SGB will appoint a Selection Panel to take responsibility for the process of selection and recommending the appointment of the new staff member. This panel becomes the Interview Committee.

Each member of the Panel will be asked to sign a declaration of confidentiality. An example of such a declaration is given below.

DECLARATION OF CONFIDENTIALITY BY MEMBERS OF THE SELECTION PANEL

We, the undersigned, do hereby agree:

1. To observe strict confidentiality in respect of all discussions concerning the short-listing and interviewing of applicants. We will not communicate details of the process to anyone who does not have the authority to know these details.
2. To withdraw ourselves when a family member or close associate is being discussed.
3. To abide by (respect) the decisions of the Selection Panel and understand that decisions taken by the committee will be binding on all its members.

Signed:.....

Date:.....

(Separate signature for each member)



PERSONNEL ADMINISTRATIVE MEASURES (PAM), section 3.3

6. Shortlisting and interviews as per the PAM document

(a) Interview Committees shall be established at educational institutions where there are advertised vacancies.

(b) The Interview Committee shall comprise:

(i) In the case of public schools:

- one departmental representative (who may be the school principal), as an observer and resource person;
- the Principal of the school (if he/she is not the department's representative), except in the case where she/he is the applicant;
- members of the school governing body, excluding educator members who are applicants to the advertised post/s; and
- one union representative per union that is a party to the provincial chamber of the ELRC. The union representatives shall be observers to the process of shortlisting, interviews and the drawing up of a preference list.

(ii) In the case of colleges:

- one departmental representative, as an observer and resource person;
- the head of the institution, except in the case where s/he is an applicant;
- members of the college council, excluding educator members who are applicants to the advertised post/s; and
- one union representative per union that is a party to the provincial chamber of the ELRC. The union representatives shall be observers to the process of shortlisting, interviews and the drawing up of a preference list. They are there to ensure that the correct selection procedures are followed, that the process is fair and that the Selection Panel is accountable to the school community.

- (c) Each Interview Committee shall appoint from amongst its members a chairperson and a secretary. The function of the chairperson is to preside over the meeting and to lead the process. The secretary's functions are to keep record of the proceedings and decisions, to complete the minutes of the interview meeting and to perform the administrative duties.
- (d) All applications that meet the minimum requirements and provisions of the advertisement shall be handed over to the school governing body responsible for that specific public school.
- (e) The school governing body is responsible for the convening of the Interview Committee and they must ensure that all relevant persons/organisations are informed at least 5 working days prior to the date, time and venue of the shortlisting, interviews and the drawing up of the preference list.
Where the Principal is an applicant, a departmental official may assist the school governing body.
- (f) The Interview Committee may conduct shortlisting subject to the following guidelines:
 - (i) The criteria used must be fair, non-discriminatory and in keeping with the Constitution of the country.
 - (ii) The curricular needs of the school.
 - (iii) The obligations of the employer towards serving educators.
 - (iv) The list of shortlisted candidates for interview purposes should not exceed five per post.
- (g) The interviews shall be conducted according to agreed upon guidelines. These guidelines are to be jointly agreed upon by the parties to the provincial chamber.
- (h) All interviewees must receive similar treatment during the interviews.
- (i) At the conclusion of the interviews the interviewing committee shall rank the candidates in order of preference, together with a brief motivation, and submit this to the school governing body for their recommendation to the relevant employing department.
- (j) The governing body must submit their recommendation to the provincial education department in their order of preference.
- (k) In the case of colleges, the interviewing committee shall submit its ranked preference list to the college council for their recommendation to the relevant employing department.



The interview committee must agree on shortlisting criteria and *may formulate additional criteria for short-listing in consultation with the relevant employee organisations who are recognised members of the Education Labour Relations Council. A list of appropriately weighted indicators should be arrived at using information provided in the advertisement as well as curricular needs, subject or post requirements, duties, skills and qualities that are relevant to the post.*¹

After having agreed on shortlisting criteria or additional shortlisting criteria, the Interview committee opens the envelope containing the applications and shortlists candidates. *All members of the interview committee should read all the application documents. The referees of the five best applicants chosen to be interviewed should be contacted to comment on the applicants' personal qualities and professional competence.*



All candidates who have been short-listed must be called for an interview. A schedule of interview dates and times should be compiled. *Candidates must be given seven working days' notification of the time, date and venue of the interview (unless a shorter period is mutually agreed upon). Every possible attempt must be made to contact candidates, including in writing, fax, phone, telegram or personal contact. The chairperson should ensure that the messages have been received.*¹

*The relevant teacher unions must be given the opportunity to observe the short-listing process to satisfy themselves that the criteria were applied properly. The teacher unions must be given at least five working days' notice, but should any such union be unable to attend the shortlisting process, such inability shall not negatively affect the process.*¹

*The decision of the Interview Committee must not be based on undue influence. Undue influence will exist if intimidation, threats, corruption, bribery or any undue interference in the process of objective selections results in the unequal treatment of candidates. The members of the Interviewing Committee must be unbiased and therefore educators or principals applying for the advertised vacancy may obviously not sit on the interviewing process (item 3.3(b)(i): PAM).*¹

*The governing body must ensure that accurate records are kept of the proceedings and must store these documents for reference purposes for at least one year. The interviewing panel must remain unaltered until all interviews are completed. All the panel members and observers should append their signatures on the score sheet.*¹

*Thereafter the governing body must receive, consider and ratify the recommendations of the interview panel. The governing body must complete the required recommendation forms and deliver the shortlist of five names in order of preference to the relevant department within two months of being requested to make a recommendation (section 8(4), Employment of Educators Act).*¹

In considering the applications, the governing body must ensure that the principles of equity, redress and representivity are complied with.



7. Shortlisting and interviewing process as per the Provincial Circular No. 49

7.1 Procedure before interviews – cross-reference with point 6 above

- (a) The school Governing Body should establish an Interview committee.
- (b) The School Governing Body must convene the first meeting of the Interview committee
- (c) The Interview Committee must elect among themselves a chairperson and secretary
- (d) The Interview committee must set and adopt short-listing criteria;
- (e) The Interview Committee must short-list applicants as guided by ELRC resolution no. 5 of 1998;
- (f) The Interview committee must draft questions for interviews;
- (g) The above draft questions must under no circumstances be made available in whatever form to any of the applicants / interviewees prior the actual interview session;
- (h) The Interview committee must finalise and adopt the questions to be asked;
- (i) The above questions should be in accordance with the criteria / requirements for the Post.

Please note that paragraph 1.2.3 limits the shortlist for interviews 5 names - [except in the case where more than 5 additional educators applied - all additional educators who meet the post requirements should be included on the shortlist].

7.2 Procedure during the Interviews

- (a) Allow enough time for each interview by setting up a time-table;
- (b) Each applicant must receive more or less the same amount of time per interview;
- (c) The Chairperson of the Interview Committee should allow members of the Committee to put questions according to a pre-arranged plan;
- (d) Interviewees should be treated in a similar manner, both in terms of questions asked and manner in which interviews are conducted;

- (e) Indicate when and how the applicant will be informed of the final decision.

7.2.1 Do Not:

- (a) Rush the interview;
- (b) Allow any person who is an applicant to be part of any of the processes;
- (c) Ask questions about religion, sexual orientation, personal questions or leading questions;
- (d) Cross-examine an applicant;
- (e) Interrupt answers of applicants, unless the purpose is to get clarity from applicant;
- (f) Inform any of the applicants about the outcome of the applicant's performance during the interview - this is the role of the Employer.

7.3 Procedure after the Interviews

- (a) The Interview committee should reach a decision as soon as possible;
- (b) The Interview Committee must rank all the applicants interviewed in order of their preference and motivate the ranking of each applicant to the School Governing Body;
- (c) The School Governing Body, not the Interview Committee, must submit its recommendation in order of preference to the ECDoE. This submission of the School Governing Body may or may not differ from the earlier submission of the Interview Committee. The School Governing Body must give reasons to the Interview Committee where the School Governing Body differs from the earlier submission by the Interview Committee.
- (d) The ECDoE must notify the successful applicant first and, as soon as possible, obtain his/ her acceptance of the nomination in writing; thereafter
- (e) The ECDoE must notify the unsuccessful interviewees as soon as possible;
- (f) An applicant has the right to request and obtain information about his / her unsuccessful interview from the Employer;
- (g) The School Governing Body must return all applications and forward copies of the minutes to the ECDoE,
- (h) The School Governing Body must ensure that the nomination form and support documentation are correctly and fully completed and submitted to the ECDoE as soon as possible;
- (i) The School Governing Body must retain accurate records of proceedings related to both short-listing and interviewing.

8. Interviewing

- (a) Candidates may not object to the presence of observers from employee organisations / unions.
- (b) It is incumbent on the SGB to invite all the employee organisations/unions registered with the ELRC to attend these meetings by notifying their provincial offices at least 5 working days in advance. The non-attendance of such representatives however, does not invalidate the process. Records of invitations should be kept (refer to paragraph 4.4.9 of PELRC Res.2/2002)
- (c) It may also be stressed that members of the employee organisations / unions may only act as observers (they are not panel members) and that they may not participate in the short-listing or the interviewing as such.
- (d) If only one or two candidates qualify for a post, they must however still be considered during all processes although they need not necessarily be appointed, except where they are in addition and meet the requirements for that post on the same post level.
- (e) It is recommended that:
 - i. the governing body compiles an interviewing time schedule according to which appointments for interviews are made,
 - ii. the same panelists sit on the short-listing and interviewing panel, if at all possible,
 - iii. at least one educator (who should not be an applicant in this process) be included in the panel, but that educators should not make up the majority of the panel. The absence of a nominated educator on the panel does not invalidate the Process
 - iv. learners not be included in the interviewing committee because of their legal status within the governing body (South African schools Act, Act No. 84 of 1996, Section 32)
 - v. interview questions should focus on the job content /description /duties / responsibilities of the advertised post
 - vi. The SGB then nominates the candidate/s whom they recommend for appointment in order of priority [consider excess educators first]. These nominations must be approved by the Head of Department (South African Schools Act, Act No. 84 of 1996 Section 20(1)(i))



8.1 Conducting professional interviews

The following are guidelines for conducting interviews professionally.

DOs FOR INTERVIEWERS	DON'Ts FOR INTERVIEWERS
<ul style="list-style-type: none">• Use a quiet, comfortable room for the interviews.• Put the applicant at ease.• Introduce all members of the interview committee.• Explain that the interview will last for 30 minutes.• Clearly outline the requirements of the job.• Ensure that the interview discussion stays on the main questions – do not make speeches and keep to the scheduled time!• Allow the applicant to talk freely.• Listen without interrupting the interviewee.• Make notes.• Ask if the applicant has any questions• Close the interview by thanking the applicant for coming.• Explain the next step of how the applicant will be informed about the outcome of the application.	<ul style="list-style-type: none">• Do not keep the applicant waiting.• Do not allow the interview to be interrupted.• Do not ask unnecessary personal questions.• Do not build false hopes.• Do not oversell the job.• Do not rush through the interview.• Do not repeat questions already answered in the application.• Do not give your own opinions.• Do not prejudge the applicant on the basis of personality or appearance.• Do not end the interview without giving the applicant the opportunity to ask questions.



8.2 Interview questions

The Selection Panel needs to decide what questions to ask and which member of the panel will ask which questions. Union representatives are present as observers only and may not ask questions or make comments during the interviews. Questions need to be focused and relevant. The following are some suggested questions for educators including who would ask each question.

Suggested questions
<ul style="list-style-type: none">• Why are you interested in this job?• What are personal strengths and weaknesses?• Give an example of one of your strengths in day-to-day teaching• Describe your duties in your previous job• Describe your previous in-service training? Elaborate.• Are you familiar with new educational legislation and policies?

<ul style="list-style-type: none"> • What are your views on the Developmental Appraisal System? • Which co-curricular activities are you prepared to assist with?
<ul style="list-style-type: none"> • What style of classroom management do you have? • What are your views on OBE? • How has your teaching changed in the new curriculum? • Are the new assessment methods useful? Give examples.
<ul style="list-style-type: none"> • Tell us about the most difficult parent you have had to deal with. How did you deal with the situation? • How would you deal with learners' discipline problems now that corporal punishment has been abolished? Give examples from your experience. • Are you active in the community? If so, in what ways? • In what ways would you promote co-operation between the school and the community?



9. Nomination procedure as per Manual for School Management

9.1 Rating procedure

Interview times should be scheduled in such a way that it allows for a short time after each interview for the panel to briefly discuss the applicants' strengths and weaknesses and rating each applicant privately. Rating is like scoring: you give the applicant a score for each criterion. **Annexure/Personnel/01** is a proforma example of a rating form that could be used for this purpose. Schools may change the criteria to suit the job.

9.2 Ranking all applicants

At the end of the interviews, each member of the Selection Panel should have completed a rating form for each applicant. The chairperson collects the rating scores from each member of the Selection Panel and compiles the ranking form. The form below can be used for this purpose. A proforma is provided in **Annexure/Personnel/02**.

Proforma: Annexure/Personnel/02.

RANKING FORM						
Final Rating scores (for example out of 100)						
Applicant	Panel member 1	Panel member 2	Panel member 3	Panel member 4	Panel member 5	TOT
Applicant A						
Applicant B						
Applicant C						
Applicant D						
Applicant E						

The Selection Panel (excluding the union representatives) compares the final rating scores for each applicant. Ratings and rankings are only part of the final decision. They need to be matched with the Selection Panel members' personal impressions of the applicants' qualities and the comments of the referees. Union representatives are observers only and may not vote or influence the rating or ranking process. After the individual ratings, the committee can draw up a ranking list indicating the first, second and third choices, etc. If the Selection Panel cannot reach a unanimous decision they may have to take a vote.



10. Making recommendations to the department

Once the Selection Panel has made its ranking list the chairperson completes the official form ***Recommendation and Approval: ECDE/Personnel/04*** for each post. The names of the first three applicants should be entered on the form in order of merit. This form is then signed by the chairperson of the selection panel and principal and forwarded to the SGB for final approval. It is recommended that the chairperson write a letter stating that all members of the selection panel (including union observers) are satisfied with the selection procedures followed. All the members of the panel including the union representatives should sign this letter.

The SGB should call a special meeting to discuss the recommendation. The Selection Panel should be able to motivate their choices. If the SGB is not satisfied with the recommendation it may request the Selection Panel in writing to review their rankings.

Once the SGB approves the recommendation it is submitted to the District Office together with the following documentation:

- a covering letter stating the names of all applicants and the three recommended applicants in order of merit and
- the application documentation of the three recommended applicants and
- letter signed by the panel confirming their satisfaction with the process (optional)

PROVINCE OF THE EASTERN CAPE

DEPARTMENT OF EDUCATION
ISEBE LEZEMFUNDO
DEPARTEMENT VAN ONDERWYS

HRA: FORM A

FAX MESSAGE

TO: ORGANISATIONS

FAX NUMBERS

NAPTOSA

(043) 7224089

SADTU

(040) 6393229

SAOU

(041) 3640510

NATU

(039) 7273338

FROM: NAME OF OFFICE/SCHOOL : _____
TELEPHONE NO. : _____
FAX : _____
PHYSICAL ADDRESS : _____

INVITATION AS AN OBSERVER FOR SHORTLISTING AND INTERVIEWING FOR
EDUCATOR POSTS.

Please be informed that the **short-listing** and **interviews** for the filling of Educator posts will be conducted as follows:

SHORT-LISTING				INTERVIEW SCHEDULE		
POST	DATE	TIME	VENUE	DATE	TIME	VENUE

Please contact _____ if you have any queries.

Thank you

.....
CHAIRPERSON SGB / INTERVIEWING PANEL

Circular 49/2005 (HRA: Form A)

**PROVINCE OF THE EASTERN CAPE
DEPARTMENT OF EDUCATION
ISEBE LEZEMFUNDO
DEPARTEMENT VAN ONDERWYS**

HRA: FORM B

Mr/Mrs _____

INVITATION TO INTERVIEW : VACANCY LISTof 201.....

DETAILS OF INTERVIEW	
POSITION/POST	: _____.
INSTITUTION	: _____.
VENUE	: _____.
TIME	: _____.
DATE of INTERVIEW	: _____.

POST No.

--	--	--	--	--	--	--

1. Kindly be advised that you have been short-listed for the above mentioned post based on your application.
2. You are requested to bring the following documents along with you to the interview, which should be handed over to the chairperson of the interviewing panel in the presence of all other panel members:
 - 2.1.1. Certified copies of the following documents **(Compulsory)**:
 - (i) Identity document
 - (ii) All relevant Qualifications
 - 2.1.2. A Comprehensive Curriculum Vitae (CV) / Professional Profile **(Optional)**
3. Copies of such documents may be certified by the Principal if the original/authentic documents are presented for perusal at the time of the interview before all panel members.
4. All such certified copies should be attached to the application documents of all short-listed candidates by the Chairperson of the interviewing Panel in the presence of all panel members, together with Form E: Declaration Statement.
5. Please take note that your attendance at this interview is at your own costs and your non-attendance will not in anyway invalidate the process.

Yours sincerely

CHAIRPERSON: GOVERNING BODY

Date:/...../20.....

Circular 49/2005 (HRA: Form B)

PROVINCE OF THE EASTERN CAPE

**DEPARTMENT OF EDUCATION
ISEBE LEZEMFUNDO
DEPARTEMENT VAN ONDERWYS**

**SUBMISSION ROUTE FORM: VACANCY LISTOF 201.....: FILLING OF VACANT
ADVERTISED EDUCATOR POSTS**

(Circular 49/2005)

HRA: FORM C

NAME OF 1ST RECOMMENDED CANDIDATE:				
SUBMISSION: RECOMMENDATION FOR APPOINTMENT IN SCHOOL/ FET COLLEGE POSTS:				
EDUCATORS (VACANCY LIST .../ 201.....: POST NO:_____.				
	SGB (School Governing Body/College Council)	EDO (Education Development Officer)		
Surname & initials:				
Telephone number: Fax number / e-mail				
Institution Name:				
Comp No:				
ROUTE TO BE FOLLOWED				
	TO			REMARKS
	Surname and Initials	Signature	Date	
Head of Institution (EDO to sign for vacant principal post)				(For cognizance)
EDO				(For cognizance)
CES: Education and Governance				
Deputy Director: HRA				
DISTRICT DIRECTOR				
PLEASE RETURN TO HRA UNIT IN RELEVANT DISTRICT OFFICE				

PROVINCE OF THE EASTERN CAPE

DEPARTMENT OF EDUCATION
ISEBE LEZEMFUNDO
DEPARTMENT VAN ONDERWYS

(Circular 49/2005) HRA: Form C1

TO: THE HEAD OF DEPARTMENT: EDUCATION / DISTRICT DIRECTOR.

RECOMMENDATION FOR APPOINTMENT IN SCHOOL / FET COLLEGE: EDUCATOR
POSTS (VACANCY LIST No..... / 201.....)

PART A: SCHOOL/INSTITUTION: This portion must be filled in by the relevant SGB
after the interview process and verification of all documentation attached

1. POST NO : _____
2. POST DESCRIPTION : _____
3. POST LEVEL: _____
4. INSTITUTION/SCHOOL: _____
5. DISTRICT : _____
6. Date of Final Interview by SGB: _____
7. Details of Person Recommended for Above Post :

7.1 Personal Particulars of Recommended candidate:

Surname: _____

Full Names: _____

Contact No's: _____

Identity Number: _____

PERSAL NUMBER: _____

REQV : _____

RE: RECOMMENDATION FOR APPOINTMENT IN SCHOOL POSTS/ FET COLLEGE/
EDUCATORS
Circular 49/2005 HRA: FORM C1

This image shows a full page of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

9. The following are the remaining short-listed applicants recommended

RE: RECOMMENDATION FOR APPOINTMENT IN SCHOOL POSTS/ FET COLLEGE/ EDUCATORS	Circular 49/2005 HRA: FORM C1
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for appointment, in order of preference. In the event that the first recommended candidate cannot accept this offer, please indicate if the ranked candidates are appointable. If not, motivate separately why not, as the ECDoE will automatically appoint the next best candidate of preference.

Rank	Recommended Candidate	(See attached application forms and annexures with motivations for appointment)	Appointment/Not Appointable (<i>Reasons must be given where not appointable</i>)
2ND	SURNAME/INITIAL PERSAL ID		
3RD	SURNAME/INITIAL PERSAL ID		
4TH	SURNAME/INITIAL PERSAL ID		
5TH	SURNAME/INITIAL PERSAL ID		

10. INTERVIEW PANEL SCORING OF CANDIDATES

	CANDIDATE	TOTAL AVERAGE SCORE OF PANEL	FINAL RANKING OF CANDIDATE
1			
2			
3			
4			
5			
6			
7			

11. INTERVIEWING PANEL

	PANELIST	STATUS	SIGNATURE
1			
2			
3			
4			
5			
6			
7			

12. OBSERVERS

NB: Any non-attendance of observers needs to be noted

	OBSERVER	UNION	SIGNATURE
1		SADTU	
2		SAOU	
3		NAPTOSA	
4		NATU	
5			

13. RECOMMENDATION:

It is recommended that Mr/Ms _____
 be appointed in the post of _____
 with effect from _____. I declare that all due
 processes have been followed by the SGB in terms of Circular 49/2005.

CHAIRPERSON: GOVERNING BODY

Date: _____

RE: RECOMMENDATION FOR APPOINTMENT IN SCHOOL POSTS/ FET COLLEGE/ EDUCATORS
Circular 49/2005 HRA: FORM C1

PART B:

DISTRICT OFFICE: This portion must be filled in by the relevant District Official after verification of all completed documentation sent by the SGB.

RECOMMENDATION IN PARAGRAPH 13 SUPPORTED/ NOT SUPPORTED / SUPPORTED AS AMENDED

Compliance:	YES	NO
REQV 13 +		
SACE REGISTRATION		
Pre-Mature Retirement e.g. VSP/ MEDICAL Boarding		
MISCONDUCT		
Certified Copies of Relevant Education Qualifications		
Appropriateness (according to SGB motivation and EE grid: Form E)		

COMMENTS:

Education Development Officer (EDO)	DATE	CES: Education and Governance (For Cognisance)	DATE

RECOMMENDATION IN PARAGRAPH 13 SUPPORTED/ NOT SUPPORTED / SUPPORTED AS AMENDED

Compliance:	YES (√)			NO (X)	
Post Level (tick box)	PI1	PI2	PI3	PI4	
Approved Post on Establishment					
Advertised Post in Vacancy List					
Principal Post upgraded and recommended appointment by SGB					

COMMENTS:

Deputy Director: HRA	DATE

RE: RECOMMENDATION FOR APPOINTMENT IN SCHOOL POSTS/ FET COLLEGE/: EDUCATORS	Circular 49/2005 HRA: FORM C1
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NB: The Deputy Director: HRA must attach the letter of appointment to this submission after concurring with the recommendation for the approval of appointment by the District Director.

RECOMMENDATION IN PARAGRAPH 13 APPROVED/ NOT APPROVED / APPROVED AS AMENDED

(District Director to duly sign the attached letter of Appointment together with this submission)

COMMENTS:

DISTRICT DIRECTOR

DATE

Note: This submission is be returned to the Deputy Director: HRA of the relevant district office to submit the letter of appointment via the EDO to the successful candidate who must be given 7 days to accept the offer of appointment

RE: RECOMMENDATION FOR APPOINTMENT IN SCHOOL POSTS/ FET COLLEGE/: EDUCATORS	Circular 49/2005 HRA: FORM C1
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**PROVINCE OF THE EASTERN CAPE
DEPARTMENT OF EDUCATION
ISEBE LEZEMFUNDO
DEPARTMENT VAN ONDERWYS**

(Circular 49/2005) HRA: FORM D

Statement/Declaration by all Interviewed Candidates:

The following brief affidavit must be completed by all interviewed candidates (signed by the EDO) and accompany the submission Form C: Recommendation for Appointment documentation.

1. Post Number: _____ Post Description: _____

2. Surname: _____ Initials: _____

3. Persal No: _____ ID no : _____

4. Present School/Institution: _____

4. Telephone: (H): _____ (W): _____ Mobile/Cell: _____

5. SACE Registration No.: _____

5.1. HPCSA (optional) Reg No.: _____

6. Have you taken any early Retirement i.e. the Voluntary Severance Package or Medical Boarding? No Yes

--	--

7. Do you have any criminal record for a serious offence? No Yes

8. (Excludes *traffic offences or previously politically motivated offences*)

--	--

9. Have you been charged and found guilty of professional misconduct in the public service? Yes No

--	--

If the answer to any of these questions is “**yes**” please supply full details on a separate attached sheet, if necessary.

NB: I declare that the above information is true and I understand that any false or incorrect information/statement may disqualify my application and nullify my possible appointment/promotion into this post.

Signature of Applicant : _____ **Date:** _____ or

Cognisance that form was duly submitted :

Chairperson of Governing Body: _____ **Date:** _____.

EDO: _____ **Date:** _____.

(Circular49/2005): HRA Form D

EASTERN CAPE DEPARTMENT OF EDUCATION

EMPLOYMENT EQUITY GRID AS ON _____(DATE)

FORM F

INSTITUTION/ SCHOOL _____ COMP NO: _____

DISTRICT OFFICE _____ DATE _____

M – Male F- Female D- Disability

EE POSITION BEFORE RECOMMENDATIONS ARE DONE															EE POSITION AFTER RECOMMENDATIONS ARE DONE																
EDUCATORS: INSTITUTIONS																															
Post level	African			White			Indian			Coloured			Total			Post level	African			White			Indian			Coloured			Total		
	M	F	D	M	F	D	M	F	D	M	F	D	M	F	D		M	F	D	M	F	D	M	F	D	M	F	D			
PL1																PL1															
PL2																PL2															
PL3																PL3															
PL4																PL4															
PL5																PL5															
Total																Total															

Principal/EDO

DATE

Chairperson: SGB

DATE

***NB: SHOULD NOT INCLUDE STATISTICAL INFORMATION WITH REGARD TO
TEMPORARY AND SUBSTITUTE EDUCATORS**

**A - African
F - Female**

**C - Coloured
M - Male**

I - Indian

W - White

D - Disabled



11. Appointment

- (a) The employing department must make the final decision subject to:
 - (i) satisfying itself that agreed upon procedures were followed; and
 - (ii) that the decision is in compliance with the Employment of Educators Act of 1998, the South African Schools Act, 1996 and the Labour Relations Act, 1995.
- (b) The employer will inform all unsuccessful candidates, in writing, within eight weeks of an appointment being made.

12. Records

The employer must ensure that accurate records are kept of proceedings dealing with the interviews, decisions and motivations relating to the preference list submitted by school governing bodies and other such structures.



13. Role of Union Representatives as observers

The organised teaching profession also has a stake in the fair and just transfer or appointment of every educator. Teachers' unions play a supervising role by observing the compliance with the legal prescriptions. For this reason the teachers' unions must be informed of the names of candidates that have met the minimum requirements (item 3.2(d), PAM). The unions are also usually informed of the applicants that did not comply with the minimum requirements. The role of the teacher unions is not to interfere with the appointment process by influencing any of the decisions during the sifting, shortlisting, interviewing or recommendation phases. However, as observers the unions may bring any unfairness or procedural irregularities to the attention of the HoD before an appointment is finalised.



13.1 Note:

- (a) Unions admitted to the PELRC are to be invited as observers to the above processes.

- (b) Observers DO NOT ACTIVELY PARTICIPATE in the above processes. Observers are there to observe that fair procedures are adhered to during the above processes.
- (c) Observers may note objections where fair procedures are not followed.
- (d) Observers may NOT interfere or input into the above processes.

14. Applicability of PELRC Resolution No. 2 of 2002

- 14.1. The above Resolution must be cross-referenced insofar as it does NOT conflict with Chapter B s3(1) to s3(5) of the Personnel Administrative Measures (PAM).
- 14.2. Short-listing and interviewing procedures as outlined in the above guidelines for interviews will apply.
- 14.3. School Governing Bodies are advised to study the above mentioned Resolution in order to comply with procedures and to avoid possible labour disputes.

15. Redress and equity

- 15.1 The SGB is obliged to submit together with the recommendation form an Employment Equity / Representivity Grid [Form] for their institution. The SGB is requested to seriously apply their .minds to the demographics of the learner population which should immediately necessitate the deracialisation of the staff complement, in line with the spirit of the Employment Equity Act, 1998, as well as, the ECDoE Employment Equity Plan, distributed to schools in October 2004.
- 15.2 In terms of section 20 (8) of the South African Schools Act, 1996, the staff contemplated in section (4) [educators], must be employed in compliance with basic values and principles referred to in section 195 of the Constitution and the factors to be taken into account when making appointments include , but are not limited to -
 - (i) the ability of the candidate
 - (ii) the principle of equity
 - (iii) the need to redress past injustices and
 - (iv) the need for representivity i.e. Race, Gender, and Disability

16. Applications of unsuccessful applicants

These applications must be taken into safe keeping by the SGB for a period of six months, after which it may be destroyed.

17. Documentation

- 17.1 All documentation must be submitted by the institution to the District Office who takes responsibility to verify all documents.

SECTION C : Grievance Procedure



PERSONNEL ADMINISTRATIVE MEASURES (PAM), chapter H

1. Objective

- 1.1 The objective of this grievance procedure is to seek to resolve a complaint at the personal level as quickly and as close to the source of complaint as possible. It is aimed at avoiding a grievance becoming a dispute. In the case where a grievance cannot be resolved through this process and is consequently registered as a dispute in terms of the provisions of the constitution of the Education Labour Relations Council, such registered dispute shall be dealt with in terms of the dispute resolution procedure as set out in the said constitution.

2. Definition

- 2.1 A grievance is a complaint by an employee or employees affecting the employment relationship of the person or persons concerned, or where there is an alleged misinterpretation, or violation of his or her, or their rights.

3. Dealing with grievances

- 3.1 Grievances shall be dealt with in the following manner.
- (a) Oral interview
 - (i) A sincere attempt should be made to resolve any grievance by oral interview between a grievant or grievants and the head of a school or college (herein after referred to as “the head”), and in the case of an educational institution outside a school or college or the head of a school or college, the supervisor(hereinafter referred to as “the supervisor”), before differences become formalised grievances.
 - (ii) During this process no records will be kept of proceedings which will be without prejudice to either of the parties.
 - (b) Formal written grievance: Institutional level, (school/college) and departmental level

- (i) A grievant or grievants may lodge a grievance or grievances with the head or the supervisor in writing within a reasonable period of time, but in any event not later than 90 calendar days following on the time and date on the alleged grievance or grievances occurred. Full details of the nature of the grievance or grievances must be relayed to the head or the supervisor, the case may be. The grievance or grievances must bear the signature or signatures of the grievant or the grievants and a copy thereof shall be filed with the relevant office of the provincial department of education by the head or supervisor, as the case may be, which office shall be identified by the relevant head of a provincial department in each province.
- (ii) The head or the supervisor, as the case may be, shall confer with the grievant or grievants, and others involved, within 3 working days of receipt of the formal written grievance in order to resolve the grievance. At this meeting the facts shall be presented and considered and an effort shall be made to resolve the matter to the satisfaction of all parties.
- (iii) The head or the supervisor, as the case may be, shall communicate the outcome to the relevant office of the provincial department of education within 5 working days of the resolution or non resolution of a grievance.
- (iv) If an action or lack of an action, or a decision or lack of a decision, concerns the head or the supervisor, the grievant or grievants may refer the matter directly to the regional/district level in respect of a school/college and departmental level in respect of an institution outside a school/college, provided that a sincere attempt has been made to resolve the grievance or grievances in terms of the provisions of paragraph 3 (a) above.
- (c) Regional/district level in respect of a school/college and departmental level in respect of an institution outside a school/college
 - (i) If the grievant or grievants is/are not satisfied with the outcome referred to in sub-clause (b) above, the grievant or grievants may refer the matter in writing, by hand or registered mail, together with the decision of the head or the supervisor, as the case may be, to the regional/district head of education in the case of an educator at a school/college and in the case of an educator outside a school/college to the office referred to in sub-clause (b)(i), within 5 working days of the parties failing to resolve the grievance or grievances. A copy of the referral must be presented to the head or supervisor, as the case may be, and where applicable, to the grievant or grievants' trade union.
 - (ii) The head or the supervisor shall forward his or her comments together with all relevant information on the grievance or grievances to the regional/district head or the office referred to in sub-clause (b)(i), as the case may be, within 5 working days after receiving the referral mentioned in sub-clause (c)(i) above.
 - (iii) The head of the region/district or the head of the relevant provincial education department, or his or her delegate in respect of an educator

outside an educational institution, shall within 5 working days from the date of receipt of all the parties' referrals, attempt to resolve the grievance or grievances and communicate his or her decision in writing to all parties.

- (iv) Should the grievant or grievants not be satisfied with the outcome, he or she may register a formal dispute with the Executive Officer of the Education Labour Relations Council (hereinafter referred to as the "Council") in terms of the provisions of the Council's constitution.

3.2 A trade union registered with the Council may register a grievance with the head or supervisor or the head of a relevant department of education, as the case may be, on behalf of its members individually or collectively and represent such member or members during any stage of this grievance procedure. A non-member or nonmembers may be represented by another employee.

3.3 The parties to a grievance or grievances may by agreement extend the periods referred to in sub-clauses (b)(i) and (c)(ii) and (iii) above.

SECTION D : APPOINTMENT / PROMOTION PROCEDURES

This section serves as a quick reference to the appointment / promotion procedures. **Please cross-reference with section B.**

1. The advertising and filling of educator posts

- ▶ The advertisement must-
 - (a) be self – explanatory and clear and must include:-
 1. minimum requirements
 2. Procedure to be followed for application
 3. Names and telephone numbers of contact persons
 4. Preferable date of appointment, and
 5. Closing date for receipt of applications
 6. Must be accessible to all who qualifies.
 7. Must be non discriminatory and in keeping with the provisions of the Constitution of the RSA
 8. **Must clearly state that the State is an affirmative action employer.**

2. Sifting

- ▶ The employing department shall acknowledge receipt of all applications by:
 - Informing all applicants in writing
 - Clearly indicating whether the application has been rejected.
 - The employing department shall handle the initial sifting process to eliminate applications of those candidates who do not comply with the requirements for the post(s)
 - Trade Union parties to Council will be given a schedule containing:
 - names of educators who have met the minimum requirements
 - names of educators who have not met the minimum requirements

3. Interview committee

- ▶ The Governing Body constituted in terms of the SASA must establish an Interview Committee from its members/ co – opted members.
- ▶ The interview committee will be responsible for sifting and shortlisting applicants to obtain a manageable number , and thereafter interview and assess them for the purpose of making recommendations

4. Composition of interview committee

- ▶ The Principal/ Acting Principal of the school, if he or she is not the Department Representative, except in the case where he/she is an applicant.
- ▶ One Departmental representative:[who may be the School Principal] as a resource person.
- ▶ **NB The Acting Principal must hold a substantive post of at least one post level higher than that of the applicant.**
- ▶ Learner members of the SGB are precluded from serving on the IC.
- ▶ Each IC shall appoint from amongst its members a chairperson and a secretary.
- ▶ Members of the SGB or co – opted members excluding educator members who are applicants to the advertised post.
- ▶ One Union Representative per CTU
- ▶ -CTU – a Autonomous Teachers Union
- ▶ - CTU – SADTU

5. Chairperson and secretary

- ▶ Maintenance of accurate records off all meetings.
- ▶ Records must indicate date, names of all attendees and the constituencies they represent.
- ▶ A) Sifting
 - Total number of applicants for the post
 - Number of rejected applications with appropriate comments on the application form

- All rejected applications must be filed separately from eligible applications
- ▶ B) Shortlisting
- - Total number of eligible applications for the post
 - - the method and criteria used.

6. **Criteria setting**

- ▶ The IC set the criteria.
- ▶ The criteria must be in line with the advertisement . E.g.- School advertised a maths post, but has a Science qualification as a criteria- this would be unacceptable.
- ▶ The criteria must be in line with the post level. For a PL1 position the person should not be required to have knowledge of school management and school finances
- ▶ The criteria must not be discriminatory(such as the person must be male; Christian ect.)
- ▶ The criteria must not be unreasonable (for a post PL1 the applicant need not have any prior experience unless there are inherent requirements such as grade 12 teaching.
- ▶ Additional criteria may be set. The union observers must agree on the use of the additional criteria(the recommended subjects/abilities such as computer literacy
- ▶ Must be made clear how the criteria will be assessed
- ▶ Once the minimum requirements has been set the IC must apply them consistently and failure to apply them consistently will be unfair.

7. **Interviews**

- ▶ Arrange for a time before the scheduled time for the interviews to look at the questions.
- ▶ Questions must not be unreasonable.
- ▶ Questions must be in line with the criteria, the advertisement and the duties and responsibilities of the post.
- ▶ Aim of the questions must be to ascertain knowledge and experience.

- ▶ The questions must be Constitutionally fair – i.e no questions about marital status, planned pregnancy, religion, sexual orientation, how much time the person plans to spend at school after hours.
- ▶ Questions must pertain to the expectant role the person will play at the school – in the classroom, sports field ,maintaining discipline.

8. Procedures to be followed by SGB

- ▶ The SGB must comply with the procedures for convening and holding meetings when appointing the IC.
- ▶ The IC must comply with the procedures as set out in Regulation 3.3(c) of PAM.
- ▶ Proper notice must be given and there must be a quorum.
- ▶ The absence of the Union Rep and the Departmental Rep could result in the entire process being declared unfair
- ▶ The interview shall be conducted according to agreed upon guidelines.
- ▶ All interviewees must receive similar treatment during the interviews
- ▶ The candidates must be told how much time has been allocated for the interview.
- ▶ Candidates should not be interrupted while answering a question
- ▶ At the end of the interview the candidate must be given an opportunity to ask questions.
- ▶ The same members of the interview panel must be present when all interviews are done so as to afford the applicants an equal opportunity.
- ▶ Members of the IC must conduct themselves properly during the process
- ▶ **NB. Even if something goes wrong during an interview the observer may not interject, but may comment after the interview.**

9. Ranking

- ▶ Record the various questions posed to the interviewees.
- ▶ IC committees preference of candidates in rank order together with scores.
- ▶ Motivation in respect of ant supersession

10. Recommendations

- ▶ Each member of the IC should reflect on the interviews.
- ▶ **NB. Observers must be vigilant during this process.**
- ▶ You may object when discriminatory comments are made. Examples
 - A White/Black/Indian will not fit in with our school.
- ▶ - His a member of **** political party.
- ▶ - our parents/ pupils will never accept a black principal.
- ▶ Do not try to influence the IC.
- ▶ You may object to the unfair treatment of a candidate.
- ▶ The IC must rank and make a recommendation to the SGB
- ▶ It is important that the minutes reflect the details.
- ▶ Once the recommendation have been made and you are satisfied with the process, you need to sign the appropriate document if you believe that the process has been procedurally correct and fair.
- ▶ ***If the process have not met the required levels either procedurally, or in terms of fairness, you will be required to indicate as such to the panel and to submit a report to the Department and the respective Union offices.***

11. Ratification by SGB

- ▶ Acceptance of the candidates in rank order selected by the IC
- ▶ In the event of non acceptance of the selected candidates refer back to IC
- ▶ Final acceptance either through consensus or voting to empower chairperson to submit recommendation to SG.

12. Important issues

- ▶ Departmental representative must be one post level higher than the post advertised.
- ▶ The same members of the interview panel must be present when all interviews are done so as to afford the applicants an equal opportunity of impressing the committee

- ▶ The members on the interviewing panel must conduct themselves properly during the process.
- Need to take into consideration the following:
 - the ability of the candidate
 - the need to redress the imbalances of the past.
 - look at achieving broad representation
- ▶ The criteria must be fair, non discriminatory
- ▶ The curricular needs of the school
- ▶ **NB. You need to be alert to the fact that one must put emphasis on merit , but not lose sight of the fact of demographic representivity**

13. For a promotion to be fair

- ▶ - followed a fair procedure
- ▶ - did not discriminate
- ▶ - did not make a grossly unreasonable decision when appointing a particular person.
- ▶ Most disputes arises at school level and most are procedural.

SECTION E : ANNEXURES

ANNEXURE 1. PROVINCIAL CIRCULAR No. 49 of 2005

PART A: GENERAL PRINCIPLES

1. APPOINTMENT DOCUMENTS

Each school governing body (SGB) will receive a set of documents from the District Office.

1.1 Name list of applicants

- 1.1.1 This is a computer list of eligible applicants for each post, giving details of the post number, school, qualifications etc. of each applicant, as well as identifying any previously identified **ADDITIONAL** educators who will have to be considered **FIRST** in all instances above other applicants *where they meet the specific requirements for the particular post and are already at that particular post level*. Such lists of additional educators may be available from time to time within the system and the non-availability of such list should not invalidate the process. However, the department reserves the right whether to fill such post/s or not depending on the success rate of the declaration of educators in addition to their current establishments. Where the name list of additional educators is available such list should be used during the short-listing/interviewing processes to identify any concomitant additional educator on the list of applicants. Where practically possible, an additional educator at the same level of a vacant principal post could be considered in order to accommodate such educator if deemed to be suitable for such position. [e.g. a Deputy Principal at PL 3 could be considered as a priority for a PL 3 principal post if he/she meets the curricula needs and requirements of that post]

NB: Please note that the information contained in any additional list should be treated as confidential and may not be used for any other purposes other than prioritizing the short-listing and interviewing of any educator additional to the system.

- 1.1.2. The district office will keep a copy of this computer list for record purposes.
- 1.1.3. The names of all eligible applicants for any posts in a Vacancy List will be listed in alphabetical order.
- 1.1.4. Only those applicants who meet the specified requirements for the post will be considered for appointment and may therefore be considered by the governing body for short-listing and the interviewing purposes. **No** additional names may be added to these official lists by the governing body. Head Office/District Offices

will be the only authority to administratively add such names to the list only in **exceptional circumstances** with the concurrence of the District Director.

1.1.5. Applicants sifted out and **NOT** to be included on the list:

- Applicants who submitted incomplete / incorrect applications .
- Applicants who do not qualify for appointment .
- Applicants who are restricted in terms of legislation from re-appointment ,

These applications will not be included on the list and are therefore not regarded for appointment (Refer to instructions in Vacancy List).

NB: In the unlikely event of such application being erroneously considered, such appointment will be invalidated by the Department.

1.2. Vacancies for posts of Principal

1.2.1. Vacancy Lists for Principal posts are "**OPEN**" lists of vacant posts and any applicant who meets the requirements and provisions in terms of the specific bulletin, are invited to apply. The nature of the vacancy lists for other post levels should be consulted upon in the PELRC depending on the need to accommodate any educators displaced due to operational requirements who meet the minimum requirements for appointment and may apply and be considered during the process of appointment, Preferential treatment of **Additional** educators who are on the same post level as that of the vacant post, is a guiding principle throughout the process of filling of any vacancies on condition that the educator can be concomitantly accommodated in that vacancy. However, for vacant principal posts a special request is made to school governing bodies to as a priority consider educators at the same level as the post advertised.

1.2.2. All educators who have officially been declared in **Addition** to the Post Establishment of their respective schools, must be short-listed and considered for the vacant post, on condition that they apply for such vacant concomitant post on the same post level as the current level on which they have been declared in addition.

NB: Recommendations for the appointment of non- additional educators in cases where one or more additional educator did apply for a specific concomitant vacant post, may only be submitted to the Education Development Officer (EDO) at the District Office once the relevant District Official has approved of the non-motivation by the SGB of that additional educators concerned, in writing.

1.2.3. In a case where no additional educator applied for a concomitant vacant post, the short-listing committee should shortlist the most suitable candidates from the qualifying list, up to a maximum of five.

1.2.4. All eligible applicants who meet the minimum requirements for the post have been sifted by the Department and are listed in alphabetical order.

- 1.2.5. Cognizance should be taken that no preferential treatment is given to any educator who acted in a higher post level and therefore such applicants should be treated in the same way as any other applicant.
- 1.2.6. In cases where no recommendations are made from suitable candidates within the time frame stipulated within the relevant management plan, the District Director will be obliged to proceed and to make appointments into these vacant posts after 60 days. SGB's are required to adhere to the attached Management Plan. In the event of there been a non-existent / non-functional SGB, the District Director will exercise this role on behalf of the school by overseeing a fair process to appoint a principal.

2. The Completed Application Forms

- 2.1. Applicants should have completed an application form for a specific post, stating the specific post number as advertised at a specific institution. Applications will be captured according to post numbers which will always take precedence as to the intended post applied for where an incorrect institution may have been inserted by an applicant.
- 2.2. Only ONE separate application can be considered for a specific post. Candidates who wish to apply for more than one post must have completed separate forms for each individual post.
- 2.3. Certified copies of documents are only handed in by short-listed candidates to the Chairperson of the Interviewing Panel at the time of the interview.

3. Recommendation for Appointment in Advertised posts

- 3.1 This is the governing body's preference list of applicants that they recommended for appointment after the interviews have taken place. The form must be completed in full and signed by the chairperson of the governing body.
- 3.2 The particulars of the recommended / nominated candidates and the order of preference must be clear and the chairperson must duly sign any change/s in the original order.
- 3.3 The ranking of recommendations/nominations is extremely important. In the event of the non-availability of a candidate ranked first by the SGB, the Department may automatically consider the next candidate on the preference list. Where recommended candidates are **NOT** registered with SACE or where no proof of registration has been submitted to the Department at the time of appointment, then the next candidate will automatically be appointed.
- 3.4 The recommendation ranking form, together with the full application of all short-listed candidates which includes copies of all certified documents, should be submitted to the relevant EDO for that institution in the District Office.
- 3.5. It remains the responsibility of the SGB together with the relevant EDO, to ensure that complete applications of the five recommended candidates (*ranked in order*

of preference), are submitted to the relevant district office [inclusive of all attachments / certified documents, etc].

4. Appointment of Ranked Recommended Candidates

- 4.1. No appointment can be finalised by the District Office unless all documents have been duly completed and signed by all delegated parties.
- 4.2. The successful applicant should accept the appointment within seven (7) working days by completing and signing the form accepting the offer of appointment by the District Director.
- 4.3. A person may not accept more than one offer of appointment. In the case of two or more offers of appointment being made to a candidate, arising out of multiple recommendations made, only the offer bearing the latest date within the original 7 working days will be valid. Candidates have the right to wait 7 working days before accepting / rejecting this offer of appointment in writing. Candidates should be allowed to exercise this right without any intimidation. Having accepted an appointment, the successful applicant must however reject all other appointment offers. This understanding should be made known to the recommended candidate by the EDO and SGB. *[e.g. Candidates may have been recommended for a pl 3 ,as well as a pl 4 principal post and therefore need to weigh up such choice/s]*
- 4.4. Recommended candidates not currently employed by the ECDoE should also complete an acceptance of appointment form. This is dependent on the nature of the bulletin issued.

5. Reference Checks

- 5.1 It is incumbent on the SGB to contact references as supplied by candidates before recommendations for appointment are made. This needs to be done before recommendations for appointment are sent to the district office for approval.

ANNEXURE 2. PROVINCIAL ELRC RESOLUTION NO. 2 OF 2002

Interpretation of the following clauses contained in **Resolution No. 5 of 1998**.

- Clause 2.1 The Employer shall send letters of acknowledgement to all applicants before the application forms are sent to the School Governing Bodies.
- Clause 2.2 The initial sifting of applications in term of the minimum requirements for the posts as stated in the Personnel Administration Measures (PAM) shall be done by the School Governing Body.
- Sub-clause 3.2.1 (a) The School Governing Body must send an invitation for 1 (one) observer per union to both the unions and the relevant District.
- Sub-clause 3.2.1 (b) The Employer shall fulfil its obligation and ensure that a departmental representative is present at all processes.

In the event of a departmental representative not being present due to unforeseen circumstances the School Governing Body should:

- (a) In the case of a principal post or deputy principal post or head of department post adjourn the meeting to allow for the departmental representative to be present: or
 - (b) In the case of any other educator post, exercise it's discretion to either continue in the absence of the said departmental representative or adjourn the meeting to allow for such person to be present.
- Sub-clause 3.2.1 (c) Members co-opted for their expertise or skill, including resource persons, in the Interview Committee do not have voting rights.
- Sub-clause 3.4 As all instruction and relevant information would appear in the vacancy list, School Governing Bodies shall not open the envelope containing the application forms prior to the short-listing criteria having been finalised.
- Sub-clause 3.6 Short-listing criteria must be tabled for adoption at the short-listing meeting of the Interview Committee and comply with set guidelines.
- Consultation with the departmental representative and the union observers is strongly encouraged where additional criteria are concerned.
- Sub-clause 3.6.3 The Interview Committee must short-list those educators who are carried additional to the establishment and suitable in terms of the curricular needs of the school.

Sub-clause 3.6.4 The number of 5 (five) applicants is a guideline and the total to be short-listed, in addition to those suitable excess educators, is subject to the discretion of the School Governing Body.

ANNEXURE 3. EDUCATION LABOUR RELATIONS COUNCIL

RESOLUTION NO. 5 OF 1998

1. Transfer of Serving Educators in terms of operational requirements

2. The advertising and filling of educator posts

Parties to Council Note the following

- a. The obligations of the State as the employer in terms of section 195 and 197 of the Constitution of the Republic of South Africa
- b. The obligations of the employer in terms of section 189 of the Labour Relations Act, 1995, the Employment of Educators Act, 1998 and other applicable legislation
- c. The role of the governing bodies in terms of section 20(1)(i) of the South African Schools Act, as embodied in chapter 3 of the Employment of Educators Act, 1998
- d. The requirements of a post as determined by the Minister of Education from time to time.
- e. The purpose of this agreement is to provide measures in terms of the Labour Relations Act, 95 to accommodate the obligations of the employer against the role of the governing bodies in making recommendations in the appointment of educators.

The parties therefore agree to:

1. Transfer of serving Educators in terms of operational requirements.

- 1.1 Operational requirements for educational institutions are based on, but not limited to the following:
 - 1.1.1 Change in pupil enrolment
 - 1.1.2 Curriculum changes within a specific education institution
 - 1.1.3 The change to the grading of the specific education institution
 - 1.1.4 The financial restraints
- 1.2 This resolution does not deal with the transfer of level one serving educators declared in excess in terms of operational requirements linked to rationalisation to effect equity in staff provisioning. This aspect is covered by the resolution dealing with the procedure for rationalisation and redeployment of educators in the provisioning of educator posts.
- 1.3 In cases referred to in paragraph 1.1 above the following procedure shall apply:

- 1.3.1 All vacancies that arise at educational institutions must be offered to serving educators displaced as a result of operational requirements of that specific provincial education department as a first step
- 1.3.2 All vacancies must be advertised and filled in terms of Schedule 1 of this resolution provided that:
- (a) every attempt is made to accommodate serving educators, displaced as a result of operational requirements, in suitable vacant posts at educational institutions or offices and
 - (b) a provincial education department may publish a closed vacancy list. In such an event, the procedures contained in the resolution dealing with the rationalisation and redeployment of educators in the provisioning of educator posts shall apply.
- 1.3.3 When a governing body exercises its function in terms of section 20(l)(i) of South African Schools Act, 1996 and chapter 3 of the Employment of Educators Act, 1998, they must accommodate the obligations of the employer towards serving educators. The governing body must also take into account the requirements for appointments as determined by the Head of the Provincial Education Department.
- 1.3.4 All applicants, who are serving educators, displaced as a result of operational requirements and who are suitable candidates for a vacant post in an education institution or office, must be shortlisted.
- 1.3.5 At historically disadvantaged institutions (institutions that fell under the control of the ex-Department of Education and Training, Homeland Governments and TBVC States), any educator who acted for longer than 2 continuous years in the post, at the institution, must be included in the interviews for the post provided that –
- a) the educator is currently in the post.
 - b) the post is part of the post establishment of that institution;
 - c) the relevant provincial education department had approved the appointment
 - d) the educator must have applied for the post.

2. The advertising and filling of educator posts.

- 2.1 Parties to Council agree to the attached document (Schedule 1) titled "The Advertising and Filling of Educator Posts".
- 2.2 In the advertising and filling of educator posts the employer will be guided by –

- a) affirmative action measures for designated groups, namely Blacks (which include Indians, Coloureds and Africans), women and disabled educators and
- b) representivity

3. SCOPE OF THE AGREEMENT

This agreement applies to and shall bind

- 3.1 the employer; and
- 3.2 all the employees of the employer as defined in the Employment of Educators Act of 1998 whether such employees are members of trade union parties to this agreement or not

4. TRANSITIONAL MEASURES

- 4.1 All advertisements and processes that commenced prior to this resolution will continue through to completion in terms of the provisions that were in place at the time of commencement.
- 4.2 Notwithstanding 4.1 above, parties may, by agreement, opt to complete a process already embarked upon in terms of this resolution.
- 4.3 In the event of any conflict existing between a provision of this agreement and a provision of an existing agreement of Council, the provisions of this agreement shall prevail, subject to 4.1 and 4.2 above.

5. DISPUTE RESOLUTION

Any dispute about the interpretation or application of this agreement, including the attached Schedule I, shall be resolved in terms of the dispute resolution procedure of the Council.

ANNEXURE 4. DEPARTMENTAL VERIFICATION DOCUMENT

Province of the Eastern Cape

DEPARTMENT OF EDUCATION
ISEBE LEZEMFUNDO
DEPARTEMENT VAN ONDERWYS

MEMORANDUM

DATE: 20/01/03

TO: ALL DISTRICT DIRECTORS

FROM: DIRECTOR: LABOUR RELATIONS

SUBJECT: DEPARTMENTAL VERIFICATION FORM: RESOLUTION NO. 5 OF
1998

1. The above matter refers
2. Please find enclosed herewith a copy of departmental verification document to be used for all posts that are advertised.
3. These forms must be returned, together with all other relevant information, to District Managers for safekeeping.
4. The above is to assist the Department of Education in managing the large number of disputes being declared in respect of appointments.
5. Departmental representative refer either to the school principal or departmental official e.g. Education Development Officer, assigned to represent the Department of Education.

**RESOLUTION NO. 5 OF 1998
DEPARTMENTAL VERIFICATION DOCUMENT**

TO BE COMPLETED BY DEPARTMENTAL REPRESENTATIVE

Institution:
Bulletin no.:
Rank:
Post no.:

ANALYSIS / VERIFICATION		
	Yes	No
1. Advertisement		
• Was the advertisement clear?		
• Did the advertisement meet the curricular needs of the institution?		
• Was the advertisement accessible?		
2. School governing body		
• Was the SGB properly constituted at the time of establishing the interview committee?		
• Was there a recusal of members of the SGB who had vested interests in the matter e.g. direct family relations?		
• Was an interview committee established by the SGB, if not, why not?		
• Was there a quorum at the SGB meeting?		
• Were there co-opted members on the SGB?		
• Did these co-opted members have voting rights? (see res 2/2002)		
3. Interview Committee		
• Does the interview committee comprise of members as indicated in Chapter B par. 3.3(b) or (ii) of the PAM? List members separately.		
4. Short listing		
• Were the unions invited to the short listing meeting, if not, why not?		
• Did these invitations comply with the 5-day notification period, if not, why not?		
• Was a departmental representative present, if not, why not?		
• Did the unions have observer status as per resolution no. 2 of 2002 in the short listing process, if not, why not?		
• Were suitable excess educators for the post on the school short listed, if not, why not?		
5. Criteria setting		
• Did the core criteria correspond with the requirements as per advertisement, if not, why not?		
• Were additional criteria used?		
• Were the unions consulted regarding additional criteria?		
• Were reasons recorded for eliminating other applicants?		
• Were all documents of applicants perused for short listing purposes?		

6. Interviews		
• Did the meeting agree on what method of evaluation to be used during interview e.g. consensus or scoring?		
• Did the interview committee elect a chairperson and a secretary?		
• Did the interview committee asks the same questions to all the applicants?		
• Are the score sheets included?		
• Were the questions related to the requirements of the post, if not, why not?		
• Were the questions fair and reasonable?		
• Did the interview committee complete a preference list?		
• Did a motivation accompany each applicant's ranking, if not, why not?		
• Was this preference list referred to the SGB for its final recommendation, if not, why not?		
• Did the SGB quorate when ratifying the recommendation from the interview committee, if not, why not?		
• Are the minutes sufficient and signed to enable the ECED to make an appointment?		
7. Letter of nomination		
• Is the letter of nomination to the successful applicant included?		
• Is the letter of acceptance by candidate included?		
8. Departmental forms		
• Were all departmental forms completed as per requirement?		
9. Documentation		
• Were all documentation together with the SGB verification form forwarded to the ECED?		
10. SACE		
• Is the successful applicant registered with SACE, if not, why not?		
11. Disputes		
• Are there any disputes registered on this post?		

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Name: _____

Rank: _____

Date: _____

Signature: _____

ANNEXURE 5. GRIEVANCE RULES FOR THE PUBLIC SERVICE

SCHEDULE 1

A. DEFINITIONS

In this procedure, unless the context indicates otherwise-

"Commission" means the Public Service Commission established in terms of section 196[1] of the Constitution;

"Constitution" means the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996);

"days" refers to working days;

"executing authority" means an authority as defined in subsection 1[1] of the Public Service Act, 1994;

"grievance" means a dissatisfaction regarding an official act or omission by the employer which adversely affects an employee in the employment relationship, excluding an alleged unfair dismissal;

"head of department" means the incumbent of a post mentioned in Schedules 1, 2 and 3 of the Public Service Act, 1994, or the person acting in such post;

"Public Service Act" means the Public Service Act, 1994 (Proclamation No 103 of 1994);

"recognised trade union" means all the trade unions admitted to the Public Service Co-ordinating Bargaining Council as well as any other trade union that enjoys the relevant organisational right in particular department;

"resolve" means to settle a grievance to the satisfaction of the aggrieved employee;

"representative" means a fellow employee, a representative or official of a recognised trade union.

B. PURPOSE AND APPLICATION

1. The purpose of this grievance procedure is to advance sound labour relations and address grievances in the public service by fulfilling the primary objectives of this procedure which are:

- [a] to give effect to section 196(4)(f)(ii) of the Constitution which empowers the Commission to investigate grievances of employees in the public

service concerning official acts or omissions, and recommend appropriate remedies;

- [b] to give effect to section 11 of the Public Service Commission Act, 1997 (Act No. 46 of 1997) which empowers the Commission to make Rules to deal with grievances;
- (c) to promote -
 - (i) speedy, impartial and equitable handling of grievances;
 - (ii) sound labour relations;
 - (iii) resolution of individual grievances at the lowest possible level in a department.

C. MANAGING A GRIEVANCE

1. A grievance must as far as possible be resolved by an employer and as close to the point of origin as possible.
2. The employer must ensure that the grievance is dealt with in a fair, impartial and unbiased manner, and that the principles of natural justice are observed.
3. The procedure must be such that it assists and enables an employer and an employee to address a dissatisfaction.
4. No employee must be victimised or prejudiced, directly or indirectly, as a result of lodging a grievance.
5. If disciplinary action is being taken against an employee, utilisation of this procedure by the employee to address any matter related to the disciplinary action shall not halt the disciplinary procedure.
6. A grievance must be lodged in writing and all decisions taken during the process must be in writing.
7. An employee may be assisted by a representative.

D. ADHERENCE TO TIME LIMITS

1. In determining adherence to time limits, this should be calculated by excluding the first day and including the last day.
2. The parties must adhere to the time limits set out in this procedure, unless they mutually agree to extend them.
3. A grievance must be lodged with the employer within 90 days from the date on which the employee became aware of the official act or omission which adversely affects him or her.
4. An employee may demand that his or her grievance be referred to the Commission within 10 days after receiving the executing authority's decision.

E. PROVISION OF INFORMATION

1. An employer must provide relevant information necessary for an employee to lodge or pursue a grievance, if requested.
2. The provision of such information is subject to any limitations imposed by law.
3. The employee must be provided with information about the status of the grievance and the progress made towards the planned finalisation date.
4. The employer must provide the employee with a copy of the grievance form after each applicable level of authority dealt with the grievance.

F. DEPARTMENTAL STAGES TO ADDRESS A GRIEVANCE

1. An employee may lodge a grievance with an employee designated to facilitate the resolution of grievances in the department.
2. ***The prescribed form at Annexure A must be used when a grievance is lodged.***
3. The designated employee must liaise with the relevant structures of authority of the department in an attempt to resolve the grievance.
4. The grievance may be resolved by any person within the relevant structures of authority who has the requisite authority to do so.
5. The aggrieved employee will be duly informed by the designated employee about the status and progress made towards the resolution of the grievance.
6. If the grievance is resolved to the satisfaction of the aggrieved employee the confirmation thereof will be reduced to writing by the designated employee.
7. If a grievance cannot be resolved, the executing authority must inform the aggrieved employee accordingly.
8. The department (including the executing authority) has 30 days to deal with the grievance. The period may be extended by mutual agreement in writing.
9. If after the aggrieved employee is informed of the outcome of the grievance and he/ she remains dissatisfied -
 - (a) he/ she must inform the executing authority in writing within 10 days;
 - (b) the executing authority must in terms of section 35 (1) of the *Public Service Act, 1994*, forward the grievance and the relevant documentation to the Public Service Commission for a recommendation within five days of being informed by the aggrieved employee.

10. If the grievance constitutes an alleged unfair labour practice as defined in the LRA, the employee may inform the executing authority in writing that he/ she wishes to utilise the dispute resolution mechanisms provided for in the constitution of the PSCBC or the relevant sectoral council (whichever is applicable) and that the Public Service Commission should therefore not consider the grievance.
11. If there is failure on the part of the department to respond to the grievance within the period referred to in clause 8, the aggrieved officer may lodge his or her grievance with -
 - (a) the Commission directly; or
 - (b) in the case of an alleged unfair labour practice, with the PSCBC or the relevant sectoral council (whichever is applicable) in terms of its dispute resolution procedure.

G. REFERRAL TO THE COMMISSION

1. Once the Commission has received all information from the executing authority, it must within 30 days consider such grievance and inform the executing authority of its recommendation and the reasons for its decision in writing.
2. On receipt of the Commission's recommendation, the executing authority must, within 5 days, inform the employee and the Commission of his or her decision in writing.

H. GRIEVANCE OF HEAD OF DEPARTMENT

1. If a head of department has a grievance, he/ she may -
 - (a) in the case of the head of a national department, submit the grievance to the President; or
 - (b) in the case of a head of provincial department, submit the grievance to the relevant Premier.
2. The President or Premier has 30 days to deal with the grievance. The period may be extended by mutual agreement.
3. Clause F9 and 10 will, read with the changes required by the context, apply to all grievances of heads of department.

I. EVALUATION

1. The head of department must ensure that grievance resolution is evaluated by maintaining a record of the number of grievances resolved from the beginning of each calendar year and report to the Commission on a six monthly basis.

2. The Commission must report on the management of grievances and the efficiency of the grievance procedure.

J. OTHER PROCEDURES

When a grievance is lodged in terms of this procedure, an aggrieved employee must disclose whether he or she is utilising any other procedure.

K. TRANSITIONAL MEASURES

1. A grievance lodged before the promulgation of the Interim Rules, namely before 1 July 1999, shall be dealt with and concluded as if the Public Service Regulations had not been repealed.
2. A grievance lodged before the promulgation of these grievance rules, must be dealt with and concluded in terms of the Interim Grievance Rules promulgated in *Government Gazette* No 20231 of 1999.

ANNEXURE 6 : GRIEVANCE FORM

As provided by the Province of the Eastern Cape, Department of Education.

Annexure A

GRIEVANCE FORM

PLEASE READ THE FOLLOWING INSTRUCTIONS BEFORE COMPLETING THE FORM

1. This form must be used to lodge a grievance (excluding an alleged unfair dismissal) when you are dissatisfied with an official act or omission and you have been unable to resolve the problem by using informal discussion.
2. You have to lodge your grievance within 90 days from the date on which you became aware of the official act or omission which adversely affects you.
3. You may be assisted or represented by a fellow employee or a representative or official from a recognised trade union.
4. It is important to complete all information accurately. When the form is completed, it must be given to the employee designated to facilitate grievances at your institution. The department will attach this form to the grievance documentation and it will be used through all stages of the grievance procedures.
5. At each stage where a person within the relevant structure of authority attempts to resolve the grievance, each party will complete the appropriate part of the form. You will be given an opportunity to respond to each and every comment.
6. At the conclusion of each stage of the grievance procedure, the department will provide you with a copy of the completed form.
7. Once the grievance has been resolved, you do not need to complete the rest of the form. The Human Resources Section of your department will then file the form. It will then be used to report statistics to the Public Service Commission annually.
8. You are required to complete Parts A and B of this form and to then hand it to the employee designated to facilitate grievances at your institution. The employee will affix his/her signature in the block below part B of the form to indicate that the grievance has been received. Ensure that you receive a copy of the form where receipt of your grievance has been acknowledged.
9. Part C of the grievance form will be completed by the employer and yourself during the various stages where attempts will be made to resolve the grievance.

PART A: PERSONAL INFORMATION

To be completed by aggrieved employee:

Initials and Surname : _____
PERSAL number : _____
Employing department : _____
Directorate : _____
Rank/Designation : _____
Date on which you be aware of the official act or omission : _____
Contact numbers : Tel no.: _____ Fax no.: _____
Name of representative (where applicable) : _____
Contact numbers of representative : Tel no.: _____ Fax no.: _____
Name of trade union (where applicable) : _____
Contact numbers of trade Union : Tel no.: _____ Fax no.: _____

PART B: DETAILS OF GRIEVANCE

To be completed by aggrieved employee:

What are you aggrieved about (if space below is not enough, please attach additional page(s)):

What solution do you propose:

Receipt of grievance form acknowledged and copy given to aggrieved employee

DESIGNATED EMPLOYEE

DATE

Name: _____

Rank: _____

PART C: GRIEVANCE RESOLUTION: LEVELS

NOTES:

This part of the form makes provision/or various levels of authority to attempt to resolve the dispute. There are, however, no prescribed levels for the resolution of a grievance. Depending on the circumstances, one or more pages below need to be completed.

If the grievance cannot be resolved up to level of head of department, it has to be submitted to the executing authority (i.e. the page below that specifically refers to the executing authority has to be completed).

The grievance must be dealt with by all the applicable level s (including the executing authority) within a period of 30 days, unless extended by agreement with the aggrieved employee.

Should the grievance not be attended to within the period of 30 days (or an extended period agreed to with the aggrieved employee), in the case of an alleged unfair labour practice, the aggrieved employee has the right to submit the grievance to the PSCBC or the relevant sectoral council (whichever is applicable) to be dealt with in terms of the dispute resolution procedures.

(Part C continued)

LEVEL: _____

(Indicate official relationship to aggrieved employee – e.g. supervisor, head of component, head of department.)

To be completed on behalf of employer

Name : _____

Designation : _____

Telephone No. : _____

Fax No. : _____

Was grievance resolved? Yes ☐ No ☐

If yes, give details of agreement (if the space below is not enough please attach additional page(s))

SIGNED: _____
ON BEHALF OF EMPLOYER **DATE**

To be completed by employee

Was grievance resolved? Yes ☐ No ☐

Do you have any comments?

SIGNED: _____
EMPLOYEE **DATE**

LEVEL: EXECUTING AUTHORITY

To be completed by executing authority

Decision in respect of grievance and reason for decision (please attach additional page(s) if necessary)

SIGNED:

EXECUTIVE AUTHORITY

DATE

To be completed by aggrieved employee

Was grievance resolved?

Yes

☐

No

☐

If no, please explain why you are still dissatisfied:

SIGNED:

EMPLOYEE

DATE

Do you want the grievance to be referred to the Public Service Commission?

Yes

☐

No

☐