



Province of the  
**EASTERN CAPE**  
EDUCATION

**OFFICE OF THE SUPERINTENDENT GENERAL**

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**CIRCULAR NO 7 OF 2015**

**TO : THE CLUSTER CHIEF DIRECTORS  
THE DISTRICT DIRECTORS  
PRINCIPALS OF SCHOOLS  
SCHOOL GOVERNING BODIES**

**FROM : ACTING SUPERINTENDENT GENERAL**

**SUBJECT : RE-APPOINTMENT OF TEACHERS RESIGNING AND RE-  
ENTERING THE SYSTEM**

It has come to the notice of the department that the number of teachers resigning to access their pensions and wanting to re-enter the profession has increased markedly and this has had a de-stabilising effect in our schools.

A guideline has been developed to standardise the manner in which you manage the re-appointment of these teachers with the view towards curbing this practice. (copy attached).

The guideline is underpinned by the following principles:

- a) The employer's operational requirements should be taken into account;
- b) Other applicants who comply with the requirements of the post should be given preference over persons who have already had an opportunity of an extensive career in education. These include:
  - \* **educators in addition to the staff establishment;**
  - \* **Funza Lushaka graduates and other qualified PED bursars; and**
  - \* **educators employed in a temporary capacity.**
- c) In the absence of sound reason the re-appointment of persons who have resigned on reduced pension benefit shall not be deemed to be in the interest of the State;

- d) Fairness and justice should prevail if the school employs an educator who has resigned at the expense of other candidates. Any form of exclusion to this category of educators would be rendered unconstitutional by the courts; and
- e) Re-appointment of educators who have resigned should be to the best interest of education and this consideration would include the interest of the Provincial Education Department (PED), the interest of the learners, the school and the State.

In the event that you have to appoint a teacher who has resigned, accessed his/her pension and wants to now re-enter the system; you are advised to submit a detailed motivation for my consideration and final approval irrespective of whether this is a temporary or permanent appointment. I trust this matter is given your urgent attention and that together we can curb this practice in the interest of teaching and learning.

Your co-operation is always appreciated



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MR TYWAKADI  
ACTING SUPERINTENDENT GENERAL

DATE: 11/03/2015



**basic education**

Department:  
Basic Education  
REPUBLIC OF SOUTH AFRICA

***GUIDELINES FOR THE RE-APPOINTMENT OF TEACHERS RESIGNING AND RE-  
ENTERING THE SYSTEM***

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***8 December 2014***

***GUIDELINES FOR THE RE-APPOINTMENT OF TEACHERS RESIGNING AND RE-ENTERING THE SYSTEM***

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## 1 INTRODUCTION

All initiatives pertaining to the management of Human Resources in the education sector is directed at ensuring stability in the system through employing effective and efficient practices in the recruitment, deployment and retention of teachers. Equally important is ensuring the well-being of employee from entry to exit.

## 2 BACKGROUND

Retirement reform is a process whereby government, through policies, sought to:

- Encourage employees to save and provide adequately for retirement to ensure that they retire comfortably and have income that lasts for their lives in retirement;
- Encourage employers to provide retirement saving plans to their employees as part of the employment contract;
- Ensure that employees receive good value for money for their retirement savings and are treated fairly, and that their savings are prudently and diligently managed, and are kept informed of their retirement savings; and
- Improve standards of retirement fund governance, including trustee knowledge and conduct, and the protection of members' interest.

Lack of knowledge fuelled by rumours and a distrust of government led to a spike in the number of teachers and public servants resigning to access their pensions. Many then sought to re-enter the profession. This has resulted in instability and threatened the commitment of Provincial Departments of Education (PEDs) to ensure that there is a right teacher, at the right time, in the right class teaching effectively.

In an attempt to assist PEDs the Department of Basic Education (DBE) has scrutinised legislation, regulations, policies and agreements to determine how best to curb the destabilising practice of teachers resigning and reentering the system.

Paragraph 4.4 chapter 4 of the Personnel Administration Measures (PAM) provides that:

- The applicable salary position, to which an educator should be appointed after a break in service, is always determined in terms of the salary position which he/she occupied before the break in service.

This means that an educator can resign, reenter the system and be remunerated at the notch at which s/he left the profession. It is this provision that is being abused to the advantage of the resigned educator who is reappointed after a break in service and has placed further stress on already strained compensation budgets of PEDs.

This policy principle is a bargaining matter and can therefore not be arbitrarily amended without serving at the Education Labour Relation Council (ELRC). This is a time consuming process.

It is also possible that the Minister may determine the process and requirements for reappointing of educators who have resigned in terms of section 6(2) of the Employment of Educators Act, 1998. This process however, will also take a while before implementation because the Minister's determination has to be sent out for comments and debated at the ELRC.

Whilst the amendment to the PAM and the Ministerial Determination is pursued guidelines have been developed to assist Heads of Education Departments (HoDs) when reappointing educators who have resigned and want to reenter the system.

### 3 LEGISLATION AND POLICY FRAMEWORK

- Employment of Educators Act, 1998 (Act No. 76 of 1998)
- National Education Policy Act, 1996 (Act No. 27 of 1996)

- Personnel Administrative Measures, published in Government Gazette 19767 of 18 February 1999.

#### 4 PURPOSE OF THE NATIONAL GUIDELINES

The purpose of this document is to:

- Provide PEDs with guiding principles to standardise the manner in which PEDS manage the reappointment of educators who resign, access their pensions and re-enter the system with the view towards curbing this practice.

#### 5 THE GUIDING PRINCIPLES

The guidelines are underpinned by the following principles:

- a) The employer's operational requirements should be taken into account;
- b) Other applicants who comply with the requirements of the post should be given preference over persons who have already had an opportunity of an extensive career in education. These include:
  - i. educators in addition to the staff establishment;
  - ii. Funza Lushaka graduates and other qualified PED bursars; and
  - iii. educators employed in a temporary capacity.
- c) In the absence of sound reason the re-appointment of persons who have resigned on reduced pension benefit shall not be deemed to be in the interest of the State;
- d) Fairness and justice should prevail if the school employs an educator who has resigned at the expense of other candidates. Any form of exclusion to this category of educators would be rendered unconstitutional by the courts; and
- e) Re-appointment of educators who have resigned should be to the best interest of education and this consideration would include the interest of the Provincial Education Department (PED), the interest of the learners, the school and the state.

The above guiding principle does not replace or negate the norms and principles for appointment of educators as contemplated in the PAM and the EEA.

## 6 MONITORING AND EVALUATION

PEDs are advised to monitor on a monthly basis whether teachers who resign are re-entering the system within 3 years of their resignation. The Department of Basic Education shall undertake monitoring and evaluation as contemplated in section 8 of the NEPA.