



Province of the  
**EASTERN CAPE**  
EDUCATION

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HRM&D CIRCULAR NO 3 OF 2021: PPN 2021 MANAGEMENT	
TO	CLUSTER CHIEF DIRECTORS DISTRICT DIRECTORS CES: IDS&G CES: LABOUR RELATIONS DEPUTY DIRECTORS: HRA&P SCHOOL PRINCIPALS PUBLIC SCHOOLS SGBs
SUBJECT	IMPLEMENTATION OF 2021 EDUCATOR POST ESTABLISHMENT, PLACEMENT OF EDUCATORS ADDITIONAL TO POST ESTABLISHMENT AND GRADING OF INSTITUTIONS WITH EFFECT FROM 01 JANUARY 2021
DATE	01 MARCH 2021

## 1. INTRODUCTION AND BACKGROUND

- 1.1. This circular sets out procedures related to the implementation of post establishment, placement of additional educator to post establishment and grading of institutions for implementation in 2021.
- 1.2. The circular is the result of extensive consultation and agreement with unions/ labour organisations and its underpinned by the principle of balancing the need for maintaining efficiency, allowing for minimum disruptions in the system.
- 1.3. All relevant processes outlined in the circular must be observed in line with COVID-19 protocols relating to regularly sanitising / washing of hands with soap and water, wearing of masks and social distancing.
- 1.4. For your convenience, definition of terms and acronyms are provided in Annexure L

## 2. POLICY AND LEGISLATIVE FRAMEWORK

- 2.1. Constitution of the Republic of South Africa, 1996 (Act No.108 of 1996), as amended
- 2.2. National Education Policy Act, 1996 (Act No. 27 of 1996), as amended
- 2.3. South African Schools Act, 1996 (Act No. 84 of 1996), as amended

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- 2.4. Employment of Educators Act, 1998 (Act No. 76 of 1998), as amended
- 2.5. Employment Equity Act, 1998 (Act No. 55 of 1998)
- 2.6. Labour Relations Act, 1995 (Act No. 66 of 1995), as amended
- 2.7. Personnel Administrative Measures (PAM) of 2016
- 2.8. Education Labour Relations Council (ELRC) Collective Agreement 4 of 2016
- 2.9. Education Labour Relations Council (ELRC) Collective Agreement 4 of 2018
- 2.10. ECDoE PPN 2021 Circular 15 of 2020
- 2.11. ECDoE Recruitment and Selection policy, 2017, as amended

### **3. IMPORTANT CONSIDERATION FOR THE FILLING OF VACANCIES**

- 3.1. The department prohibits the use of any form of unfair discrimination, as provided in section 6(1) of Employment Equity Act which states that “No person may unfairly discriminate, direct or indirectly, against an employee in an employment policy or practice, on one or more grounds including race, gender, sex, pregnancy, marital status, family responsibility, ethnic or social origin, colour, sexual orientation, age, disability, religion, HIV status, conscience, belief, political opinion, culture, language and birth”
- 3.2. The department emphasises that in the making of appointments and filling of posts in the Public Service, due regard shall be given to equality and other democratic values as well as principle enshrined in the Constitution of the Republic of South Africa.

### **4. PURPOSE OF THE CIRCULAR**

- 4.1. This circular outlines the procedures to be followed by all schools for the:
  - 4.1.1 Implementation of the 2021 Educator Post Establishments;
  - 4.1.2 Placement of educators additional to the post establishment of institutions, and
  - 4.1.3 Grading of institutions.
- 4.2. These procedures will be guided by PAM of 2016, Collective Agreements and relevant circulars on the filling of posts, conversion of contract / temporary educators to permanent status and placement of new entrants into ECDoE posts.

### **5. 2021 Post Establishments**

- 5.1 The ECDoE after consultation with unions / labour, agreed to issue post establishments on an annual basis, to promote management of personnel budget that may be impacted upon by the migration of learners in the province.
- 5.2 The new Post Establishments for Public Ordinary Schools and Public Special Schools is effective from 01 January 2021. The post establishments are based on the snapshot survey as at 31 July 2019 (SASAMS) and are valid for the 2021 academic years.

5.3 The implementation of the new post establishments may in some cases result in an increase in the number of posts allocated to a school, as compared to the post establishments currently in use. New posts on the 2021 post establishments, as well as any other substantive vacant posts that are not currently filled in a permanent capacity will be filled as outlined in these procedures. This will include posts in which educators' transfer / retirement /resign on or before 31 December 2020

5.4 The procedure for filling of substantive vacant posts, with effect from 01 January 2021, is as follows:

- 5.4.1 Placement of educators additional to post establishment with concomitant post levels and competencies;
- 5.4.2 Conversion of qualifying contract (temporary)educators to permanent status refer to ELRC Collective Agreement 4 of 2018;
- 5.4.3 Placement of Fundza and Mathew Goniwe bursary holders.
- 5.4.4 Placement of NSFAS and self- funded unemployed graduates.
- 5.4.5 Details of substantive vacant posts indicated in 5.3 above must be submitted to the District HRP on form **ECDE Post Prov. Form 1.4 (G)**, for inclusion in a central database.
- 5.4.6 Any substantive vacant post for which ECDoE Post Prov. Form 1.4 (G) has not been submitted by the school will not be approved for filling by the District Director, for the duration of the 2021 academic year.

## **6. IDENTIFICATION AND PLACEMENT OF ADDITIONAL EDUCATORS**

- 6.1. As indicated in paragraph 5.1 above, the Department has adopted the annual distribution of post establishment which necessitates the rationalisation of additional educators in the schools, where schools declined in the number of posts.
- 6.2. Due to compensation pressure of the Department and also the continuous migration learners in the province, it is important to declare educators additional to post establishments when the Department issues post establishment on an annual basis (Collective Agreement 4 of 2016 par. B6.4).
- 6.3. **Educators additional** to the 2021npost establishments are employees appointed **permanent** capacity that have been identified to be over and above the posts establishments at their present institution, as a result of operational requirements.
- 6.4. **Procedure for the declaration and identification of permanent educators in addition to the approved post establishments**
  - 6.4.1. The procedure that follows is aligned to PAM chapter B paragraph 6.2 to 6.6 and ELRC Collective Agreement 4 of 2016, paragraph B 6.4.2 to B 6.5
  - 6.4.2. Operational requirements for schools are based on, but not limited to the following:
    - a) Change in learner enrolment;
    - b) Curriculum changes or a change in learners' environment in the curriculum;

- c) Change to the grading or classification of an institution;
- d) Merging or closing of institutions; and
- e) Financial constraints.

6.4.3. Each principal must inform the schools staff of the institution's new educator post establishment and of the procedure, as set out in paragraphs 7.5.4. to 7.6 that will be followed in identifying educators additional to the new post establishment. This information must be accessible to all members of staff.

6.4.4. The Principal, after consulting with the educators of the school at a formal staff meeting, may recommend in writing that educators who have been declared in addition, be retained in vacancies that will exist within six (6) months, due to attrition in their current institution. Minutes of the staff meeting must be available on request by the District Office.

6.4.5. After considering 6.4.4 above the Circuit Managers, together with the Principal shall identify the post(s) in addition to the post establishments, taking into account the following:

- a) The views of the educator staff of the institution, as expressed at a formal meeting convened by the Principal;
- b) The needs of the institution, more particularly in relations to the specific curriculum obligations (workload), the number of classes, the timetable and the allocation of learners to classes;
- c) The Circuit Manager shall take cognisance the fact that there is not necessarily a direct relation between the posts identified as in addition and an educator who will be declared in addition, as there may be more than one post with substantially the same duties attached to it;
- d) If a decision has to be taken regarding two or more educators competing for the same post (in terms of curricular needs), the principle "last in, first out" (LIFO) shall be applied. An educator's service period for the application of LIFO shall include all continuous service rendered at any public education institution (not appointed last in a particular post level)

**NB: One representative per trade union party to the ELRC shall be invited by the Circuit Manager to observe the process.**

6.4.6. The Principal will submit the names of identified educators to the IDS&G unit for consolidation of all circuits and submit to District HRP,

6.4.7. An educator who has been identified as in additional shall be informed, in writing by the delegated authority. He or She will receive form to confirm his / her status. In case of any grievance against the status refer educators to PAM Chapter G.

6.4.8. Identified educators will complete the profile form attached as **Annexure C**  
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- 6.5. The following procedure shall be followed in filling vacancies in case where a school has educators in addition to a staff establishment:
- 6.5.1. In terms of section 6 and 8 of the Employment of Educators Act, (1998), the employer may transfer an educator who is in addition to another post in the Department that matches the employee's skills and experience;
  - 6.5.2. In terms of section 6(3) and or section 8(2) of the Employment of Educators Act, the employer may transfer educator permanent to a school on the recommendation of the governing body of such school.
  - 6.5.3. The employer shall provide a list of vacancies with the specific post requirements from which the educator additional to the post establishment would, as per agreed management plan of ECDoE, make a choice relevant to the employee's profile for placement.
  - 6.5.4. The employer may, however on a continuous basis, identify suitable posts for placement of educators additional to the post establishment.
  - 6.5.5. In the event that the educator fails to make a choice for placement, the employer reserves the right to make a choice on behalf of such educator.
  - 6.5.6. The employer shall, after receiving the choices in line with advertised posts the closed vacancy circular, submit such to the relevant School Governing Body for consideration and recommendation within two (2) weeks of the request.
  - 6.5.7. SGBs are reminded of the Department's legal obligations in securing the continuous employment of permanently employed personnel who have been declared additional as a result of operational requirements. School Governing Bodies therefore have legal obligation to assist the Department in the permanent placement of additional personnel into concomitant post before securing services of educators in a temporary capacity.  
**The SGB / Principal should not request the temporary filling of substantive vacant posts where educators additional to 2021 post establishment are matched and considered for placement.**
  - 6.5.8. The Superintendent General, may in terms of section 8(5) of Employment of Educators Act, temporarily transfer an educator declared additional to the post establishment of the institution with a recommendation of the SGB for six (6) to twelve (12) months.
  - 6.5.9. In the event that none of the educators' choices in terms of paragraph 6.5.6 can be realised, the employer should give the educator an opportunity to make a written representation e.g. personal circumstances about the intended transfer to the specific school within 5 working days before a final decision is made.

6.5.9.1. The opportunity to representations should be given to the educator before a School Governing Body recommends the transfer of such educator into their school.

6.5.9.2. Having made the final decision to transfer an educator to a specific school, the employer should give an educator a reasonable notice of thirty (30) school days or less, if mutually agreed between parties

**Summarised schedule for the identification and placement of additional educators:**

NO.	DATE	ACTIVITY	RESPONSIBILITY
1.	02 – 06 Nov 2020	Convene staff meetings to discuss implications of the new establishment	School principals
2.	09 – 13 Nov 2020	Identification of additional educators	School Principal, Circuit Managers and Union Representatives as observers
3.	16 – 20 Nov 2020	Issuing of letters to additional educators informing them of their status	District Director / School Principal
4.	23 -27 Nov 2020	Issuing of the list of vacancies with profiles for additional educators to make their choices.	District Director
5.	04 – 15 Jan 2021	Matching and placement of additional educators into vacant posts – <b>Ongoing Process</b>	District Director, CES: IDS&G, Circuit Managers and DD: HRA&P
6.	18 – 22 Jan 2021	Issuing of placement letters to additional educators within the Circuit and the District – <b>Phase 1</b>	
7.	25 -29 Jan 2021	Movement of additional educators declared in addition within the Circuit District and utilisation of temporary educators in substantive vacant posts until posts are filled permanent – <b>Phase 2</b>	

**7. Utilisation of resultant vacant substantive posts**

**7.1. Procedure to fill the substantive vacant posts after placement**

7.1.1. All the remaining educator posts will be filled in the following priority:

- Conversion of qualifying contract / temporary educators to permanent status
- Matching and placement of Fundza and Mathew Goniwe Bursary Holders
- Matching and placement of new entrants

- 7.1.2. Principals are requested to submit recruitment packs, after conducting recruitment processes in line with approved recruitment policy and circulars.
- 7.1.3. Successful contract (temporary) appointed educators will assume duty on 01 January 2021 or on the date verified by HRP (permission to assume duty) in a fixed contract(temporary) for the duration of twelve months, until 31 December 2021
- 7.1.4. **The following documents must be submitted for each recommendation for appointment in contract (temporary) capacity:**
- a) A covering letter from the school, outlining why the vacancy exists e.g. new post, resignation, promotion, transfer, etc.)
  - b) Recruitment package (advert, minutes of shortlisting and interviews, submission for appointment, attendance registers, declaration by unions)
  - c) Certified copies of qualifications with full academic records / transcripts
  - d) Certified copies of certificate of registration with SACE
  - e) Certified copy of Identity Document
  - f) Marriage certificate / Degree of divorce
  - g) Application for appointment as educator form
  - h) Bank Form
  - i) Tax Number
  - j) Completed consent form for verifications (criminal, ID, qualifications)
- 7.1.5. Appointment and assumption of duty may only take place subject to verification of the following by the District HRP:
- a) Post exist on the approved 2021 post establishments of the school;
  - b) The post is indeed vacant; and no additional met the curriculum requirements of the post
  - c) The bursary holders and new entrants have been considered
- 7.1.6. No educator may assume duty without provisional approval from the District.
- 7.1.7. Principals will be held liable for any late submission of complete set of appointment documents. Late submission of appointment documents will be inevitable in the late payment of salaries and benefits. Appointments will be with effect from the date of provisional by HRP. **Backdating of appointments will not be allowed.**

## 8. FILLING OF PROMOTIONAL POSTS


- 8.1. Vacant promotional posts may be filled temporarily with post level 1 if no additional educator (HOD Deputy and Principal) meet the requirements of the post. **This appointment period will lapse when the post is filled permanently.**
- 8.2. Vacant promotional posts must be profiled and submitted to District Office – HRA through Circuit Managers for verification and consolidation to Provincial vacancy master list.
- 8.3. The Department will publish open vacancy circular for all promotional posts for educators in line with the 2021 Posts Establishments.

## 9. GRADING OF A SCHOOL

- 9.1. The change in grading of a school will be confirmed through a letter to the affected schools only. The determination of school grading will be based on the 2021 post establishments. The up/down-grading of schools, principal post including adjustment of recommended principals' salaries, will be with effect from 01 January 2021.

### 9.2. The position of a principal where a school is upgraded/ downgraded

School Principals and SGBs are referred to the PAM Chapter A:3 for the implementation of grading for institutions.

  
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**DR BN MBUDE**  
**ACTING HEAD OF DEPARTMENT**  
**EC EDUCATION**  
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**DATE**