



OFFICE OF THE ACCOUNTING OFFICER

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Reference: 2/2/1/3

DELEGATION OF AUTHORITY

APPOINTMENT OF EDUCATORS [PL 1] IN PUBLIC SCHOOLS

1. In line with Section 36 (4) of Employment of Educators Act, 1998 (as amended), I hereby, as a once-off arrangement for the filling of posts advertised in Bulletin Volume 2 of 2016, delegate the powers vested in me by the Section 7 (2) of the Employment of Educators Act, 1998 (as amended), read with Chapter B, paragraphs B.3.1 and B.3.3 of the Personnel Administration Measures (PAM), in respect of the appointment of Educators [PL 1] in public schools on probation for 12 (twelve) calendar months, to District Directors, for institutions falling under their control, subject to the following conditions:
 - 1.1. That a vacant post of Educators [PL 1] appears on the approved 2016 post establishment of the school.
 - 1.2. That the provisions contained in departmental Circular No. 7 of 2006 and all amendments thereto are complied with in terms of:
 - the establishment of an Interview Committee by the SGB;
 - the procedures before interviews;
 - the procedures during the interviews;
 - the procedures after the interviews; and
 - the full and proper completion of all required forms (HRA: Form A, HRA: Form B, HRA: Form C, HRA: Form C 1, HRA: Form D and Form F).
 - 1.3. That Chapter B, paragraph B.3.2.1 of the Personnel Administration Measures (PAM), in terms of educational qualifications, statutory requirements and experience are complied with.
 - 1.4. That due regard be had for the advice of the Chief Education Specialist: Management & Governance and the Deputy Director: HRA, who has the express responsibility to ensure compliance with relevant legislation and departmental policies and procedures.
 - 1.5. That all other candidates have been eliminated, **based on valid reasons** and the criteria as contemplated in par. 1.4 above, inclusive of the criteria set out in the relevant bulletin.
 - 1.6. That the recommended candidate in each case fully complies with all educational and statutory requirements and the post profile requirements set out in the Bulletin, and that compelling motivation is provided as to why the recommended candidate is regarded as the most suitable candidate.

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- 1.7. That **Chapter B, paragraphs B.5.5 of the Personnel Administration Measures (PAM)** be invoked in cases where a District Director is not in agreement with the recommendations of the School Governing Body, due to the fact that the recommended candidate is either not suitable for appointment into the post or he/she is not the best candidate.

Note:

In this instance full details and motivation must be provided to enable the Head of Department to follow the process outlined in **Chapter B, paragraphs B.5.5 of the Personnel Administration Measures (PAM)**, which states as follows:

B.5.5 Appointment (school-based educator posts)

- B.5.5.1** When the HoD considers the recommendation contemplated in paragraph B.5.4.13, he/she must, before making the appointment, ensure that the SGB has met the requirements in paragraph B.5.4.7.
- B.5.5.2** If the SGB has not met the requirements in paragraph B.5.4.13 the HoD must decline the recommendation.
- B.5.5.3** Despite the order of preference (paragraph B.5.4.13) and subject to paragraph B.5.5.1, the HoD may appoint any suitable candidate on the list. If the HoD declines a recommendation, he/she must –
- B.5.5.3.1** Consider all the applications submitted for the post.
- B.5.5.3.2** Apply the requirements in paragraph B.5.4.7, appoint a suitable candidate temporarily or re-advertise the post.
- B.5.5.4** The SGB may appeal to the MEC against the decision of the HoD regarding the temporary appointment.
- B.5.5.4.1** The appeal must be lodged within 14 days of receiving the notice of appointment.
- B.5.5.4.2** The appeal must be finalized by the MEC within 30 days.
- B.5.5.4.3** If no appeal is lodged within 14 days, the HoD may convert the temporary appointment into a permanent appointment as contemplated in paragraph B3.1.8. **[Section 6 (d – k) of the Employment of Educators Act, 1998]**
- B.5.5.4.3** The employer will inform all unsuccessful candidates in writing within eight weeks of an appointment being made.

2. The District Director is to be assisted by the Chief Education Specialist: Management & Governance and the Deputy Director: HRA & P in exercising this delegated power of authority.

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3. The delegated power for the appointment of Educators (PL 1) **excludes** instances where the recommended candidate previously resigned/ retired or his/her services were terminated due to misconduct in terms of Chapter 4, Section 11(1)(c) of the Employment of Educators Act, 1998, as amended and such cases, including full motivation by the District Director, must be referred to the CPC for consideration by the Cluster Chief Directors.
4. This power must be exercised against -
 - thorough oversight and discretion, with due consideration of the applicable instructions and control measures determined by the Department in this matter, with specific reference to the Employment of Educators Act, 1998 (as amended) and the Personnel Administration Measures (PAM); and
 - your assigned responsibility and accountability for the provisioning of effective, efficient and economical teaching and learning outcomes within your assigned district.
5. As this is a once-off delegation, arrangement for the filling of educator posts advertised in bulletin Volume 2/2016, District Directors are also required to provide a detailed outcomes report and recommendations on how matters of this nature should be dealt with in future in order to streamline appointment procedures without compromising governance standards.

MS N NETSHILAPHALA
ACTING HEAD OF DEPARTMENT

DATE: 13/07/2016