Province of the
EASTERN CAPE
EDUCATION

Iphondo leMpuma Kapa Isebe leMfundo
Provinsie van die Oos Kaap Department van Onderwys
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TO : **CLUSTER CHIEF DIRECTORS**
: **DISTRICT DIRECTORS**
: **CIRCUIT MANAGERS**
: **PRINCIPALS OF ALL PUBLIC SCHOOLS**
: **SCHOOL GOVERNING BODIES**

FROM : **HEAD OF DEPARTMENT: EDUCATION**

DATE : **19 OCTOBER 2026**

SUBJECT : **DIRECTIVE PROHIBITING THE UNLAWFUL EXCLUSION OF LEARNERS FROM ASSESSMENTS AND EXAMINATIONS IN ALL GRADES**

1. PURPOSE

This memorandum directs all public schools in the Eastern Cape to ensure that every learner in Grades R–12 is afforded a fair opportunity to participate in the assessments and examinations applicable to that learner's grade and curriculum. No principal, educator or school governing body may impose an unauthorised examination-entry threshold or unilaterally prevent a learner from writing because of poor performance in an earlier test, trial examination or term, or for an unrelated administrative or disciplinary reason.

2. LEGISLATIVE AND POLICY FRAMEWORK

(a) Section 29(1)(a) of the Constitution of the Republic of South Africa, 1996, guarantees the right to a basic education; section 9 guarantees equality.

(b) Section 5(1) of the South African Schools Act 84 of 1996, as amended by the Basic Education Laws Amendment Act 32 of 2024, requires a public school to provide education and serve learners' educational requirements without unfair discrimination.

(c) Section 41(7) of the South African Schools Act prohibits depriving learners of participation in school programmes, or victimising them, because their parents have not paid school fees.

(d) The National Protocol for Assessment Grades R–12, the applicable Curriculum and Assessment Policy Statements (CAPS), and the National Policy Pertaining to the Programme and Promotion Requirements of the National Curriculum Statement Grades R–12 prescribe assessment, recording, reporting and promotion arrangements.

(e) The Regulations Pertaining to the National Curriculum Statement Grades R–12 (Government Notice R.1114 of 2012, as amended), including provisions on end-of-year examinations, absences and irregularities, and the applicable National Senior Certificate examination rules govern formal examination administration.

3. COMPULSORY DIRECTIVE TO PRINCIPALS

3.1 Learners must be permitted to participate in scheduled assessments and examinations for their grade, subject only to lawful, applicable examination and assessment requirements. A low mark in a previous examination, including a Grade 12 trial examination, is not in itself grounds to refuse access to a later examination.

3.2 Learners may not be barred for outstanding school fees, uniform disputes, non-attendance of camps or extra classes, unrelated disciplinary matters, or any other condition not authorised by law or national assessment policy.

3.3 Academic underperformance must be addressed through learner support, intervention, feedback and communication with parents or guardians—not through exclusion from assessment.

3.4 Where a genuine issue concerning registration, assessment completion, examination irregularity, accommodation or eligibility arises, the principal must apply the relevant prescripts, document the facts and urgently seek written guidance from the District Assessment/Examinations Office before any restrictive decision. Schools may not invent their own exclusion rules.

3.5 Where a learner has already been told not to write without lawful authority, the principal must immediately reverse that instruction, notify the learner and parent/guardian, and engage the district urgently to arrange an appropriate remedy in accordance with applicable policy.

4. IMPLEMENTATION, MONITORING AND ACCOUNTABILITY

District Directors and Circuit Managers must circulate this directive to all schools without delay and monitor compliance. Principals must brief all educators, assessment personnel and school governing bodies, safeguard learners' access to examinations and report any threatened or actual exclusion to the District Director immediately. Non-compliance will be investigated and may result in appropriate action in terms of applicable law and employment prescripts.

This directive takes effect immediately. The Department expects strict compliance in the interests of lawful, equitable and uninterrupted teaching, learning and assessment.

Yours in Quality Education

MS. S. A. MAASDORP
HEAD OF DEPARTMENT: EDUCATION

DATE: 20/10/2021