



## **GAUTENG PROVINCE**

EDUCATION  
REPUBLIC OF SOUTH AFRICA

### **Circular 04/2018**

**Date: 11 October 2018**

#### **Topic**

**IMPLEMENTATION OF THE 2019 EDUCATOR POST ESTABLISHMENT, PLACEMENT OF EDUCATORS ADDITIONAL TO POST ESTABLISHMENTS AND GRADING OF INSTITUTIONS WITH EFFECT FROM 01 JANUARY 2019**

#### **Enclosures**

Annexure A: Management Plan  
Annexure B: FORM EXOP 1  
Annexure C: Profile Form (Additional educators)  
Annexure D: GDE 79 (Notice of Vacancies)  
Annexure E: HR Terminations  
Annexure F: GDE 1 (Notice of temporary appointment)  
Annexure G: GDE0001 (Conversion Form)  
Annexure H: HR 8  
Annexure I: Verification Consent Forms  
Annexure J: Post Establishment Appeal form  
Annexure K: Definitions and Acronyms

#### **Distribution**

- ✓ Deputy Director-Generals, Chief Directors and Directors at Head Office and District Offices
- ✓ Principals of all Public Schools and Independent Schools
- ✓ Principals of Special Schools
- ✓ Members of School Governing Bodies and Associations
- ✓ Labour Unions and Organisations

#### **Enquiries**

HR Provisioning at District Offices

**On request, this circular will be made available in isiZulu, Sepedi and Afrikaans within 21 days. It will also be available on the GDE website at: [www.education.gpg.gov.za](http://www.education.gpg.gov.za)**

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# **IMPLEMENTATION OF THE 2019 EDUCATOR POST ESTABLISHMENTS, PLACEMENT OF EDUCATORS ADDITIONAL TO POST ESTABLISHMENTS AND GRADING OF INSTITUTIONS WITH EFFECT FROM 01 JANUARY 2019**

## **1. INTRODUCTION AND BACKGROUND**

- 1.1 This circular sets out procedures related to the implementation of Post Establishments, placement of educators additional to Post Establishments and grading of institutions for implementation in 2019.
- 1.2 The circular is the result of extensive consultation with Unions and is underpinned by the principle of balancing the need for maintaining efficiency, allowing for minimum disruptions in the system.
- 1.3 For your convenience, explanation of terms and acronyms are provided in Annexure K.

## **2. LEGISLATIVE FRAMEWORK**

- 2.1 Constitution of the Republic of South Africa, 1996 (Act 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
- 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 Measure (PAM)
- 2.8 ELRC Collective Agreement 4 of 2016
- 2.9 Relevant GDE Circulars and Guidelines
- 2.10 GDE Recruitment policy, 2015

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

- 3.1 The Department prohibits the use of any form of unfair discrimination, as provided for in Section 6(1) of the Employment Equity Act, which states that: "No person may unfairly discriminate, directly 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 the filling of posts in the Public Service, due regard shall be given to equality and the other democratic values as well as principles 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 2019 Post Establishments;
  - 4.1.2 placement of educators additional to the Post Establishments of institutions, and
  - 4.1.3 grading of institutions.

- 4.2 These procedures will be guided by Performance Administrative Measures of 2016, Collective Agreements and relevant Circulars on the filling of posts, conversion of contract/ temporary educators to permanent status and the placement of new entrants into GDE posts.

## 5. 2019 POST ESTABLISHMENTS

- 5.1 GDE after consultation with labour, agreed to issue Post Establishments on an annual basis, to promote the management of the 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, Public Special Schools and Chief/ Education Therapists will be effective from 01 January 2019. These Post Establishments will be based on the 2018 snap shot survey as at 31 July 2018 (SASAMS) and will be valid for the 2019 academic year. The procedure for implementation of the Post Establishments as set out in this circular will apply.
- 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. Such new posts on the new Post Establishments, as well as any other substantive posts that are not currently filled in a permanent capacity will be filled, as outlined in these procedures. This will include posts in which educator's transfer/retire/resign on or before 31 December 2018.
- 5.4 The procedure for filling of vacant posts, with effect from 01 January 2019, is as follows:
- 5.4.1 placement/transfer of additional educators with concomitant post levels and competencies;
  - 5.4.2 conversion of qualifying contract/ temporary educators to permanent status – refer to PELRC Collective Agreement 1 of 2014 and GDE Circular 10 of 2014;
  - 5.4.3 placement of new entrants into growth posts and resultant vacant posts.
- 5.5 Details of all such vacant posts indicated in (5.3) above must be submitted to the District HRP on Form GDE 79 (Annexure D), for inclusion in a central database.
- 5.6 Any vacant post for which a GDE 79 form has not been submitted by the school will not be approved for filling by the District Director, for the duration of the 2019 academic year.

## 6. 2019 POST ESTABLISHMENT APPEAL PROCESS

Schools that have been adversely affected by the decrease in posts as a result of the 2019 Post Establishment may submit an appeal using the appeal form. (Annexure J)

**NB:** Each appeal will be adjudicated on merit.

Appeals must be emailed to the officials indicated on the form **not later than 26 October 2018**

## **7. TERMINATION OF THE APPOINTMENT OF EDUCATORS WHO ARE APPOINTED IN A CONTRACT/ TEMPORARY CAPACITY**

- 7.1 This circular serves as an **official** notice that the services of all contract (temporary) educators as well as educators occupying growth, IIAL and against promotion posts, who did not qualify for conversion to permanent, will terminate on 31 December 2018 in all schools across Gauteng schools (Annexure E).
- 7.2 However, exceptions to this rule will only apply to educators who are appointed as substitutes, for educators where leave has been approved by the Department and where a specific end date has already been agreed upon.

## **8. 2018-2019 IDENTIFICATION AND PLACEMENT / TRANSFER OF ADDITIONAL EDUCATORS**

- 8.1 As indicated in paragraph 5.1 above, the Department has adopted the annual distribution of Post Establishments which also affect the rationalisation of additional educators in the Post Establishments.
- 8.2 Due to the compensation pressure of the Department and also the continuous migration of learners in the province it will be important to declare educators additional to Post Establishments when we issue Post Establishments on an annual basis (collective agreement 4/2016 par. B.6.4).
- 8.3 **Educators additional to the 2019 Post Establishments** will be employees appointed in a permanent capacity that have been identified to be over and above the Post Establishments at their present institution, as a result of **operational requirements**
- 8.4 **The Post Establishments received in October 2018 for 2019** may in some cases result in an oversupply in the number of posts currently allocated to an institution due to a decline in learner numbers, or may be insufficient due to a substantial growth in learner numbers.
- 8.5 **Procedure for the declaration and identification of permanent educators in addition to the approved Post Establishments.**
- 8.5.1 The procedure that follows is aligned to PAM chapter B, paragraphs 6.2 to 6.6 and ELRC Collective Agreement 4 of 2016, paragraphs B.6.4.2 to B.6.5.
- 8.5.2 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' involvement in the curriculum;
  - c. change to the grading or classification of an institution;
  - d. merging or closing of institutions;
  - e. financial constraints.
- 8.5.3. Each Principal must inform his/her staff of the institution's new educator Post Establishments and of the procedure, as set out in paragraphs 8.5.4 to 8.6, that will be

followed in identifying educators who cannot be accommodated on the new Establishments. This information must be accessible to all members of staff.

8.5.4. The Principal, after consulting with the educator staff of the school at a formal staff meeting, may recommend in writing that educators who may be declared in addition, be retained in vacancies that will exist within a period of six (6) months, due to attrition in their current institution.

8.5.5. Minutes of such a staff meeting must be available on request by the District Office and must capture the following;

8.5.5.1. After considering (8.5.4) above, the **Cluster Leader/ IDSO, together with the Principal** shall identify the post 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 relation to its specific curriculum obligations (Work load), the number of classes, the timetable and the allocation of learners to classes;
- c. the Cluster Leader/ IDSO shall take into cognizance 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, the principle of "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*).
- e. **One representative per trade union party to the ELRC shall be invited by the District/ Cluster Leader/ IDSO to observe the process.**

8.5.5.2. An educator who has been identified as in addition shall be informed, in writing, by the delegated authority. Refer educators to PAM Chapter G

8.5.5.3. Identified educators will complete the profile form attached as (Annexure C).

8.6. In terms of Sections 6 and 8 of the Employment of Educators Act, (1998), the employer may:

- (a) transfer an educator who is in addition to another post in the Department that matches his/her skills and experience;
- (b) may transfer an educator permanently to a school on the recommendation of the governing body of such school.

8.6.1 The employer shall provide a list of vacancies and their profiles from which the educator additional to the Post Establishments would, as per the agreed management plan of the Gauteng Department of Education, make a choice relevant to his/her profile for transfer.

- 8.6.2 In the event the educator fails to make a choice, the employer reserves the right to make a choice on behalf of such educator.
- 8.6.3 The employer shall, after receiving the choices of education institutions, submit such to the relevant school governing body for consideration and recommendation within 2 months of the request.
- 8.6.4 The HOD may, in terms of section 8(5) of the Act (E of EA), temporarily transfer an educator declared additional to the Staff Establishment of the institution without a recommendation of the school governing body for six months.
- 8.6.5 In the event that none of the educator's choices in terms of paragraph 8.8.1 can be realised, the employer must first give the educator an opportunity to make written representations e.g. personal circumstances about the intended transfer to that specific school within 5 working days before a final decision is made.
- 8.6.6 The opportunity to make representations must be given to the educator before a school governing body recommends the transfer of such educator to their school.
- 8.6.7 Having made the final decision to transfer an educator to a specific school, the employer must give the educator reasonable notice of thirty school days' notice or less, if mutually agreed between parties.

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

DATE	ACTIVITY	RESPONSIBILITY
15 – 19 October 2018	Identification of Educators Additional to 2019 Post Establishments	CLUSTER LEADER/ IDSO PRINCIPALS THRS: HRP
15 – 17 October 2018	Principals submit a GDE 79 for vacant substantive posts (PL 1 - 4) to the District Director, via THRS: HRP. Posts not submitted will be frozen, as per paragraph 5.2 of this circular. GDE 79 to include all retirements, resignations by 31 December 2018 and Foreign Nationals Appointments in vacant substantive posts.	PRINCIPAL CLUSTER LEADER/ IDSO THRS: HRP
22 – 23 October 2018	Matching and placement of additional educators into vacant posts – ( <b>First round</b> )	THRS: HRP CLUSTER LEADER/ IDSO ( <b>organised labour invited to observe</b> )

## 9. UTILISATION OF RESULTANT VACANT SUBSTANTIVE POSTS

### 9.1 PROCEDURE TO FILL VACANT SUBSTANTIVE POSTS

9.1.1 All the remaining educator posts will be filled in the following priority order:

- (a) conversion of contract/ temporary educators to permanent status
- (b) placement of new entrants
- (c) new appointments in a contract (temporary) capacity for the contract period 01 January 2019 to 31 December 2019

9.1.2 Principals are required to submit the GDE 1 Forms (Annexure F), after conducting recruitment processes in line with the approved recruitment policy and approved guidelines.

9.1.3 Successful temporary appointed educators will assume duty on 01 January 2019 in a fixed contract (temporary) appointment for the duration of twelve (12) months, until 31 December 2019 (conversion after 3 months)

9.1.4 **The following documents must be submitted for each recommendation for appointment in a contract (temporary) capacity:**

- a) A covering letter from the school, outlining why the vacancy exists (new post, resignation)
- b) Recruitment package: Advert, Minutes of shortlisting and interviews
- c) Application for contract (temporary) appointment – GDE 1 (Annexure F)
- d) Certified copies of qualifications
- e) Certified copies of certificate of registration (or provisional registration) with SACE (HPCSA for Therapists)
- f) Certified copy of Identity Document
- g) Any special motivation deemed necessary
- h) Bank Form F1030, with the bank account number – plus proof of active account
- i) Completed Consent form for verification of ID and qualification
- j) Any other relevant document (specifically for the appointment of foreign educators or educators that took VSP/retired/ early retired)
- k) HR 8 (Annexure H)

9.1.5 Appointment and assumption of duty may only take place subject to verification of the following by the District THRS/HRP:

- a. post exists on the approved Post Establishments of the school;
- b. post is indeed vacant; and
- c. no additional educators met the requirements of the post.
- d. new entrants/graduates have been considered

9.1.6 **No educator may assume duty without provisional approval from THRS/HRP.**

9.1.7 Principals will be held liable for any **late submission of complete sets of appointment documents**. Late submission of appointment documents will inevitably result in the **late-payment of salaries and benefits**.

9.1.8 All contract / temporary educators who terminate on the 31 December 2018 and are not re-appointed must submit their profile forms to any of the 15 Districts and schools in

GDE, by end of the academic year. Re-appointment is not guaranteed. The onus lies on the individual educator to seek employment, if not approached by January 2019.

## 10. FILLING OF PROMOTIONAL POSTS.

- 10.1 Vacant promotional posts may be filled temporarily with a post level 1 educator if no additional educator (i.e. HOD, Deputy and Principal) meets the requirements of the post. This appointment period will lapse when the post is filled permanently.
- 10.2 GDE will publish an OPEN Vacancy List for all promotional vacant posts for educators in line with the 2019 Post Establishments.
- 10.3 Principals are required to submit the GDE 79 Forms (Annexure D: Notice of Vacancies Form), immediately when the post becomes vacant. **All vacant posts must be submitted, including where contract (temporary) educators are engaged against the promotional post.**
- 10.4 Any vacant post for which a GDE 79 form has not been submitted by the school will not be approved for filling by the District Director, for the duration of the 2019 academic year.

## 11. GRADING OF A SCHOOL

- 11.1 Any change in the grading of a school will be confirmed through a letter ***to the affected schools*** for the 2019 grading of schools, after the Post Establishments for Public Ordinary and Public Special Schools have been verified. The determination of school grading will be based on the **2019** Post Establishments. The up/down-grading of schools, including an adjustment of affected principals' salaries, will be effected from 01 January 2019.

### 11.2 Position of a Principal where a school is upgraded

- a. If the permanent incumbent of a principal post of a school that has been upgraded, qualifies to be upgraded and the SGB recommends in writing that the person may be upgraded to the higher post, such appointment may be made by the Head of Department or delegated authority, after due consideration, without having to advertise the post. If the SGB does not make such a recommendation (in writing), the post must be advertised, in which case, the incumbent will be entitled to apply for the upgraded post and **he/she must be short-listed.**
- b. If such a Principal's application for the appointment to the upgraded post is unsuccessful, he/she will be regarded as being in addition to the Establishments, as a result of operational requirements and must be dealt with as any other educator declared in addition to the Establishments.

### 11.3 Position of a Principal where a school is downgraded


- a. A Principal, whose post has been downgraded, will retain his/her salary position against the downgraded post for a reasonable period of up to a maximum of two (2) years. Such a principal will continue to receive any form of salary progression applicable at that stage, on condition that he/she continues to perform the functions of a principal at a satisfactory level.



- b. If circumstances warrant it, the HOD may extend this period. Circumstances that will determine what a reasonable period is, include the probability for the post to be upgraded to its original level in the near future, the personal circumstances of the incumbent and the availability of suitable posts to which the person can be transferred.
- c. The person in addition to the staff Establishments may at any time, while occupying the downgraded post, exercise the option to be permanently appointed to the post concerned in which case his/her remuneration will be determined in the same manner as any other educator who voluntarily accepts a lower level/grade post. In such a case, the post does not need to be advertised, if it is in accordance with the recommendation of the SGB, subject to the approval of the Head of Department.

## 12. MANAGEMENT PLAN

The **Management Plan** for the implementation of the 2019 educator Post Establishments, grading of institutions and placement of educators additional to Post Establishments of institutions is attached as Annexure A.

  
SIGNED: EDWARD MOSUWE  
HEAD OF DEPARTMENT (ACT)

DATE: 11.16.2018