



Western Cape Government • Wes-Kaapse Regering • URhulumente weNtshona Koloni

PROVINCE OF WESTERN CAPE

PROVINSIE WES-KAAP

IPHONDO LENTSHONA KOLONI

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(\*Ushicilelo oLutsha lufumaneka kwigumbi M21, kwiSakhiwo sePhondo seNdlu yoWiso Mthetho, 7 Wale Street, eKapa 8001.)

Provincial Notice

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Any person or organisation wishing to comment on the said draft regulations is requested to lodge such comment in writing before or on **28 April 2012**:

Enige persoon of organisasie wat kommentaar oor die genoemde konsepregulasies wens te lewer, word versoek om sodanige kommentaar skriftelik te lewer voor of op **28 April 2012**:

Nabani na onqwenela ukuphawula ngalo Mthetho usaYilwayo kuthethwa ngawo uyacelwa ukuba afake izimvo zakhe ngokubhaliweyo ungadlulanga umhla **wama-28 ka April 2012**:

- (a) By posting it to:  
Adv. Lynn Coleridge  
Director: Policy Co-ordination  
Western Cape Education Department  
Private Bag X9114  
CAPE TOWN  
8000
- (b) By e-mailing it to:  
[Lynn.Coleridge@pgwc.gov.za](mailto:Lynn.Coleridge@pgwc.gov.za)
- (c) Faxing it to:  
021-467 2900  
Tel: 021-467 2055
- (d) By delivering it to:  
Adv. Lynn Coleridge  
Director: Policy Co-ordination  
Western Cape Education Department  
Grand Central Towers  
Lower Parliament Street  
Cape Town  
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**PROVINCIAL NOTICE****PROVINSIALE KENNISGEWING**

The following Provincial Notice is published for general information.

ADV. B. GERBER,  
DIRECTOR-GENERAL

Provincial Building,  
Wale Street,  
Cape Town.

Die volgende Provinsiale Kennisgewing word vir algemene inligting gepubliseer.

ADV. B. GERBER,  
DIREKTEUR-GENERAAL

Provinsiale-gebou,  
Waalstraat,  
Kaapstad.

**PROVINCIAL NOTICE**

P.N. 59/2012

12 March 2012

**REGULATIONS RELATING TO VISITATION AND ASSESSMENT OF PUBLIC SCHOOLS AND SUBSIDISED INDEPENDENT SCHOOLS**

The Provincial Minister of education acting in terms of section 63(1)(cG) of the Western Cape Provincial School Education Act, 1997 (Act 12 of 1997), intends to make the regulations set out in the Schedule.

**SCHEDULE****ARRANGEMENT OF REGULATIONS**

1. **Definitions**
2. **Purpose of school visitation and assessment**
3. **Norms and standards**
4. **Roles and responsibilities**
5. **Authorisation for school visitation and assessment**
6. **Notice to schools**
7. **Visitation and assessment instrument**
8. **Reports**
9. **Measures to ensure compliance**
10. **Failure to comply**
11. **Short title**

**Definitions**

1. In these regulations any word or expression to which a meaning has been assigned in the Act, has the same meaning assigned to it, unless the context otherwise indicates,—
  - “**authorised person**” means a natural or juristic person authorised by the Head of Department to conduct the visitation and assessment, and
  - “**the Act**” means the Western Cape Provincial School Education Act, 1997 (Act 12 of 1997).

**Purpose of school visitation and assessment**

2. The Head of Department may in writing, either generally or in a specific case, authorise, a person or a group of persons to visit and assess a school or a hostel, after consultation with the principal of the school concerned, for the purpose of—
  - (a) evaluating performance in accordance with national and provincial norms and standards;
  - (b) monitoring compliance with national and provincial norms and standards.

**Norms and Standards**

3. School visitation and assessment may be conducted in terms of:
  - (1) The norms and standards contemplated in section 58C(1)(a) of the South African Schools Act, for:
    - (a) school infrastructure;
    - (b) capacity of a school in respect of the number of learners a school can admit;
    - (c) school funding;
    - (d) learning and teaching support material;
    - (e) language policy;
    - (f) the establishment of posts and the employment of educators by governing bodies;

- (g) the establishment of posts and the employment of non-educators by governing bodies; and
  - (h) subsidies to independent schools.
- (2) The minimum outcomes and standards that are set in terms of section 58C(1)(b) of the South African Schools Act, for:
- (a) a national curriculum statement indicating the minimum outcomes or standards; and
  - (b) a national process and procedures for the assessment of learner achievement.
- (3) The performance standards that are referred to in section 58C(1)(c) of the South African Schools Act and as contemplated in item 2(2) of Schedule 1 to the Employment of Educators Act, 1998 (Act 76 of 1998).
- (4) The norms and standards that are referred to in section 58(C)(2) of the South African Schools Act, for policies determined by governing bodies:
- (a) admission policy; and
  - (b) language policy.
- (5) Any other norms and standards which may be determined by the Minister of Basic Education or the Provincial Minister.

**Roles and responsibilities**

4. (1) The Provincial Minister may, in terms of section 9 of the Act, ensure compliance with the norms and standards contemplated in regulation 3.
- (2) The Head of Department may approve assessment instruments referred to in regulation 5(2)(e).
- (3) The Head of Department may ascertain a level of performance or compliance within a particular school through a process of evaluation and monitoring.
- (4) Every school must provide such information about that school as is reasonably required by the Head of Department, or the Provincial Minister after consultation with that Head of Department.
- (5) The authorised person must complete a report per school after a visitation and assessment.
- (6) Once the report has been approved by the Head of Department, the District Director must implement the recommendations.

**Authorisation for school visitation and assessment**

5. (1) School visitation and assessment may only take place when authorised in writing by the Head of Department.
- (2) The request to authorise school visitation and assessment must include the following:
- (a) the purpose for the visitation and assessment, stating the norms and standards to be assessed as contemplated in regulation 3;
  - (b) the focus of the evaluation of performance or monitoring of compliance within the norms and standards;
  - (c) the timeframe of the visit;
  - (d) the designation and names of the authorised persons involved; and
  - (e) the relevant visitation and assessment instrument.

**Notice to schools**

6. (1) The authorised person must notify the District Director, the principal and the governing body in writing of the visitation and assessment.
- (2) The notice must:
- (a) provide at least seven school days' notice of the visitation and assessment;
  - (b) state the purpose of the visitation and assessment, and state clearly the norms and standards to be assessed;
  - (c) state the focus of the evaluation of performance, or monitor compliance within the norms and standards;
  - (d) contain sufficient particulars of the date and time of the visitation and assessment and of the nature of the documentation required; and
  - (e) include the approved visitation and assessment instrument and the designation and names of the authorised persons involved.
- (3) In exceptional circumstances, the Head of Department may on reasonable grounds instruct authorised persons to immediately and without notice conduct a visitation and assessment.

**Visitation and assessment instrument**

7. (1) The authorised person must ensure that the visitation and assessment instrument is developed to make provision for the following—
- (a) a systematic collection of data and information;

- (b) a specific purpose, clearly indicating the norms and standards to be assessed as contemplated in regulation 3; and
  - (c) the specific focus of the evaluation of performance or monitoring of compliance within the norms and standards.
- (2) The scope of the visitation and assessment instrument is determined by the type of data and information sought, the availability of evidence about practices followed at the school and the time available for the visitation and assessment.
  - (3) Checklists, structured interviews or questionnaires may be used depending on the purpose, focus and scope of the visitation and assessment.

### **Reports**

8. (1) The report must include empirical findings and recommendations.
- (2) The authorised person must interpret and analyse the statistical data and relevant information in a report.
- (3) The report, as contemplated in regulation 4(5), must provide an overview of the extent to which the norms and standards have been complied with or, if they have not been complied with, indicate the measures that are recommended in order for the school to comply with them.
- (4) The governing body and the principal must be afforded the opportunity to comment on the validity of the report to the authorised person within seven school days after they have received the report.
- (5) Final findings and recommendations, including the collated data and instruments, must be submitted to the Head of Department.
- (6) The District Director must implement the recommendations approved by the Head of Department.

### **Measures to ensure compliance**

9. (1) In cases of poor performance or non-compliance, the report must include recommendations, which may be in the form of—
  - (a) support and advice;
  - (b) a list of resources with which to comply;
  - (c) risk areas for compliance; and
  - (d) developmental plans, which may include mentoring, substitution, formal training and disciplinary action, all of which must lead to compliance with the norms and standards or to better teaching and learning practices.
- (2) The principal and the school management team must augment their school improvement plan when areas of non-compliance or poor performance have been reported after a visitation and assessment.
- (3) The principal must forward the augmented school improvement plan to the District Director within 15 days after receipt of the visitation and assessment report.
- (4) The District Director must augment the district improvement plan to incorporate the augmented school improvement plan.
- (5) The District Director must monitor progress with regard to the report on a quarterly basis.

### **Failure to comply**

10. Any educator or public servant who, without just cause and after written notice, fails to comply with these regulations for school visitation and assessment, may be charged with misconduct, and disciplinary steps may be initiated against him or her as determined in the Public Service Act, 1994 (Act 103 of 1994), or the Employment of Educators Act, 1998 (Act 76 of 1998) as the case maybe.

### **Short Title**

11. These regulations are called the Regulations relating to Visitation and Assessment of Public Schools and Subsidised Independent Schools.

**PROVINSIALE KENNISGEWING**

P.K. 59/2012

12 Maart 2012

**REGULASIES BETREFFENDE BESOEKE AAN EN EVALUERING VAN OPENBARE SKOLE EN GESUBSIDIEERDE ONAFHANKLIKE SKOLE**

Die Provinsiale Minister vir onderwys in die Wes-Kaap beoog ingevolge artikel 63(1)(cG) van die Wes-Kaapse Provinsiale Wet op Skoolonderwys, 1997 (Wet 12 van 1997), om die regulasies soos uiteengesit in die Bylae te maak.

**BYLAE****INDELING VAN REGULASIES**

1. Definisies
2. Doel van skoolbesoek en evaluering
3. Norme en standaarde
4. Rolle en verantwoordelikhede
5. Magtiging vir skoolbesoek en evaluering
6. Kennisgewing aan skole
7. Skoolbesoek en evalueringinstrument
8. Verslae
9. Maatreëls om voldoening te verseker
10. Versuim om te voldoen
11. Kort titel.

**Definisies**

1. In hierdie regulasies het enige woord of uitdrukking wat in die Wet op omskryf is, die betekenis wat in die Wet daaraan geheg word, tensy uit die samehang anders blyk, beteken—

“die Wet” die Wes-Kaapse Provinsiale Wet op Skoolonderwys, 1997 (Wet 12 van 1997); en

“gemagtigde persoon” ’n natuurlike of regspersoon wat deur die Departementshoof gemagtig is om die besoek en evaluering te behartig.

**Doel van skoolbesoek en evaluering**

2. Die Departementshoof kan in die algemeen of in ’n bepaalde geval ’n persoon of ’n groep persone skriftelik magtig om ’n skool of ’n koshuis te besoek en te evalueer na konsultasie met die prinsipaal van die betrokke skool, met die doel om—
  - (a) prestasie ooreenkomstig nasionale en provinsiale norme en standaarde te evalueer;
  - (b) voldoening aan nasionale en provinsiale norme en standaarde te monitor.

**Norme en standaarde**

3. Skoolbesoek en evaluering mag uitgevoer word in terme van:
  - (1) Die norme en standaarde soos beoog in artikel 58C(1)(a) van die Suid-Afrikaanse Skolewet, vir:
    - (a) skool infrastruktuur;
    - (b) kapasiteit van ’n skool ten opsigte van die getal leerders wat ’n skool kan toelaat;
    - (c) skoolbefondsing;
    - (d) leer- en onderrigondersteuningsmateriaal;
    - (e) taalbeleid;
    - (f) die instelling van poste en die indiensneming van opvoeders deur beheerliggame;
    - (g) die instelling van poste en die indiensneming van nie-opvoeders deur beheerliggame; en
    - (h) subsidies vir onafhanklike skole.
  - (2) Die minimum uitkomst en standaard wat ingevolge die Suid-Afrikaanse Skolewet, artikel 58C(1)(b), gestel is vir:
    - (a) ’n nasionale kurrikulumverklaring wat die minimum uitkomst of standaard aandui; en
    - (b) ’n nasionale proses en prosedures vir die evaluering van leerderprestasie.
  - (3) Die prestasiestandaard wat in die Suid-Afrikaanse Skolewet, artikel 58C(1)(c) bedoel word, en soos beoog in item 2(2) van Bylae 1 by die Wet op die Indiensneming van Opvoeders, 1998 (Wet 76 van 1998).

- (4) Die norme en standaarde in die Suid-Afrikaanse Skolewet, artikel 58C(2), soos bedoel vir beleide wat deur beheerliggame bepaal word:
  - (a) toelatingsbeleid; en
  - (b) taalbeleid.
- (5) Enige ander norme en standaarde wat deur die Minister van Basiese Onderwys of die Provinsiale Minister bepaal mag word.

#### **Rolle en verantwoordelikhede**

4. (1) Die Provinsiale Minister mag, ingevolge artikel 9 van die Wet, voldoening aan die norme en standaarde wat in regulasie 3 beoog word, verseker.
- (2) Die Departementshoof mag evalueringsinstrumente waarna in regulasie 5(2)(e) verwys word, goedkeur.
- (3) Die Departementshoof mag die proses van evaluering en monitering gebruik om die vlak van prestasie of voldoening binne 'n bepaalde skool vas te stel.
- (4) Na konsultasie met die Departementshoof moet elke skool die inligting oor daardie skool verskaf wat redelikerwys deur die Departementshoof of die Provinsiale Minister versoek word.
- (5) Na 'n besoek en evaluering moet die gemagtigde persoon 'n verslag vir per skool opstel.
- (6) Nadat die verslag deur die Departementshoof goedgekeur is, moet die Distrikdirekteur die aanbevelings implementeer.

#### **Magtiging vir skoolbesoek en evaluering**

5. (1) 'n Skoolbesoek en evaluering mag plaasvind slegs wanneer dit skriftelik deur die Departementshoof gemagtig is.
- (2) Die versoek om magtiging van 'n skoolbesoek en evaluering moet die volgende insluit:
  - (a) die doel van die besoek en evaluering, met vermelding van die norme en standaarde wat geëvalueer gaan word soos in regulasie 3 beoog;
  - (b) die fokus van die evaluering van prestasie of monitering van voldoening binne die norme en standaarde;
  - (c) die tydsraamwerk van die besoek;
  - (d) die posbenaming en name van die gemagtigde persone; en
  - (e) die toepaslike skool besoek binne en evalueringsinstrument.

#### **Kennisgewing aan skole**

6. (1) Die gemagtigde persoon moet die Distrikdirekteur, die prinsipaal en die beheerliggaam skriftelik in kennis stel van die besoek en evaluering.
- (2) Die kennisgewing moet:
  - (a) minstens sewe skooldae kennis gee van die besoek en evaluering;
  - (b) die doel van die besoek en evaluering stel, met duidelike vermelding van die norme en standaarde wat geëvalueer gaan word;
  - (c) die fokus van die evaluering van prestasie of monitering van voldoening binne die norme en standaarde vermeld;
  - (d) genoeg besonderhede van die datum en tyd van die besoek en evaluering en van die aard van die dokumentasie wat nodig word, bevat; en
  - (e) die goedgekeurde skoolbesoek en evalueringsinstrument en die posbenamings en name van die gemagtigde persone insluit.
- (3) In uitsonderlike omstandighede kan die Departementshoof, met billike rede, gemagtigde persone gelas om 'n besoek en evaluering onmiddellik en sonder kennisgewing te doen.

#### **Soolbesoek en evalueringsinstrument**

7. (1) Die gemagtigde persoon moet verseker dat 'n skoolbesoek en evalueringsinstrument ontwikkel word wat vir die volgende voorsiening maak—
  - (a) die stelselmatige versameling van data en inligting;
  - (b) 'n spesifieke doel, wat die norme en standaarde wat in regulasie 3 beoog word, aandui; en
  - (c) die fokus van die evaluering van prestasie of monitering van voldoening binne die norme en standaarde.
- (2) Die omvang van die skoolbesoek en evalueringsinstrument word bepaal deur die tipe data en inligting wat verlang word, die beskikbaarheid van bewyse oor praktyke wat by die skool gevolg word en die tyd wat vir die besoek en evaluering beskikbaar is.
- (3) Kontrolyste, gestruktureerde onderhoude of vraelyste mag gebruik word afhangende van die doel, fokus en omvang van die besoek en evaluering.

**Verslae**

8. (1) Die verslag moet empiriese bevindings en aanbevelings insluit.
- (2) Die gemagtigde persoon moet die statistiese data en tersaaklike inligting, in 'n verslag, vertolk en ontleed.
- (3) Die verslag, soos in regulasie 4(5) beoog, moet 'n oorsig gee van die mate waarin daar aan die norme en standaarde voldoen word, of, as daar nie daaraan voldoen word nie, die maatreëls aandui wat aanbeveel word sodat die skool daaraan kan voldoen.
- (4) Die beheerliggaam en die prinsipaal moet 'n geleentheid gebied word om binne sewe dae nadat hulle die verslag ontvang het aan die gemagtigde persoon kommentaar te lewer oor die geldigheid van die verslag.
- (5) Finale bevindings en aanbevelings, insluitend die vergelykte data en instrumente, moet aan die Departementshoof voorgelê word.
- (6) Die Distriksdirekteur moet die aanbevelings wat deur die Departementshoof goedgekeur is, implementeer.

**Maatreëls om voldoening te verseker**

9. (1) In gevalle van swak prestasie of nievoldoening moet die verslag aanbevelings insluit, wat kan wees in die vorm van—
  - (a) steun en advies;
  - (b) 'n lys van hulpbronne waaraan voldoen moet word;
  - (c) risikogebiede vir voldoening; en
  - (d) ontwikkelingsplanne, wat mentorskap, plaasvervanging, formele opleiding en dissiplinêre optrede mag insluit, wat alles moet lei tot voldoening aan die norme en standaarde of tot beter onderrig- en leerpraktyke.
- (2) Die prinsipaal en die skoolbestuurspan moet hulle skoolverbeteringsplan aanpas wanneer areas van nievoldoening of swak prestasie na 'n besoek en evaluering aangemeld is.
- (3) Die prinsipaal moet die angepasde skoolverbeteringsplan binne 15 dae na ontvangs van die verslag oor die besoek en evaluering voorlê.
- (4) Die Distriksdirekteur moet die distriksverbeteringsplan uitbrei om die verbeterde skoolverbeteringsplan in te sluit.
- (5) Die Distriksdirekteur moet vordering met betrekking tot die verslag op 'n kwartaalbasis monitor.

**Versuim om te voldoen**

10. Enige opvoeder of staatsamptenaar wat sonder oorsaak en na skriftelike kennisgewing versuim om aan hierdie regulasies vir skoolbesoek en evaluering te voldoen, mag van wangedrag aangekla word, en dissiplinêre stappe mag teen hom of haar ingestel word soos bepaal in die Staatsdienswet, 1994 (Wet 103 van 1994), of die Wet op die Indiensneming van Opvoeders, 1998 (Wet 76 van 1998).

**Kort Titel**

11. Hierdie regulasies heet die Regulasies betreffende Besoeke aan en Evaluering van Openbare Skole en Gesubsidieerde Onafhanklike Skole.

**ISIBHENGEZO SEPHONDO**

P.N. 59/2012

12 Matshi 2012

**IMIMISELO EMALUNGA NOTYELELO NOKUVAVANYWA KWEZIKOLO ZIKARHULUMENTE NEZIKOLO EZIZIMELEYO EZIXHASWA NGURHULUMENTE**

UMphathiswa wePhondo wezeMfundo ngokweSiquendu 63(1)(cG) soMthetho weMfundo weMfundo weZikolo zePhondo leNtshona Koloni, 1997 (uMthetho 12 ka-1997) (Western Cape Provincial School Education Act), 1997 (Act 12 of 1997), ngokwenjenje ubhengeza imimiselo ecaciswe kuleShedyuli.

**ISHEDYULI****ULANDELELWANISO LWEMIGAQO**

1. **Iingcaciso-magama**
2. **Injongo yokutyelela nokuvavanya izikolo**
3. **Imimiselo nemigangatho**
4. **Indima noxanduva**
5. **Ugunyaziso lokutyelela nokuvavanya izikolo**
6. **Isaziso esiya ezikolweni**
7. **Isixhobo esisetyenziswayo kutyelelo novavanyo lwezikolo**
8. **Iingxelo**
9. **Amanyathelo okuqinisekisa ukuthotyelwa kwemimiselo**
10. **Ukungathobeli imigaqo**
11. **Igama elifutshane**

**Iingcaciso-magama**

1. Kule mimiselo naliphi na igama okanye ibinzana-magama elinikwe intsingiselo kuMthetho , lihlala linalool ntsingiselo liyini kiweyo, ngaphandle kokuba umxholo ophethweyo walatha okunye—

“**umntu ogunyazisiweyo**” ubhekisa kumntu ogunyaziswe yiNtloko yeSebe ukuba atyelele yaye avavanye izikolo, kwaye

“**uMthetho**” kuthetha uMthetho weMfundo weZikolo zePhondo leNtshona Koloni, 1997, (uMthetho 12 ka-1997).

**Injongo yokutyelela nokuvavanya izikolo**

2. Intloko yeSebe lezeMfundo inokuthi, nokuba ngaba kungokubanzi okanye kwimeko ethile, igunyazise umntu, ngeleta ebhaliweyo, ukuba atyelele yaye avavanye isikolo okanye ihostele, emva kokubonisana nenqununu yesikolo, ukulungiselela injongo—
  - (a) yokuvavanya indlela esiqhuba ngayo (evaluating performance) ngokunqinelana nemimiselo nemigangatho kazwelonke neyephondo;
  - (b) yokubeka esweni ukunqinelana nemimiselo nemigangatho kazwelonke neyephondo.

**Imimiselo nemigangatho**

3. Utyelelo novavanyo lunokwenziwa ngokwe:

- (1) mimiselo nemigangatho ekubhekiswe kuyo kwisiquendu 58C(1)(a) soMthetho weZikolo zaseMzantsi Afrika eyenzelwe:
  - (a) izibonelelo zezikolo;
  - (b) ukukwazi ukusebenza kwezikolo;
  - (c) inkxaso-mali yesikolo;
  - (d) izixhobo zokufunda nokufundisa (LTSM);
  - (e) umgaqo-nkqubo wolwimi;
  - (f) ukuvulwa kwezithuba zemisebenzi nokuqeshwa kweetitshala ibhunga elilawula isikolo;
  - (g) ukuvulwa kwezithuba zemisebenzi nokuqeshwa kwabasebenzi abangezotishala libhunga elilawula isikolo; kunye
  - (h) nokuxhaswa ngezimali kwezikolo ezizimeleyo.
- (2) mimiselo nemigangatho esezantsi ngokoMthetho weZikolo zaseMzantsi Afrika, (uMthetho 84 of 1996), kwisiquendu 58C(1)(b):
  - (a) yenkcazelo yekharithyulamu yesizwe echaza ezona ziphumo nemigangatho esezantsi elindelekileyo; kwakunye
  - (b) nemimiselo elandelwayo emalunga nokuhlola impumelelo yomfundi.
- (3) imigangatho yokusebenza kubhekiswe kuyo kwisiquendu 58C(1)(c) kuMthetho weZikolo zaseMzantsi Afrika, (uMthetho 84 ka-1996), njengoko ichaziwe kwisiquendwana 2(2) seShedyuli 1 yomthetho wezeNgqesho yooTitshala, 1998 (uMthetho 76 ka 1998).



- (4) Imimiselo nemigangatho ekubhekiswe kuyo kwisiqendu 58C(2) kuMthetho weZikolo woMzantsi Afrika, (uMthetho 84 ka-1996), eyenzelwe imigaqo-nkqubo emiselwa ngamabhunga olawulolwezikolo:
  - (a) umgaqo-nkqubo wokwamkelwa kwabafundi; kunye
  - (b) nomgaqo-nkqubo wolwimi.
- (5) Nayiphi na eminye imimiselo nemigangatho enokumiselwa nguMphathiswa kaZwelonke ophathiswe imfundo esisisekelo okanye uMphathiswa wePhondo.

#### **Indima noxanduva**

4. (1) UMphathiswa wePhondo unokuthi, ngokwesiqendu 9 saloMthetho aqinisekise ukuthotyelwa kwemimiselo nemigangatho echatshazelwe kummiselo 3.
- (2) INtloko yeSebe ingavumela ukusetyenziswa kwenkqubo yovavanyo ezichatshazelewe kummiselo 5(2)(e).
- (3) INtloko yeSebe ingaqinisekisa ukuthotyelwa komgangatho wokusebenza nokuthotyelwa kwemimiselo kwisikolo esithile ngokuthi ilandele inkqubo yovavanyo neyokubeka iliso.
- (4) Zonke izikolo kufuneka zinikeze ulwazi ngesikolo eso xa lufunwa yiNtloko yeSebe okanye nguMphathiswa wePhondo emva kokuba ebonisene neNtloko yeSebe.
- (5) Emva kokuba kwenziwe utyelelo novavanyo kwisikolo ngasinye, umntu ogunyazisiweyo kufuneka enze ingxelo.
- (6) Emva kokuba ingxelo leyo yamkelwe yiNtloko yeSebe, igosa lesithili kufuneka lenze oko kuchazwe kwiziphakamiso.

#### **Ugunyaziso lokutyelela nokuvavanya izikolo**

5. (1) Isikolo singatyelelwa sivavanywe kuphela xa kufunyenwe imvume ebhaliweyo ephuma kwiNtloko yeSebe.
- (2) Isicelo sogunyaziso lotyelelo novavanyo lwesikolo kufuneka siqulathe oku kulandelayo:
  - (a) injongo yotyelelo novavanyo, kuchazwe nemimiselo kunye nemigangatho eza kuvavanywa njengoko ichaziwe kumgaqo 3;
  - (b) into ekuza kugxilwa kuyo kuvavanyo lokujonga indlela ekusetyenzwa ngayo okanye kuthotyelo lwemimiselo nemigangatho;
  - (c) ubungakanani bexesha lotyelelo;
  - (d) izikhundla namagama abantu abagunyazisiweyo ababandakanyekayo; kunye
  - (e) nenkqubo efanelekileyo eza kusetyenziswa kutyelelo novavanyo.

#### **Isaziso esiya ezikolweni**

6. (1) Umntu ogunyazisiweyo kufuneka abhale iletla eyazisa uMlawuli weSithili, inqununu kunye nebhunga lolawulo malunga notyelelo novavanyo.
- (2) Isaziso eso kufuneka:
  - (a) sinike ubuncinane isaziso sentsuku ezisixhenxe phambi kotyelelo novavanyo;
  - (b) sichaze iinjongo zotyelelo novavanyo, kunye nemimiselo nemigangatho eza kuhlolwa ngokucacileyo;
  - (c) sichaze into ekuza kugxilwa kuyo kuvavanyo lwendlela ekusetyenzwa ngayo okanye ukujongwa kokuthotyelwa kwemimiselo nemigangatho;
  - (d) siqulathe iinkcukacha ezipheleleyo zomhla nexesha lotyelelo novavanyo kunye nohlobo lwamaxwebhu afunwayo; kwaye
  - (e) sibandakanye isixhobo esamkelweyonesizakusetyenziswa kutyelelo novavanyo kwakunye nezikhundla namagama abantu abagunyazisiweyo abaza kubandakanyeka kolo tyelelo novavanyo.
- (3) Kwimeko ezithile, iNtloko yeSebe inokuthi, genxa yezizathu ezivakalayo, iyalele abantu abagunyazisiweyo ukuba batyelele kwaye bahlole isikolo ngesiquphe nagaphandle kokunina isaziso.

#### **Isixhobo esisetyenziswayo kutyelelo novavanyo lwesikolo**

7. (1) Umntu ogunyazisiweyo makaqinisekise ukuba isixhobo sokutyelela nokuvavanya isikolo siyenziwa kwaye sibandakanya oku kulandelayo—
  - (a) uqokelelo lolwazi nobuchwepheshe.
  - (b) Iinjongo eziqgalileyo kunyemimiselo nemigangatho elandelwayo ngendlela echatshazelwe ngayo kummiselo 3.
  - (c) ichaze ngemiba ekuzakugxilwa kuyo kuvavanyo lokujonga indlela ekusetyenzwa ngayo okanye kuthotyelo lwemimiselo nemigangatho.
- (2) izinto eziza kujongwa kutyelelo novavanyo zixhomekeka kuhlobo lolwazi oluqokelelwayo kunye nolwazi olufunwayo, ubukho bobungqina ngeenkqubo ezilandelwayo sisikolo nakwixesha elifumanekayo lotyelelo novavanyo.

- (3) Iitshekhilisti, udliwano-ndlebe okanye amaphepha anemibuzo asenokusetyenziswa kuxhomekeke kwinjongo, kwinto ekugxilwe kuyo kwakunye nemiba eza kujongwa kolo tyelelo novavanyo.

### **Ingxelo**

8. (1) Ingxelo kufuneka ibandakanye iziphumo neziphakamiso ezisekelwe kulwazi olufunyenwe ngexesha ebekusenziwa uhlolo.
- (2) Umntu ogunyazisiweyo kufuneka aluhle amahlongwane alutolike ulwazi oluqokelelweyo nolufanelekileyo.
- (3) Njengoko kuchaziwe kumgaqo 4(5), ingxelo kufuneka inike isishwankathelo sokuba ithotyelwe kangakanani na imimiselo nemigangatho, okanye, ukuba ayithotyelwanga, ichaze amanyathelo ekuphakanyiswa ukuba athathwe ukuze isikolo eso siyithobeke.
- (4) Ibhunga lolawulo nenqununu mabanikwe ithuba lokunika izimvo zabo malunga nokunyaniseka kwengxelo kumntu ogunyazisiweyo zingaphelanga iintsuku ezisixhenxe emva kokufumana loo ngxelo.
- (5) iziphumo zophando kunye nezindululo, ezibandakanya ulwazi oluqokelelweyo neenkqubo ezisetyenzisiweyo, kufuneka zingeniswe kwiNtloko yeSebe.
- (6) Umlawuli weSithili kufuneka amisele izindululo ezamkelwe yiNtloko yeSebe.

### **Amanyathelo okuqinisekisa uthotyelwa kwemimiselo**

9. (1) Xa kungasetyenzwanga ngokwanelisayo naxa kungathotyelwanga migaqo, ingxelo kufuneka ibandakanye izindululo ezinokuba noku—
- (a) inkxaso neengcebiso;
- (b) uludwe lwezinto ezifunekayo ukuze imithetho ithobeke;
- (c) izinto eziyimiqobo kuthotyelo-mithetho; kunye
- (d) nezicwangciso zophuhliso, ezinokubandakanya ukucetyiswa, utshintsho, uqeqesho olusesikweni namanyathelo oluleko; zinto ezo ekufuneka ukuba zikhokelele kuthotyelo lwemimiselo nemigangatho ukuze ootitshala bafundise ngcono nabafundi bafumane imfundo engcono.
- (2) Inqununu neqela elilawula isikolo kufuneka baphucule indlela abaqhuba ngayo baphucule nezicwangciso zabo apho kuye kwafumaniseka ukuba akuthotyelwa mimiselo yaye nomsebenzi wesikolo awumhlanga emva kokuba bekwenziwe utyelelo novavanyo kweso sikolo.
- (3) Inqununu kufuneka idlulise ingxelo yophuculo lwenkqubo yesikolo kwiGosa lesithili zingaphelanga iintsuku ezili-15 emva kokuba ifumene ingxelo yotyebile novavanyo.
- (4) Umlawuli weSithili kufuneka ephucule isicwangciso sakhe sokuphucula nokuphuhlisa isithili ukuze sibandakanye ingxelo yokuphucula imeko yesikolo eso.
- (5) Umlawuli weSithili kufuneka qho ngekota ebeke iliso kwinkqubela yokuphucula imeko yeso sikolo ngokwengxelo ekhutshiweyo.

### **Ukungathobeli imigaqo**

10. Nawuphi na utitshala okanye umsebenzi karhulumente othe, ngaphandle kwesizathu esivakalayo nasemva kokufumana isaziso esibhaliweyo, akayithobela le migaqo yotyebile novavanyo, angamangalelwa ze atyholwe ngokungaziphathi ngendlela eyiyo yaye kusenokuthathwa amanyathelo oluleko ngakuye kulandelwa umthetho i-Public Service Act, 1994 (uMthetho 103 ka-1994), okanye uMthetho wezeNgqesho yooTitshala, 1998 (uMthetho 76 ka-1998), ngokuxhomekeka kwimeko.

### **IGama elifutshane**

11. Le Mimiselo ibizwa ngokuba yiMimiselo emalunga noTyelelo nokuVavanywa kweZikolo zikaRhulumente neZikolo eziziMeleyo eziXhaswa nguRhulumente.



