

PROVINCE OF THE WESTERN CAPE

PROVINSIE WES-KAAP

IPHONDO LENTSHONA KOLONI

**Provincial Gazette
Extraordinary**

**Buitengewone
Provinsiale Koerant**

**Isongezelelo
kwiGazethi yePhondo**

8051

8051

8051

Monday, 25 February 2019

Maandag, 25 Februarie 2019

uMvulo, 25 kweyoMdumba 2019

Registered at the Post Office as a Newspaper

As 'n Nuusblad by die Poskantoor Geregistreer

Ibhaliswe ePosini njengePhephandaba

CONTENTS

INHOUD

IZIQUATHO

(*Reprints are obtainable at Room M21, Provincial Legislature Building, 7 Wale Street, Cape Town 8001.)

(*Afskrifte is verkrygbaar by Kamer M21, Provinsiale Wetgewer-gebou, Waalstraat 7, Kaapstad 8001.)

(*Ushicilelo olutsha lufumaneka kwiGumbi M21, kwiSakhiwo sePhondo seNdlu yoWiso Mthetho, 7 Wale Street, eKapa 8001.)

Provincial Notice

Provinsiale Kennisgewing

ISaziso sePhondo

The following draft regulations are published for comment:

Die volgende konsepregulasies word vir kommentaar gepubliseer:

Kupapashwa lo mgaqo usaqulungwayo ngeenjongo zokufumana izimvo zoluntu:

18 Western Cape Education Department: Draft Regulations on the Western Cape Schools Evaluation Authority, 2019 2

18 Wes-Kaapse Onderwysdepartement: Konsepregulasies op die Wes-Kaapse Skool evalueringsgesag, 2019 9

18 ISebe leMfundo leNtshona Koloni: UQulunqo lweMigaqo eNxulumene noGunyaziwe woHlolo weNtshona Koloni, 2019 16

Any person or organisation wishing to comment on these draft regulations is requested to submit the comments on or before 18 March 2019—

Enige persoon of organisasie wat op hierdie konsepregulasies kommentaar wil lewer, word versoek om sodanige kommentaar skriftelik voor of op 18 Maart 2019 in te dien—

Nawuphi na umntu okanye umbutho oqwenela ukufaka izimvo zakhe ngolu qulunqo lwemigaqo uyacelwa ukuba azifake zibhaliwe izimvo zakhe phambi komhla okanye ngomhla we-18 kweyo-Kwindla 2019—

- (a) by posting the comments to:
Adv. Lynn Coleridge-Zils
Director
Western Cape Education Department
Private Bag X9114
Cape Town 8000;
- (b) by delivering the comments to:
Adv. Lynn Coleridge-Zils
Director
Western Cape Education Department
2nd Floor
Vunani Chambers
33 Church Street
Cape Town 8001; or
- (c) by emailing the comments to:
lynn.coleridge-zils@westerncape.gov.za

- (a) deur die kommentaar te pos aan:
Adv. Lynn Coleridge-Zils
Direkteur
Wes-Kaapse Onderwysdepartement
Privaatsak X9114
Kaapstad 8000;
- (b) deur die kommentaar af te lewer aan:
Adv. Lynn Coleridge-Zils
Direkteur
Wes-Kaapse Onderwysdepartement
2^{de} Verdieping
Vunani-kamers
Kerkstraat 33
Kaapstad 8001; of
- (c) deur die kommentaar te e-pos na:
lynn.coleridge-zils@westerncape.gov.za

- (a) ngokuziposela izimvo ku-:
Adv. Lynn Coleridge-Zils
Umlawuli
ISebe leMfundo leNtshona Koloni
Private Bag X9114
Cape Town 8000;
- (b) ngokuzisa ngesandla izimvo ku-:
Adv. Lynn Coleridge-Zils
Umlawuli
ISebe leMfundo leNtshona Koloni
UMgangatho wesi 2
Vunani Chambers
33 Church Street
Cape Town 8001; okanye
- (c) ngoku-imeyilela izimvo ku-:
lynn.coleridge-zils@westerncape.gov.za

PROVINCIAL NOTICE

The following Provincial Notice is published for comment.

ADV. B. GERBER,
DIRECTOR-GENERAL

Provincial Legislature Building,
Wale Street,
Cape Town.

PROVINSIALE KENNISGEWING

Die volgende Provinsiale Kennisgewing word vir kommentaar gepubliseer.

ADV. B. GERBER,
DIREKTEUR-GENERAAL

Provinsiale Wetgewer-gebou,
Waalstraat,
Kaapstad.

ISAZISO SEPHONDO

Esi saziso silandelayo sipapashelwe ukugaya izimvo.

ADV. B. GERBER,
UMLAWULI-JIKELELE

ISakhiwo sePhondo,
Wale Street,
eKapa.

PROVINCIAL NOTICE

P.N. 18/2019

25 February 2019

**DRAFT REGULATIONS ON THE WESTERN CAPE SCHOOLS
EVALUATION AUTHORITY, 2019**

The Provincial Minister of Education in the Western Cape, under section 11H 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***Regulations*

1. Definitions
2. Procedures for appointment
3. Terms and conditions of appointment
4. Procedures for filling of vacancies
5. Removal from office
6. Exercise of functions by Chief Evaluator
7. Preparation and publication of reports
8. Submission of reports to Provincial Minister
9. Operation of Schools Evaluation Authority
10. Short title

Definitions

1. In these regulations a word or expression to which a meaning has been assigned in the Western Cape Provincial School Education Act, 1997 (Act 12 of 1997), has the same meaning and, unless the context indicates otherwise—

“**the Head of Ministry**” means the Head of Office for the Provincial Minister;

“**internal employee**” means an officer in the Western Cape Education Department;

“**Public Service Act**” means the Public Service Act, 1994 (Proclamation 103 of 1994);

“**the Act**” means the Western Cape Provincial School Education Act, 1997 (Act 12 of 1997).

Procedures for appointment

2. (1) The Provincial Minister must, before appointing a Chief Evaluator in terms of section 11A(2) of the Act, invite applications from persons eligible for such appointment.

(2) Except in the circumstances contemplated in regulation 3(4), the Chief Evaluator must, before appointing Lead Evaluators and Evaluators under section 11A(4) of the Act, invite applications from persons eligible for such appointments.

(3) The invitation referred to in subregulation (1) and (2) must include—

- (a) the closing date for applications; and
- (b) the criteria and requirements for the appointment.

(4) The invitation for applications for appointment as the Chief Evaluator must be by notice published—

- (a) in at least two newspapers in general circulation nationally;
- (b) in an electronic publication or posted on social media; and
- (c) on the website of the Western Cape Government.

(5) The process for inviting applications for appointment as Lead Evaluator and Evaluators may be determined by the Chief Evaluator but must include at least the publication of a notice in a medium contemplated in subregulation (4).

(6) The Western Cape Education Department must, on the request of the Provincial Minister in respect of the process contemplated in subregulation (1) and on the request of the Chief Evaluator in respect of the process contemplated in subregulation (2), process the invitation for, and the consideration and vetting of applications.

(7) In the circumstances contemplated in subregulation (6), all applications received must be submitted to the Provincial Minister or the Chief Evaluator, as the case may be, indicating in which respects the applications meet the criteria for appointment and in which respects the applications do not meet the criteria for appointment.

(8) The Schools Evaluation Authority must create and maintain a database of persons who have submitted applications as contemplated in this regulation and who qualify for appointment as an Evaluator in terms of section 11B of the Act.

(9) Evaluators may be appointed from the persons included in the database contemplated in subregulation (8) provided that an application for the relevant appointment shall be valid for a period of 12 months from the date of submission of the application.

Terms and conditions of appointment

3. (1) The appointment of a Chief Evaluator is, in terms of section 11A(3) of the Act, for a non-renewable term of four years.

(2) The terms and conditions of appointment of an educator or non-educator as Chief Evaluator—

- (a) are regulated by agreement between the Provincial Minister and the Chief Evaluator; and
- (b) are subject to the Labour Relations Act, 1995 (Act 66 of 1995), the Basic Conditions of Employment Act, 1997 (Act 75 of 1997), and any other applicable law.

(3) The appointment of a Lead Evaluator or an Evaluator is for a fixed term as determined by the Chief Evaluator, based on the annual programme of the Schools Evaluation Authority or a specific need of the Schools Evaluation Authority that may arise.

(4) The Head of Department or the Provincial Minister may in accordance with the Employment of Educators Act or the Public Service Act, as the case may be, in consultation with the Chief Evaluator, second an educator or non-educator who is an internal employee to the Schools Evaluation Authority in order to take up an appointment as Lead Evaluator or Evaluator.

(5) The terms and conditions of appointment of an educator or non-educator as Lead Evaluator or Evaluator to the Schools Evaluation Authority who is not an internal employee—

- (a) is regulated by agreement between the Chief Evaluator and the Lead Evaluator or Evaluator concerned; and
- (b) is subject to the Labour Relations Act, 1995, the Basic Conditions of Employment Act, 1997, and any other applicable law.

(6) The terms of appointment of a Lead Evaluator and an Evaluator must provide that the Lead Evaluator or Evaluator concerned will—

- (a) commit to the relevant dates in the programme of the Schools Evaluation Authority as determined by the Chief Evaluator;
- (b) at all times work in close cooperation and collaboration with the Chief Evaluator in the case of Lead Evaluators and with the Lead Evaluator in the case of Evaluators;
- (c) within two working days of receipt of the programme of the Schools Evaluation Authority declare in writing to the Chief Evaluator if he or she has a vested interest in a particular school;
- (d) work according to agreed procedures drawn up by the Chief Evaluator;
- (e) participate fully in report discussions in order to reach consensus on findings and recommendations for improvement, where applicable;
- (f) strictly adhere to the deadlines according to agreed procedures referred to in paragraph (e) in order to complete the given tasks timeously;
- (g) behave professionally at all times;
- (h) be punctual at all times;
- (i) at all times keep information confidential and act impartially;
- (j) attend meetings called by the Chief Evaluator according to agreed procedures referred to in paragraph (e); and
- (k) attend information sessions and specialised training as identified by the Chief Evaluator.

Procedures for filling of vacancies

4. (1) A vacancy in the Schools Evaluation Authority occurs when—

- (a) the term of office of the Chief Evaluator has expired or the Chief Evaluator has resigned;
- (b) the term of office of a Lead Evaluator or an Evaluator has expired, or the Lead Evaluator or Evaluator has resigned;
- (c) in the case of an internal employee seconded to the Schools Evaluation Authority, the term of the secondment, or the employment in the Western Cape Education Department, has ended;
- (d) the Chief Evaluator, a Lead Evaluator or an Evaluator dies;
- (e) the Chief Evaluator, a Lead Evaluator or an Evaluator has been removed from office as contemplated in section 11C(1) or (2) of the Act, read with regulation 5.

(2) If a vacancy occurs in respect of the office of a Lead Evaluator or an Evaluator, the Chief Evaluator must inform the Provincial Minister in writing within five days of the vacancy arising and indicate the reason for the vacancy and the date on which the vacancy arose.

(3) A vacancy in the office of Chief Evaluator, Lead Evaluator or Evaluator must be filled in accordance with the process and terms and conditions set out in the Act and these regulations.

(4) In the case of a vacancy in the office of the Chief Evaluator, the Chief Evaluator appointed to fill such vacancy may be appointed for the unexpired term of the Chief Evaluator who has vacated his or her office, or for a new term of four years.

Removal from office

5. (1) If the Provincial Minister in the case of the Chief Evaluator, or the Chief Evaluator in the case of a Lead Evaluator or an Evaluator, believes that one or more grounds exist for the removal of the Chief Evaluator, a Lead Evaluator or an Evaluator, as the case may be, and intends to take steps to remove the person concerned from office, he or she must inform the person concerned of these grounds and provide him or her with a reasonable opportunity to submit written representations in respect thereof and for the presentation of the representations in person, by his or her legal representative or another nominated person.

(2) The removal of the Chief Evaluator, a Lead Evaluator or an Evaluator must, in addition to the process contemplated in subregulation (1), comply with the laws applicable to the appointment concerned.

(3) The Provincial Minister in the case of the Chief Evaluator or the Chief Evaluator in the case of a Lead Evaluator or an Evaluator may, with due regard to applicable law, suspend the Chief Evaluator, a Lead Evaluator or an Evaluator, as the case may be, on the commencement of the steps for his or her removal.

(4) If the Chief Evaluator, a Lead Evaluator, or an Evaluator has been removed from office, he or she may not on behalf of the Schools Evaluation Authority visit or communicate with any school.

(5) If the Chief Evaluator, a Lead Evaluator or an Evaluator has been removed from office, he or she must leave the premises of the Schools Evaluation Authority on written notice.

Exercise of functions by Chief Evaluator

6. (1) Subject to the operational plan contemplated in regulation 9, the Chief Evaluator must develop an annual programme that determines the itinerary of the Schools Evaluation Authority.

(2) The draft annual programme contemplated in subregulation (1) must be submitted to the Provincial Minister for comment, who may make recommendations for its amendment to the Chief Evaluator for consideration.

(3) Subject to the operational plan contemplated in regulation 9, the Chief Evaluator may at any time amend the annual programme if it comes to his or her attention by way of a request from the Provincial Minister, or in any other manner, that the urgent evaluation of a school is necessary.

(4) Subject to the operational plan contemplated in regulation 9, the Chief Evaluator may, in consultation with Lead Evaluators, determine the number of Evaluators required for the implementation of the annual programme.

(5) A written notice to the district director, principal and governing body of the school contemplated in section 11D(4)(a) and (b) of the Act must provide the following information:

- (a) the dates and times of the visit;
- (b) the purpose and focus of the evaluation;
- (c) the designation and names of the Lead Evaluator or Evaluators; and
- (d) the evaluation instrument as approved by the Chief Evaluator.

(6) The written notice referred to in subregulation (5) must state that the principal and members of staff of the school whose presence will be required should be present on the dates and times of the visit.

(7) A written request for documentation contemplated in section 11D(4)(c) of the Act must provide assurance that the documentation will be stored securely and returned to the school in the same condition in which it was provided within 30 days of the completion of the on-site visit.

(8) In the case of a visit to a school without notice contemplated in section 11D(5) of the Act, an initial meeting with the principal and the management team of the school must be held to discuss the following matters:

- (a) the reason why the visit was unannounced;
- (b) the purpose and focus of the evaluation.

(9) During the initial meeting contemplated in subregulation (8) the following information must be provided in writing to the principal:

- (a) the information listed in paragraphs (a) and (b) of subregulation (8);
- (b) the evaluation instrument as approved by the Chief Evaluator;
- (c) notice of the intention to conduct an interview with the governing body or any member thereof, an official of the Western Cape Education Department, a member of staff at the school, a learner or a parent and the proposed dates and times for such interviews, where applicable;
- (d) a request for documentation in order to inform the Schools Evaluation Authority's report and recommendations, if applicable;
- (e) an instruction to ensure that, where reasonably practicable, the principal and all members of staff of the school must be present at the school for the duration of the visit.

(10) At the end of each evaluation a meeting must be arranged with the school concerned for the purpose of providing oral feedback.

(11) The oral feedback meeting contemplated in subregulation (10)—

- (a) must be attended by a district official, at least one member of the governing body, and the school management team;
- (b) may be attended by any member of staff at the school.

Preparation and publication of reports

7. (1) Each evaluation must be followed by a written report, which must include evidence-based findings, based on empirical findings made during the evaluation and the analysis and interpretation of data obtained, and which—

- (a) must follow an agreed format determined by the Chief Evaluator;
- (b) must be of an acceptable quality according to a required standard, as determined by the Chief Evaluator;
- (c) must, where applicable, include recommendations for improvement; and
- (d) may not identify any individual.

(2) The Lead Evaluator concerned must provide the draft report to the principal, the governing body and the district director of the school concerned in order to afford them an opportunity to submit to the Lead Evaluator, in writing, within 14 days of receipt thereof, any further evidence on any findings with which they disagree.

(3) The Lead Evaluator must consider any further evidence received pursuant to the process contemplated in subregulation (2), if necessary amend the draft report and submit the report to the Chief Evaluator.

(4) The Chief Evaluator must—

- (a) consider and discuss the contents of the draft report with the Lead Evaluator concerned; and
- (b) approve the draft report, if necessary with amendments.

(5) The final report must be provided to the principal, the governing body and the district director of the school concerned, the Head of Department and the Provincial Minister prior to publication or public distribution thereof.

(6) The Chief Evaluator—

- (a) must publish the final report on the website of the Schools Evaluation Authority or the Western Cape Education Department;
- (b) may publicly distribute the final report by any other appropriate method.

Submission of reports to Provincial Minister

8. (1) The Chief Evaluator must submit to the Provincial Minister an annual report for the previous 12 months by 30 April each year.

(2) The Chief Evaluator must ensure that the annual report includes—

- (a) an overview of the schools evaluated;
- (b) a summary of findings based on the analysis of data obtained and the interpretation thereof; and
- (c) a summary of recommendations made, in terms of the matters listed in section 11D(1) of the Act.

(3) The Provincial Minister may table the annual report in the Provincial Parliament.

Operation of Schools Evaluation Authority

9. (1) Funding to the Schools Evaluation Authority will be covered within the annual budget of the Western Cape Education Department.

(2) Expenditure in respect of the Schools Evaluation Authority must be based on an operational plan for operational costs approved by the Head of Department after consultation with the Provincial Minister.

(3) The Chief Evaluator must during each financial year, at such time and in such manner as the Head of Department may determine, submit to the Head of Department an operational plan including a detailed statement of the estimated expenses contemplated in sections 11E and 11F(1) and (2) of the Act for the following financial year.

(4) If, after consultation with the Chief Evaluator, the Head of Department is not satisfied with the operational plan contemplated in subregulation (3), the Chief Evaluator must revise the plan in accordance with the requirements of the Head of Department within seven days, or another agreed period, of receipt of the Head of Department's requirements.

- (5) Expenditure in respect of the Schools Evaluation Authority—
- (a) may not exceed the detailed expenses stated in the operational plan approved by the Head of Department;
 - (b) must be administered and accounted for in accordance with the Public Finance Management Act, 1999 (Act 1 of 1999).
- (6) The Chief Evaluator is the administrative head of the Schools Evaluation Authority and must, subject to the applicable law—
- (a) ensure the efficient administration of the School's Evaluation Authority;
 - (b) develop procedures in consultation with the Provincial Minister and Head of Department, as applicable, in respect of the organisation, management and control of the personnel of the Schools Evaluation Authority.
- (7) Costs in respect of a subsistence allowance, travel, accommodation costs and meals incurred by the Chief Evaluator, Lead Evaluators and Evaluators in the performance of their functions may be claimed and paid in accordance with the policy applicable to the Western Cape Education Department.

Short title

10. These regulations are called the Regulations on the Western Cape Schools Evaluation Authority, 2019.

PROVINSIALE KENNISGEWING

P.K. 18/2019

25 Februarie 2019

KONSEPREGULASIES OP DIE WES-KAAPSE SKOOLEVALUERINGSGESAG, 2019

Die Provinsiale Minister van Onderwys in die Wes-Kaap is van voorneme om, kragtens artikel 11H van die Wes-Kaapse Provinsiale Wet op Skoolonderwys, 1997 (Wet 12 van 1997), die regulasies uiteengesit in die Bylae te maak.

BYLAE

INDELING VAN REGULASIES

Regulasies

1. Woordomskrywing
2. Prosedures vir aanstelling
3. Aanstellingsbepalings en -voorwaardes
4. Prosedures vir die vul van vakatures
5. Verwydering uit amp
6. Uitoefening van werksaamhede deur Hoofvalueerder
7. Opstel en publikasie van verslae
8. Voorlegging van verslae aan Provinsiale Minister
9. Bedryf van Skoolevalueringsgesag
10. Kort titel

Woordomskrywing

1. In hierdie regulasies het 'n woord of uitdrukking waaraan daar 'n betekenis geheg is in die Wes-Kaapse Provinsiale Wet op Skoolonderwys, 1997 (Wet 12 van 1997), dieselfde betekenis en, tensy dit uit die samehang anders blyk, beteken—

“**die Hoof van die Ministerie**” die Hoof van die Kantoor van die Provinsiale Minister;

“**interne werknemer**” 'n beamppte in die Wes-Kaapse Onderwysdepartement;

“**Staatsdienswet**” die Staatsdienswet, 1994 (Proklamasie 103 van 1994);

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

Prosedures vir aanstelling

2. (1) Die Provinsiale Minister moet, voordat hy of sy 'n Hoofvalueerder ingevolge artikel 11A(2) van die Wet aanstel, persone wat vir sodanige aanstelling geskik is, uitnoui om aansoek te doen.

(2) Behalwe in die omstandighede beoog in regulasie 3(4), moet die Hoofvalueerder, voordat hy of sy Adjunkhoofvalueerders en Evalueerders kragtens artikel 11A(4) van die Wet aanstel, persone wat vir sodanige aanstellings geskik is, uitnoui om aansoek te doen.

(3) Die uitnodiging bedoel in subregulasie (1) en (2) moet die volgende insluit:

- (a) die sluitingsdatum vir aansoeke; en
- (b) die aanstellingskriteria en -vereistes.

(4) Die uitnodiging vir aansoeke vir aanstelling as Hoofevalueerder moet by kennisgewing gepubliseer word—

- (a) in minstens twee koerante wat landwyd algemeen sirkuleer;
- (b) in 'n elektroniese publikasie, of geplaas word op sosiale media; en
- (c) op die webwerf van die Wes-Kaapse Regering.

(5) Die proses vir die uitnodiging van aansoeke vir aanstelling as Adjunkhoofevalueerders en Evalueerders kan deur die Hoofevalueerder bepaal word, maar moet minstens die publikasie van 'n kennisgewing in 'n medium beoog in subregulasie (4) insluit.

(6) Die Wes-Kaapse Onderwysdepartement moet, op versoek van die Provinsiale Minister ten opsigte van die proses beoog in subregulasie (1) en op versoek van die Hoofevalueerder ten opsigte van die proses beoog in subregulasie (2), die uitnodiging vir en die oorweging en keuring van aansoeke verwerk.

(7) In die omstandighede beoog in subregulasie (6) moet alle aansoeke wat ontvang is, voorgelê word aan die Provinsiale Minister of die Hoofevalueerder, na gelang van die geval, en moet dit aandui in welke opsigte die aansoeke aan die aanstellingskriteria voldoen en in welke opsigte die aansoeke nie aan die aanstellingskriteria voldoen nie.

(8) Die Skoolevalueringsgesag moet 'n databasis van persone wat soos beoog in hierdie regulasie aansoeke ingedien het en wat ingevolge artikel 11B van die Wet vir aanstelling as 'n Evalueerder kwalifiseer, skep en in stand hou.

(9) Evalueerders kan aangestel word vanuit die persone wat in die databasis beoog in subregulasie (8) opgeneem is, met dien verstande dat 'n aansoek vir die tersaaklike aanstelling geldig is vir 'n tydperk van 12 maande vanaf die datum van indiening van die aansoek.

Aanstellingsbepalings en -voorwaardes

3. (1) Die aanstelling van 'n Hoofevalueerder is, ingevolge artikel 11A(3) van die Wet, vir 'n onhernubare termyn van vier jaar.

(2) Die aanstellingsbepalings en -voorwaardes van 'n opvoeder of nie-opvoeder as Hoofevalueerder—

- (a) word by ooreenkoms tussen die Provinsiale Minister en die Hoofevalueerder gereguleer; en
- (b) is onderhewig aan die Wet op Arbeidsverhoudinge, 1995 (Wet 66 van 1995), die Wet op Basiese Diensvoorwaardes, 1997 (Wet 75 van 1997), en enige ander toepaslike reg.

(3) Die aanstelling van 'n Adjunkhoofevalueerder of Evalueerder is vir 'n vasgestelde termyn soos bepaal deur die Hoofevalueerder, gebaseer op die jaarprogram van die Skoolevalueringsgesag of 'n spesifieke behoefte van die Skoolevalueringsgesag wat moontlik kan ontstaan.

(4) Die Departementshoof of die Provinsiale Minister kan, ooreenkomstig die Wet op die Indiensneming van Opvoeders of die Staatsdienswet, na gelang van die geval, in oorleg met die Hoofevalueerder, 'n opvoeder of nie-opvoeder wat 'n interne werknemer is, na die Skoolevalueringsgesag sekondeer om 'n aanstelling as Adjunkhoofevalueerder of Evalueerder te aanvaar.

(5) Die aanstellingsbepalings en -voorwaardes van 'n opvoeder of nie-opvoeder wat nie 'n interne werknemer is nie as Adjunkhoofevalueerder of Evalueerder by die Skoolevalueringsgesag—

- (a) word by ooreenkoms tussen die Hoofevalueerder en die betrokke Adjunkhoofevalueerder of Evalueerder gereguleer; en
- (b) is onderhewig aan die Wet op Arbeidsverhoudinge, 1995, die Wet op Basiese Diensvoorwaardes, 1997, en enige ander toepaslike reg.

(6) Die aanstellingsbepalings en -voorwaardes van 'n Adjunkhoofevalueerder en 'n Evalueerder moet bepaal dat die betrokke Adjunkhoofevalueerder of Evalueerder—

- (a) hom of haar verbind tot die tersaaklike datums in die Skoolevalueringsgesag se program soos bepaal deur die Hoofevalueerder;
- (b) te alle tye ten nouste sal saamwerk met die Hoofevalueerder in die geval van Adjunkhoofevalueerders en met die Adjunkhoofevalueerder in die geval van Evalueerders;
- (c) binne twee werksdae van ontvangs van die Skoolevalueringsgesag se program skriftelik aan die Hoofevalueerder sal verklaar indien hy of sy 'n gevestigde belang in 'n bepaalde skool het;
- (d) volgens ooreengekome prosedures opgestel deur die Hoofevalueerder sal werk;
- (e) ten volle sal deelneem aan verslagbesprekings om eenstemmigheid te bereik oor bevindings en aanbevelings vir verbetering, waar van toepassing;
- (f) streng sal hou by die sperdatums volgens ooreengekome prosedures bedoel in paragraaf (e) om die gegewe take betyds te voltooi;
- (g) te alle tye professioneel sal optree;
- (h) te alle tye betyds sal wees;
- (i) inligting te alle tye vertroulik sal hou en te alle tye onpartydig sal optree;
- (j) vergaderings belê deur die Hoofevalueerder sal bywoon volgens ooreengekome prosedures bedoel in paragraaf (e); en
- (k) inligtingsessies en spesialisopleiding sal bywoon wat die Hoofevalueerder identifiseer.

Prosedures vir die vul van vakatures

4. (1) 'n Vakature in die Skoolevalueringsgesag ontstaan wanneer—

- (a) die dienstermyn van die Hoofevalueerder verstryk het of die Hoofevalueerder bedank het;
- (b) die ampstermyn van 'n Adjunkhoofevalueerder of Evalueerder verstryk het, of die Adjunkhoofevalueerder of Evalueerder bedank het;
- (c) in die geval van 'n interne werknemer wat na die Skoolevalueringsgesag gesekeundeer is, die termyn van die sekondering, of die indiensneming in die Wes-Kaapse Onderwysdepartement geëindig het;
- (d) die Hoofevalueerder, 'n Adjunkhoofevalueerder of 'n Evalueerder sterf;
- (e) die Hoofevalueerder, 'n Adjunkhoofevalueerder of 'n Evalueerder uit sy of haar amp verwyder is soos beoog in artikel 11C(1) of (2) van die Wet, saamgelees met regulasie 5.

(2) Indien 'n vakature ten opsigte van die amp van 'n Adjunkhoofevalueerder of Evalueerder ontstaan, moet die Hoofevalueerder binne vyf dae van die ontstaan van die vakature die Provinsiale Minister skriftelik daarvan in kennis stel en die rede vir die vakature en die datum waarop die vakature ontstaan het, aandui.

(3) 'n Vakature in die amp van Hoofevalueerder, Adjunkhoofevalueerder of Evalueerder moet ooreenkomstig die proses en bepalings en voorwaardes uiteengesit in die Wet en hierdie regulasies gevul word.

(4) In die geval van 'n vakature in die amp van Hoofevalueerder, kan die Hoofevalueerder wat aangestel word om sodanige vakature te vul, aangestel word vir die onverstreke termyn van die Hoofevalueerder wat sy of haar amp ontruim het, of vir 'n nuwe termyn van vier jaar.

Verwydering uit amp

5. (1) Indien die Provinsiale Minister in die geval van die Hoofevalueerder, of die Hoofevalueerder in die geval van 'n Adjunkhoofevalueerder of Evalueerder, glo dat daar een of meer gronde bestaan vir die verwydering van die Hoofevalueerder, 'n Adjunkhoofevalueerder of Evalueerder, na gelang van die geval, en van voorneme is om stappe te doen om die betrokke persoon uit die amp te verwyder, moet hy of sy die betrokke persoon van hierdie gronde in kennis stel en aan hom of haar 'n redelike geleentheid verskaf om skriftelike vertoë daaroor te rig en vir die voorlegging van die vertoë deur hom of haarself, deur sy of haar regsvertegenwoordiger of deur 'n ander benoemde persoon.

(2) Die verwydering van die Hoofevalueerder, 'n Adjunkhoofevalueerder of 'n Evalueerder moet, benewens die proses beoog in subregulasie (1), aan die reg wat op die betrokke aanstelling van toepassing is, te voldoen.

(3) Die Provinsiale Minister in die geval van die Hoofevalueerder of die Hoofevalueerder in die geval van 'n Adjunkhoofevalueerder of Evalueerder kan, met behoorlike inagneming van die toepaslike reg, die Hoofevalueerder, 'n Adjunkhoofevalueerder of Evalueerder, na gelang van die geval, skors by aanvang van die stappe vir sy of haar verwydering.

(4) Indien die Hoofevalueerder, 'n Adjunkhoofevalueerder of Evalueerder uit sy of haar amp verwyder is, mag hy of sy nie namens die Skoolevalueringsgesag enige skool besoek of met enige skool kommunikeer nie.

(5) Indien die Hoofevalueerder, 'n Adjunkhoofevalueerder, of Evalueerder uit sy of haar amp verwyder is, moet hy of sy by skriftelike kennisgewing die perseel van die Skoolevalueringsgesag verlaat.

Uitoefening van werksaamhede deur Hoofevalueerder

6. (1) Behoudens die bedryfsplan beoog in regulasie 9 moet die Hoofevalueerder 'n jaarprogram saamstel wat die reisprogram van die Skoolevalueringsgesag bepaal.

(2) Die konsepjaarprogram beoog in subregulasie (1) moet vir kommentaar voorgelê word aan die Provinsiale Minister, wat aanbevelings aan die Hoofevalueerder vir die wysiging daarvan kan maak.

(3) Behoudens die bedryfsplan beoog in regulasie 9 kan die Hoofevalueerder te eniger tyd die jaarprogram wysig indien dit onder sy of haar aandag kom by wyse van 'n versoek van die Provinsiale Minister, of op enige ander wyse, dat die dringende evaluasie van 'n skool nodig is.

(4) Behoudens die bedryfsplan beoog in regulasie 9 kan die Hoofevalueerder, in oorleg met Adjunkhoofevalueerders, die getal Evalueerders wat vir die implementering van die jaarprogram benodig word, bepaal.

(5) 'n Skriftelike kennisgewing aan die distriksdirekteur, prinsipaal en beheerliggaam van 'n skool beoog in artikel 11D(4)(a) en (b) van die Wet moet die volgende inligting verskaf:

- (a) die datums en tye van die besoek;
- (b) die doel en fokus van die evaluering;
- (c) die amp en name van die Adjunkhoofevalueerder of Evalueerders; en
- (d) die evalueringsinstrument soos goedgekeur deur die Hoofevalueerder.

(6) Die skriftelike kennisgewing bedoel in subregulasie (5) moet vermeld dat die prinsipaal en personeellede van die skool wie se teenwoordigheid verlang sal word, op die datums en tye van die besoek teenwoordig moet wees.

(7) 'n Skriftelike versoek om dokumentasie beoog in artikel 11D(4)(c) van die Wet moet die versekering gee dat die dokumentasie veilig bewaar sal word en binne 30 dae vanaf die afhandeling van die perseelbesoek aan die skool terugbesorg sal word in dieselfde toestand as waarin dit verskaf is.

(8) In die geval van 'n besoek aan 'n skool sonder kennisgewing beoog in artikel 11D(5) van die Wet moet 'n aanvanklike vergadering met die prinsipaal en die bestuursplan van die skool gehou word om die volgende aangeleenthede te bespreek:

- (a) die rede waarom die besoek onverwags was;
- (b) die doel en fokus van die evaluering.

(9) Gedurende die aanvanklike vergadering beoog in subregulasie (8) moet die volgende inligting skriftelik aan die prinsipaal verskaf word:

- (a) die inligting vermeld in paragrawe (a) en (b) van subregulasie (8);
- (b) die evalueringsinstrument soos goedgekeur deur die Hoofevalueerder;
- (c) kennisgewing van die voorneme om 'n onderhoud te voer met die beheerliggaam of enige lid daarvan, 'n beampte van die Wes-Kaapse Onderwysdepartement, 'n personeellid van die skool, 'n leerder of 'n ouer en die voorgestelde datums en tye vir sodanige onderhoude, waar van toepassing;
- (d) 'n versoek om dokumentasie om inligting te verskaf vir die verslag en aanbevelings van die Skoolevalueringsgesag, indien van toepassing;
- (e) 'n instruksie om toe te sien dat, waar dit redelikerwys doenlik is, die prinsipaal en alle personeellede van die skool vir die duur van die besoek teenwoordig moet wees.

(10) Aan die einde van elke evaluering moet 'n vergadering met die betrokke skool gereël word om mondelinge terugvoer te gee.

(11) Die mondelingeterugvoervergadering beoog in subregulasie (10)—

- (a) moet deur 'n distriksbeampte, minstens een lid van die beheerliggaam, en die skoolbestuursplan bygewoon word;
- (b) kan deur enige personeellid by die skool bygewoon word.

Opstel en publikasie van verslae

7. (1) Elke evaluasie moet gevolg word deur 'n skriftelike verslag, wat bewysgebaseerde bevindings bevat wat op empiriese bevindings gebaseer is wat gedurende die evaluering, ontleding en interpretasie van die data wat verkry is, gemaak is, en—

- (a) moet 'n ooreengekome formaat bepaal deur die Hoofevalueerder volg;
- (b) moet van 'n aanvaarbare gehalte wees volgens 'n vereiste standaard, soos bepaal deur die Hoofevalueerder;

(c) moet, waar van toepassing, aanbevelings vir verbetering insluit; en

(d) mag geen individu identifiseer nie.

(2) Die betrokke Adjunkhoofevalueerder moet die konsepverslag aan die prinsipaal, die beheerliggaam en die distriksdirekteur van die betrokke skool verskaf om hulle 'n geleentheid te gee om, binne 14 dae vanaf ontvangs daarvan, enige verdere bewyse op enige bevindings waarmee hulle nie saamstem nie, skriftelik aan die Adjunkhoofevalueerder voor te lê.

(3) Die Adjunkhoofevalueerder moet enige verdere bewyse wat ooreenkomstig die proses beoog in subregulasie (2) ontvang is, oorweeg en, indien nodig, die konsepverslag wysig en die verslag aan die Hoofevalueerder voorlê.

(4) Die Hoofevalueerder moet—

(a) die inhoud van die konsepverslag oorweeg en dit met die betrokke Adjunkhoofevalueerder bespreek; en

(b) die konsepverslag goedkeur, met wysigings indien nodig.

(5) Die finale verslag moet aan die prinsipaal, die beheerliggaam en die distriksdirekteur van die betrokke skool, die Departementshoof en die Provinsiale Minister verskaf word voor die publikasie of openbare verspreiding daarvan.

(6) Die Hoofevalueerder—

(a) moet die finale verslag op die webwerf van die Skoolevalueringsgesag of die Wes-Kaapse Onderwysdepartement publiseer;

(b) kan die finale verslag op enige ander paslike wyse versprei.

Voorlegging van verslae aan Provinsiale Minister

8. (1) Die Hoofevalueerder moet elke jaar teen 30 April 'n jaarverslag vir die voorafgaande 12 maande aan die Provinsiale Minister voorlê.

(2) Die Hoofevalueerder moet toesien dat die jaarverslag die volgende bevat:

(a) 'n oorsig van die skole wat geëvalueer is;

(b) 'n samevatting van bevindings gebaseer op die ontleding van die data wat verkry is en die interpretasie daarvan; en

(c) 'n samevatting van die aanbevelings wat gemaak is, ingevolge die aangeleenthede gelys in artikel 11D(1) van die Wet.

(3) Die Provinsiale Minister kan die jaarverslag in die Provinsiale Parlement ter tafel lê.

Bedryf van Skoolevalueringsgesag

9. (1) Befondsing aan die Skoolevalueringsgesag sal binne die jaarlikse begroting van die Wes-Kaapse Onderwysdepartement gedek word.

(2) Uitgawes ten opsigte van die Skoolevalueringsgesag moet gebaseer wees op 'n bedryfsplan vir bedryfsuitgawes wat ná oorleg met die Provinsiale Minister deur die Departementshoof goedgekeur word.

(3) Die Hoofevalueerder moet gedurende elke boekjaar, op die tyd en wyse wat die Departementshoof kan bepaal, 'n bedryfsplan aan die Departementshoof voorlê wat 'n uitvoerige staat van die geraamde uitgawes beoog in artikels 11E en 11F(1) en (2) van die Wet vir die volgende boekjaar bevat.

(4) Indien, ná oorleg met die Hoofvalueerder, die Departementshoof ontevrede is met die bedryfsplan beoog in subregulasie (3), moet die Hoofvalueerder die plan ooreenkomstig die vereistes van die Departementshoof hersien, binne sewe dae, of 'n ander ooreengekome tydperk, vanaf ontvangs van die Departementshoof se vereistes.

(5) Uitgawes ten opsigte van die Skoolevalueringsgesag—

- (a) mag nie die uitvoerige staat van uitgawes vervat in die bedryfsplan wat deur die Departementshoof goedgekeur is, oorskry nie;
- (b) moet ooreenkomstig die Wet op Openbare Finansiële Bestuur, 1999 (Wet 1 van 1999), geadminestreer en van verantwoording gedoen word.

(6) Die Hoofvalueerder is die administratiewe hoof van die Skoolevalueringsgesag en moet, behoudens die toepaslike reg—

- (a) die doeltreffende administrasie van die Skoolevalueringsgesag verseker;
- (b) prosedures ontwikkel ten opsigte van die organisasie, bestuur en beheer van die personeel van die Skoolevalueringsgesag, in oorleg met die Provinsiale Minister en die Departementshoof, soos van toepassing.

(7) Koste ten opsigte van 'n onderhoudstoelae, reis- en verblyfkoste en maaltye aangegaan deur die Hoofvalueerder, Adjunkhoofvalueerders en Evalueerders by die verrigting van hul werksaamhede kan geëis word en sal ooreenkomstig die beleid van toepassing op die Wes-Kaapse Onderwysdepartement betaal word.

Kort titel

10. Hierdie regulasies heet die Regulasies op die Wes-Kaapse Skoolevalueringsgesag, 2019.

ISAZISO SEPHONDO

I.S. 18/2019

25 kweyoMdumba 2019

IMIMISELO EYIDRAFTI EMALUNGA NOGUNYAZIWE WOHLLOLO LWEZIKOLO ZASENTSHONA KOLONI (*WESTERN CAPE SCHOOLS EVALUATION AUTHORITY*), 2019

UMphathiswa wezeMfundo wePhondo leNtshona Koloni, esenza phantsi kwesiqendu 11H, soMthetho weMfundo weZikolo zePhondo leNtshona Koloni, 1997 (uMthetho 12 ka-1997), unenjongo yokwenza le mimiselo icaciswe kwiShedyuli.

ISHEDYULI

ULANDELELWANISO LWEMIMISELO

Imimiselo

1. lingcaciso-magama
2. Imigaqo yokuqeshwa
3. Imimiselo nemiqathango yokuqeshwa
4. Imigaqo yokuzaliswa kwezithuba
5. Ukususwa esikhundleni
6. Ukwenziwa kwemisebenzi nguMhloli oyiNtloko
7. Ukwenziwa nokupapashwa kweengxelo
8. Ukungeniswa kweengxelo kuMphathiswa wePhondo
9. Ukusebenza kukaGunyaziwe woHlolo lweZikolo
10. Igama elifutshane

lingcaciso-magama

1. Kule mimiselo igama okanye ibinzana elinikwe intsingiselo kuMthetho weMfundo weZikolo zePhondo leNtshona Koloni (uMthetho 12 ka-1997), linaloo ntsingiselo ifanayo kuphela ngaphandle kokuba umxholo walatha okunye—

“**INtloko yeSebe loMphathiswa**” kuthetha iNtloko ye-Ofisi yoMphathiswa wePhondo;

“**umqeshwa wangaphakathi**” kuthetha igosa leSebe leMfundo leNtshona Koloni;

“**uMthetho weNkonzo kaRhulumente**” kuthetha umthetho we*Public Service Act, 1994* (UMpoposho 103 sika-1994);

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

Imigaqo yokuqeshwa

2. (1) UMphathiswa wePhondo phambi kokuqesha uMhloli oyiNtloko (*Chief Evaluator*) ngokwesiqendu 11A(2) salo Mthetho, ucela abantu abafanelekileyo bafake izicelo zokuqeshwa okulolu hlobo.

(2) Ngaphandle kwakwiimeko ezichatshazelwe kumimiselo 3(4), uMhloli oyiNtloko, phambi kokuqesha aBahloli abaziiNkokeli (*Lead Evaluators*) naBahloli (*Evaluators*) phantsi kwesiqendu 11A(4) salo Mthetho, ucela abantu abafanelekileyo bafake izicelo zokuqeshwa okulolu hlobo.

(3) Isicelo ekubhekiswa kuso kummiselwana (1)(a) no-(2)(a) masibandakanye—

(a) umhla wokuvalwa kwezicelo; kunye

(b) neekhrayitheriya neemfuno ezimiselweyo zokuqeshwa.

(4) Isicelo sokufakwa kwezicelo zokuqeshwa njengoMhloli oyiNtloko masibe sesenziwe ngesaziso esipapashwe—

(a) kumaphephandaba amabini ubuncinane apapashwa kuzwelonke jikelele; kunye

(b) esipapashwa kunxibelelwano ngekhompyutha okanye esiposwe kumajelo onxibelelwano;

(c) kwiziko lewebhu likaRhulumente weNtshona Koloni.

(5) Inkqubo yokucela ukufakwa kwezicelo zokuqeshwa njengoMhloli oyiNkokeli naBahloli, inokumiselwa nguMhloli oyiNtloko kodwa mayibandakanye ubuncinane ukupapashwa kwesaziso ngendlela yonxibelelwano echatshazelwe kummiselwana (4).

(6) ISebe leMfundo leNtshona Koloni xa kwenziwe isicelo nguMphathiswa wePhondo ngokumalunga nenkqubo echatshazelwe kummiselwana (1), naxa kuceliwe nguMhloli oyiNtloko ngokumalunga nenkqubo echatshazelwe kummiselwana echatshazelwe kummiselwana (2), lisingatha izicelo ngenjongo yokuziqwalaselela nokuziphononongela ukufaneleka kwabafake izicelo zokuqeshwa.

(7) Kwiimeko ezichatshazelwe kummiselwana (6), zonke izicelo ezifunyenweyo mazingeniswe kuMphathiswa wePhondo okanye kuMhloli oyiNtloko, ngokweemeko, ezalatha ukuba zeziphi na izicelo ezizifizekisiyo iikhrayitheriya zokuqeshwa yaye iyeyiphi na imiba ebangela ukuba izicelo zingazifizekisi iikhrayitheriya zokuqeshwa.

(8) UGunyaziwe woHlolo lweZikolo makenze yaye alondoloze iziko ledatha (*database*) labantu abafake izicelo njengoko kuchatshazelwe kulo mmiselo nokuba ngubani na ofaneleke ukuqeshwa njengoMhloli ngokwesi siqendu 11B salo Mthetho.

(9) ABahloli banokuqeshwa kwabo bantu babandakanywe kwiziko ledatha elichatshazelwe kummiselwana (8) ngokuxhomekeke ekubeni isicelo sokuqeshwa okuchaphazelakayo siya kuba semthethweni kangangethuba leenyanga eziyi-12 ukususela ngomhla wokungeniswa kwesicelo.

Imimiselo nemiqathango yokuqeshwa

3. (1) Ukuqeshwa koMhloli oyiNtloko ngokwesiqendu 11A(3) salo Mthetho, kokwethuba leminyaka emine elingenakuhlaziywa kwakhona.

(2) Imimiselo nemiqathango yokuqeshwa kokukatitshala okanye kongengotitshala njengoMhloli oyiNtloko—

(a) ilawulwa sisigqibo phakathi koMphathiswa wePhondo noMhloli oyiNtloko; yaye

(b) ixhomekeke kwi*Labour Relations Act, 1995* (uMthetho 66 ka-1995), i*Basic Conditions of Employment Act, 1997* (uMthetho 75 ka-1997), kunye nayo nayiphi na eminye imithetho esebenzayo.

(3) Ukuqeshwa koMhloli oyiNkokeli okanye uMhloli (*Evaluator*) kokwethuba eliqingqiweyo njengoko kumiselwe nguMhloli oyiNtloko, ngokusekelwe kwiprogram yonyaka kaGunyaziwe woHlolo lweZikolo okanye kwimfuno ekhethekileyo kaGunyaziwe woHlolo lweZikolo enokuthi ibekho.

(4) INtloko yeSebe okanye uMphathiswa wePhondo unokuthi ngokungqinelana noMthetho weNgqesho yooTitshala, 1988 (uMthetho 76 ka-1998) okanye noMthetho weNkonzo kaRhulumente, ngokwaloo meko kuyiyo, yaye ngokubhungisana noMhloli oyiNtloko, asekonde utitshala okanye ongengotitshala ongumqeshwa wangaphakathi (*internal employee*) kuGunyaziwe woHlolo lweZikolo ukwenzela ukuba aqeshwe njengoMhloli oyiNkokheli okanye njengoMhloli.

(5) Imimiselo nemiqathango yokuqeshwa kukatitshala okanye kongengotitshala njengoMhloli oyiNtloko okanye njengoMhloli kuGunyaziwe woHlolo lweZikolo nongengomqeshwa wangaphakathi—

- (a) ilawulwa sisigqibo phakathi koMhloli oyiNtloko noMhloli oyiNkokeli okanye noMhloli ochaphazelekayo; nokuba
- (b) ixhomekeke kwi*Labour Relations Act, 1995*, i*Basic Conditions of Employment Act, 1997*, kunye nayiphi eminye imithetho esebenzayo.

(6) Imimiselo yokuqeshwa njengoMhloli oyiNtloko noMhloli mayicacise ukuba uMhloli oyiNkokheli okanye uMhloli ochaphazelekayo—

- (a) uya kuzibophelela kwimihla echaphazelekayo kwiprogram kaGunyaziwe woHlolo lweZikolo njengoko kumiselwe nguMhloli oyiNtloko;
- (b) ngawo onke amaxesha uya kusebenza ngokubambisana noMhloli oyiNtloko kwimeko yoMhloli oyiNkokeli kunye noMhloli oyiNkokeli kwimeko yeBahloli;
- (c) zingadlulanga iintsuku ezimbini zomsebenzi zokufunyanwa kweprogram kaGunyaziwe woHlolo lweZikolo, uvakalisa ngencwadi ebhaliweyo eya kuMhloli oyiNtloko, ukuba uyachaphazeleka kwisikolo esithile ngenxa yeemeko ezithile;
- (d) uya kusebenza ngokwemigaqo ekuvunyelwene ngayo equlunqwe nguMhloli oyiNtloko;
- (e) uya kuthatha inxaxheba ngokupheleleyo kwiingxoxo ngeengxelo ukwenzela ukuba kufikelelwe kwisigqibo ngeziphumo nangeengcebiso zokuphucula umgangatho apho kusebenzayo oku;
- (f) uya kuyilandela ngokungqongqo imihla emisiweyo ngokwemigaqo ekuvunyelwene ngayo ekubhekiswa kuyo kumhlathi (e) ukwenzela ukuba ayigqibe ngexesha imisebenzi ayinikiweyo;
- (g) uya kuziphatha njengomntu ochubekileyo noqeqeshiweyo ngawo onke amaxesha;
- (h) uya kulibamba ixesha ngamaxesha onke;
- (i) ngamaxesha onke uya kuyigcina ingcaciso iyimfihlo yaye angakhethi cala;
- (j) uya kuhamba iintlanganiso ezibizwe nguMhloli oyiNtloko ngokwemigaqo ekuvunyelwenwe ngayo ekubhekiswa kuyo kumhlathi (e); nokuba
- (k) ahambe iiseshoni zengcaciso nezoqeqesho olukhethekileyo njengoko zichaziwe nguMhloli oyiNtloko.

Imigaqo yokuzaliswa kwezithuba

4. (1) Isithuba sidaleka kuGunyaziwe woHlolo lweZikolo xa—

- (a) liphelile ithuba lokubasesikhundleni koMhloli oyiNtloko okanye xa uMhloli oyiNtloko elahlile kwisikhundla eso.
- (b) liphelile ixesha lokubasesikhundleni koMhloli oyiNkokeli, okanye uMhloli oyiNkokeli okanye uMhloli, elahlile kwisikhundla sakhe;
- (c) kwimeko yomqeshwa wangaphakathi osekondwe kuGunyaziwe woHlolo lweZikolo, liphelile ixesha lokusekondwa, okanye elokuqeshwa kwiSebe leMfundo leNtshona Koloni,

- (d) eswelekile uMhloli oyiNtloko, uMhloli oyiNkokheli okanye uMhloli;
- (e) esusiwe kwisikhundla sakhe uMhloli oyiNtloko, uMhloli oyiNkokheli okanye uMhloli, njengoko kuchatshazelwe kwisiqendu 11C(1) okanye (2) soMthetho, esifundwa kunye nommiselo 5.

(2) Ukuba isithuba sidaleke kwisikhundla soMhloli oyiNkokheli okanye soMhloli, uMhloli oyiNtloko, makazise uMphathiswa wePhondo ngencwadi ebhaliweyo zingadlulanga iintsuku ezintlanu zokwenzeka kweso sithuba aze acacisa isizathu seso sithuba nomhla wokwenzeka kwaso.

(3) Ukuzaliswa kwesithuba kesikhundla soMhloli oyiNtloko, soMhloli oyiNkokheli okanye soMhloli makwenziwe ngokungqinelana nenkqubo nangokwemimiselo nemiqathango emiselwe kulo Mthetho nakule mimiselo.

(4) Kwimeko yesithuba sesikhundla soMhloli oyiNtloko, uMhloli oyiNtloko oqeshelwe ukuzalisa isithuba esilolu hlobo unokuqeshwa ithuba elingaphelelanga loMhloli oyiNtloko oshiye isikhundla sakhe, okanye ukwenzela ithuba leminyaka emine elitsha lokuba sesikhundleni.

Ukususwa esikhundleni

5. (1) Ukuba uMphathiswa wePhondo kwimeko yoMhloli oyiNtloko, okanye uMhloli oyiNtloko kwimeko yoMhloli oyiNkokheli okanye yoMhloli, ukholelwa ekubeni kukho isizathu esinye okanye ezingaphezulu zokususwa koMhloli oyiNtloko, koMhloli oyiNkokheli, okanye koMhloli ngokwaloo meko kuyiyo, yaye unenjongo yokuthatha amanyathelo okumsusa umntu ochaphazelekayo kwisikhundla, yena makazise umntu ochaphaphazelekayo ngezi zizathu yaye makamnike ithuba elifanelekileyo nelamkelekileyo lokuba aveze izimvo zakhe ngokumalunga noku ngencwadi ebhaliweyo kwanokuchazwa kwezimvo zakhe nguye siqu, ngummeli wezomthetho wakhe okanye ngumntu otyunjweyo.

(2) Ukususwa esikhundleni koMhloli oyiNtloko, koMhloli oyiNkokheli, koMhloli, ukongeza kwinkqubo echatshazelwe kummiselwana (1) makuyithobele imithetho esebenzayo yokuqeshwa okuchaphazelekayo.

(3) UMPhathiswa wePhondo kwimeko yoMhloli oyiNtloko, okanye uMhloli oyiNtloko kwimeko yoMhloli oyiNkokheli okanye yoMhloli, unokuthi ngenxa yokuthathela ingqalelo umthetho osebenzayo, amnqumamise uMhloli oyiNtloko, uMhloli oyiNkokheli okanye uMhloli, ngokwaloo meko kuyiyo, kwakuqaliswa amanyathelo okususwa kwakhe esikhundleni.

(4) Ukuba uMhloli oyiNtloko, uMhloli oyiNkokheli, uMhloli ususiwe kwisikhundla sakhe, yena akanakusityelela okanye anxibelelane naso nasiphi na isikolo sikarhulumente egameni loGunyaziwe loHlolo lweZikolo.

(5) Ukuba uMhloli oyiNtloko, uMhloli oyiNkokheli okanye uMhloli ususiwe esikhundleni, makaphume kumasango kaGunyaziwe woHlolo lweZikolo akufumana isaziso esibhaliweyo.

Ukwenziwa kwemisebenzi nguMhloli oyiNtloko

6. (1) Ngokuxhomekeke kwisicwangciso sokwenziwa komsebenzi esichatshazelwe kummiselo 9, uMhloli oyiNtloko makenze iprogram yonyaka emisela inkcazo yohambo epheleleyo (*itinerary*) kaGunyaziwe woHlolo lweZikolo.

(2) Iprogram yonyaka eyidrafti echatshazelwe kummiselwana (1), mayingeniswe kuMphathiswa wePhondo ukwenzela ukuba anike iingcebiso ngokufakelwa kwezilungiso kuyo ukwenzela ukuba iqwalaselwe nguMhloli oyiNtloko.

(3) Ngokuxhomekeke kwisicwangciso sokwenziwa komsebenzi esichatshazelwe kummiselo 9, uMhloli oyiNtloko unokuthi ngalo naliphi na ixesha afakele izilungiso kwiprogram yonyaka ukuba wazisiwe ngesicelo esivela kuMphathiswa wePhondo okanye ngenye indlela ukuba kuyimfuneko ukuhlolwa kwesikolo ngokungxamisekileyo.

(4) Ngokuxhomekeke kwisicwangciso sokwenziwa komsebenzi esichatshazelwe kummiselo 9, uMhloli oyiNtloko, ngokubhungisana naBahloli abaziiNkokeli, umisela inani laBahloli abayimfuneko ukuphumeza le program yonyaka.

(5) Isaziso esibhaliweyo esiya kumlawuli wesithili, kwiinqununu nebhunga lolawulo lesikolo esichatshazelwe kwisiqendu 11D(4)(a) no-(b) salo Mthetho masinike le ngcaciso ilandelayo:

- (a) imihla namaxesha otyelelo;
- (b) injongo nalo miba lugxile kuyo uhlobo;
- (c) isikhundla namagama oMhloli oyiNkokheli okanye aBahloli; kunye
- (d) nesixhobo sohlolo esivunye nguMhloli oyiNtloko.

(6) Isaziso esibhaliweyo ekubhekiswa kuso kummiselwana (5) masixele ukuba inqununu namalungu angootitshala nabasebenzi esikolweni nekufuneka ukuba babekho, bamele ukubakho ngemihla nangamaxesha otyelelo.

(7) Isicelo esibhaliweyo samaxwebhu achatshazelwe kwisiqendu 11D(4)(c) salo Mthetho masinike ingqinisekiso yokuba amaxwebhu aya kugcinwa ngokukhuselekileyo nangokunqatyisiweyo yaye abuyiselwe esikolweni kwakulo mo ebeyiyo ekuqaleni zingadlulanga iintsuku eziyi-30 zokugqitywa kotyelelo kwelo ziko/kweso sikolo.

(8) Kwimeko yotyelelo lwesikolo ngaphandle kwesaziso njengoko kuchatshazelwe kwisiqendu 11D(5) salo Mthetho, makubanjwe intlanganiso yokuqala kukho inqununu nekomiti yolawulo yesikolo ukuxoxa ngale miba ilandelayo:

- (a) isizathu sokuba lungaziswanga utyelelo;
- (b) injongo nemiba uhlobo olugxile kuyo.

(9) Ngethuba lentlanganiso yokuqala echatshazelwe kummiselwana (8) le ngcaciso ilandelayo mayinikwe inqununu ngenchwadi ebhaliweyo:

- (a) ingcaciso edweliswe kumhlathi (a) no-(b) walo mmiselwana (8);
- (b) isixhobo sohlolo njengoko sivunyiwe nguMhloli oyiNtloko;
- (c) isaziso senjongo yokuqhuba udliwano-ndlebe nebhunga lolawulo okanye nalo naliphi na ilungu lalo; igosa leSebe leMfundo leNtshona Koloni, ilungu elingutitshala/elingumsebenzi lesikolo, umfundi okanye umzali nemihla ecetywayo namaxesha odliwano-ndlebe olulolu hlobo apho kusebenzayo oku;
- (d) isicelo samaxwebhu ukwenzela ukunika inkxaso kwiingxelo neengcebiso kuGunyaziwe woHlobo lweZikolo ukuba kufanelekile;
- (e) umyalelo wokuqinisekisa ukuba apho kunako ukwenzeka oku ngokusengqiqweni, inqununu nawo onke amalungu angootitshala/angabasebenzi besikolo mababekho ngalo lonke ithuba lotyelelo.

(10) Ekupheleni kwethuba lohlolo makwenziwe amalungiselelo entlanganiso nesikolo esichaphazelekayo ukwenzela injongo yokubonelela ngenkcazo yomlomo ngokuqhubekayo.

- (11) Intlanganiso yenkcazo yomlomo ngokuqhubekayo echazelwe kummiselwana (10)—
- (a) makuye kuyo igosa lesithili, ubuncinane ilungu elinye lebhunga lolawulo, nekomiti yolawulo yesikolo;
 - (b) kunokuya kuyo naliphi na ilungu elingutitshala/elingumsebenzi esikolweni.

Ukwenziwa nokupapashwa kweengxelo

7. (1) Uhlolo ngalunye malulandelwe yingxelo ebhaliweyo, nemayibandakanye iziphumo ezisuselwa kubungqina, nesuselwa kwiziphumo zophando olungqinisiweyo olwenziwe ngethuba lohloko nokuhlalutywa kwedatha efunyenweyo, yaye—

- (a) makulandelwe ifomathi evunyiweyo emiselwe nguMhloli oyiNtloko;
- (b) malube lelongangatho owamkelekileyo ongumgangatho oyimfuneko njengoko kumiselwe nguMhloli oyiNtloko;
- (c) malubandakanye apho kufanelekileyo, iingcebiso zokuphucula umgangatho; kunye
- (d) nokuba malungachazi bantu ngamagama nokuba ngabaphi na.

(2) UMhloli oyiNtloko ochaphazelekayo makanike inqununu, ibhunga lolawulo nomlawuli wesithili wesikolo esichaphazelekayo ingxelo eyidrafti ukwenzela ukuba abanike ithuba lokungenisa kuMhloli oyiNkokeli ngembalelwano, zingadlulanga iintsuku eziyi-14 zokufunyanwa kwayo, nabuphi na ubungqina obubobunye ngeziphumo nokuba zeziphi na ezo bangavumelaniyo ngazo.

(3) UMhloli oyiNkokheli makathathele ingqalelo nabuphi na ubungqina obubobunye obufunyenweyo obungqinelana nenkqubo echatshazelwe kummiselwana (2), ukuba kuyimfuneko, afakele izilungiso kwingxelo eyidrafti yaye ingeniswe ingxelo kuMhloli oyiNtloko.

(4) UMhloli oyiNtloko—

- (a) makakathathele ingqalelo, yaye axoxe noMhloli oyiNtloko ochaphazelekayo ngokuqulethwe kwingxelo eyidrafti; yaye
- (b) makayivume ingxelo eyidrafti ukuba kuyimfuneko, kunye nezilungiso ezifakelweyo kuyo.

(5) Ingxelo yokugqibela mayinikwe inqununu, ibhunga lolawulo nomlawuli wesithili wesikolo esichaphazelekayo, iNtloko yeSebe noMphathiswa wePhondo ngaphambi kokupapashwa kwayo okanye yakuba yona ihlanjiswa kuye wonke umntu.

(6) UMhloli oyiNtloko—

- (a) makayipapashe ingxelo yokugqibela kwiziko lewebhu likaGunyaziwe woHloko lweZikolo okanye eleSebe leMfundo leNtshona Koloni;
- (b) makayihambise kumntu wonke ingxelo yokugqibela ngazo naziphi na ezinye iindlela ezifanelekileyo.

Ukungeniswa kweengxelo kuMphathiswa wePhondo

8. (1) UMhloli oyiNtloko makayingenise kuMphathiswa wePhondo ingxelo yonyaka yeenyanga eziyi-12 ezidlulileyo ungasadlulanga owe-30 Apreli kunyaka ngamnye.

(2) UMhloli oyiNtloko makaqinisekise ukuba ingxelo yonyaka iquka:

- (a) inkcazo esisishwankathelo yezikolo ezihloliweyo;
- (b) isishwankathelo seziphumo ezisuselwa ekuhlalutyweni kwedatha efunyenweyo nokucaciswa kwayo; kunye
- (c) nesishwankathelo seengcebiso ezenziweyo, ngokwemiba edweliswe kwisiqendu 11D(1) salo Mthetho.

(3) UMphathiswa wePhondo unokuyandlala kwiPalamente yePhondo ingxelo yonyaka.

Ukusebenza kukaGunyaziwe woHlolo lweZikolo

9. (1) Ukuxhaswa ngemali kukaGunyaziwe woHlolo lweZikolo kuya kuhlawulelwa kwibhajethi yonyaka yeSebe leMfundo leNtshona Koloni.

(2) Inkcitho ngokumalunga noGunyaziwe woHlolo lweZikolo mayisuselwe kwisicwangciso sokwenziwa komsebenzi seendleko zokwenziwa komsebenzi esivunywe yiNtloko yeSebe emva kokubhungisana noMphathiswa wePhondo.

(3) UMhloli oyiNtloko makathi kunyakamali ngamnye, ngelo xesha lifanelekileyo nangaloo ndlela imiselwe yiNtloko yeSebe, angenise kwiNtloko yeSebe isicwangciso sokwenza umsebenzi esiquka ingxelo-mali eneenkcukacha zeenkitho eqikelelweyo ezichatshazelwe kwiziqendu 11E no-11F(1) no-(2) zalo Mthetho ukwenzela unyakamali olandelayo.

(4) Ukuba, emva kokubhungisana noMhloli oyiNtloko, iNtloko yeSebe ayanelisekanga sisicwangciso sokwenza umsebenzi esichatshazelwe kummiselwana (3), uMhloli oyiNtloko makasihlaziye isicwangciso ngokungqinelana neemfuno ezimiselweyo zeNtloko yeSebe zingadlulanga iintsuku ezisixhenxe okanye zethuba ekuvunyelweneyo ngalo, lokufunyanwa kweemfuno ezimiselweyo zeNtloko yeSebe.

(5) Inkcitho ngokumalunga noGunyaziwe woHlolo lweZikolo—

(a) ayinakuba ngaphezu kwenkcitho ecacisiweyo kwisicwangciso sokwenza umsebenzi esivunywe yiNtloko yeSebe;

(b) mayilawulwe yaye makunikwe ingxelo ngayo ngokungqinelana ne*Public Finance Management Act, 1999* (uMthetho 1 ka-1999).

(6) UMhloli oyiNtloko yintloko yezolawulo kaGunyaziwe woHlolo lweZikolo yaye ngokuxhomekeke kwimithetho esebenzayo—

(a) makaqinisekise ulawulo olusebenzayo noluyimpumelelo lukaGunyaziwe woHlolo lweZikolo;

(b) makaqulunqe imigaqo ngokubhungisana noMphathiswa wePhondo neNtloko yeSebe, apho kusebenzayo oku, ngokumalunga neziko, ukuphathwa nolawulo lwabasebenzi bakaGunyaziwe woHlolo lweZikolo.

(7) lindleko malunga nezibonelelo zenkxaso ezibandakanya uhambo, indawo yokulala neendleko zokutya ezibangelwe nguMhloli oyiNtloko, nguMhloli oyiNkokeli nangaBahloli ngokwenza imisebenzi yabo zinokubangwa yaye zihlawulwe ngokungqinelana nemigaqo-nkqubo esebenzayo kweli Sebe leMfundo leNtshona Koloni.

Igama elifutshane

10. Le mimiselo ibizwa iMimiselo eMalunga noGunyaziwe woHlolo lweZikolo zaseNtshona Koloni, 2019.