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## GOVERNMENT NOTICE

### DEPARTMENT OF EDUCATION

No. R. 1676

18 December 1998

#### REGULATIONS FOR THE CREATION OF EDUCATOR POSTS IN A PROVINCIAL DEPARTMENT OF EDUCATION AND THE DISTRIBUTION OF SUCH POSTS TO THE EDUCATIONAL INSTITUTIONS OF SUCH A DEPARTMENT

I, Sibusiso Mandlenkosi Emmanuel Bengu, Minister of Education-

- (a) in terms of section 35 of the Employment of Educators Act, 1998 (Act No. 76 of 1998), hereby withdraw regulations No. R. 593 and No. R. 594, published in Regulation Gazette No. 6159 on 17 April 1998;
- (b) in terms of section 5(1), read with section 35, of the Employment of Educators Act, 1998, make regulation 1 as set out in the Schedule; and
- (c) in terms of section 5(2), read with section 35, of the Employment of Educators Act, 1998, make regulation 2 as set out in the Schedule.

**S. M. E. BENGU**  
Minister of Education

**SCHEDULE****1. DETERMINATION OF EDUCATOR POST ESTABLISHMENT OF PROVINCIAL DEPARTMENT OF EDUCATION BY MEMBER OF EXECUTIVE COUNCIL CONCERNED**

- (a) In this regulation, unless the context indicates otherwise, a word or expression has the same meaning as in the Employment of Educators Act, 1998 (Act No. 76 of 1998), hereinafter called the Act.
- (b) The Member of the Executive Council responsible for education in a province must determine the educator post establishment of the provincial department of education in terms of section 5(1)(b) of the Act, in accordance with any applicable policy made in terms of the National Education Policy Act, 1996.
- (c) In determining the post establishment of a provincial department of education, the Member of the Executive Council must-
- (i) consult with the trade unions in that province which are members of the Education Labour Relations Council (hereinafter called the ELRC) and governing body organisations which are active in that province; and
  - (ii) take into account the -
    - (aa) the budget of the provincial department of education;
    - (bb) the effect that the post establishment will have on the employment security of educators;
    - (cc) the need for redress in the implementation and promotion of curriculum policy in keeping with the basic values and principles set out in section 195 of the Constitution;
    - (dd) the fact that the division between expenditure on personnel and non-personnel costs in the budget should be educationally and financially justifiable and in accordance with national policy that may exist in this regard; and
    - (ee) the fact that the division between expenditure on educator and non-educator personnel costs in the budget should be educationally, administratively and financially justifiable and in accordance with national policy that may exist in this regard.
- (d) In determining the educator post establishment of the provincial department of education, the Member of the Executive Council must take into account the terms and conditions of employment of educators that may be affected by the post establishment, including provisions for leave, substitution and remuneration-related issues and may not vary any of these terms and conditions of employment.

## **2. DETERMINATION OF EDUCATOR POST ESTABLISHMENTS OF EDUCATIONAL INSTITUTIONS BY HEAD OF PROVINCIAL DEPARTMENT OF EDUCATION**

- (a) In this regulation-
- (i) unless the context indicates otherwise, a word or expression has the same meaning as in the Act;
  - (ii) a "further education and training institution" means a college as defined in section 38 of the Act; and
  - (iii) a "higher education institution" means a college, as defined in section 38 of the Act.
- (b) The head of a provincial department of education must, in terms of section 5(2) of the Act, determine the educator post establishment of each educational institution, contemplated in section 2 of the Act, in the province in question –
- (i) by applying the post provisioning model set out in Annexure 1; and
  - (ii) by taking into account:-
    - (aa) the post establishment of the provincial department of education as contemplated in regulation 1; and
    - (bb) the need for redress in the implementation and promotion of curriculum policy. The head of a provincial department of education must determine an annual programme in this regard after consultation with trade union parties to the ELRC and the governing body organisations which are active in that province.

### **ANNEXURE 1**

#### **ALLOCATION OF EDUCATOR POSTS TO EDUCATIONAL INSTITUTIONS**

1. The Member of an Executive Council responsible for education in a province determines the educator post establishment of the provincial education department in terms of section 5(1)(b) of the Employment of Educators Act, 1998. The head of the provincial education department subsequently distributes these posts in terms of section 5(2) of the said Act to all the offices and educational institutions of the department. The post provisioning model set out in this annexure provides for the distribution of posts to all the public schools, further education and training colleges and colleges of education of the department. The allocation of posts to offices and Adult Basic Education and Training Centres is not provided for in the model and takes place separately.

2. The post provisioning model determines the relative need and priority, in respect of post provisioning, of each educational institution and distributes the total pool of available posts to these institutions in accordance with these relative needs and priorities. The norms according to which these needs and priorities are determined are based on the following factors:
  - Educational and organisational requirements in respect of class size.
  - Whether or not more than one language medium of instruction is used.
  - The number of school phases provided for.
  - Disabilities of learners.
  - The size of the institution.
3. An educational institution's share of a department's educator post establishment is determined by the weighting of all learners in accordance with their relative post provisioning needs, after which the available posts are divided among the institutions pro rata to their weighted number of learners.
4. The total number of posts that are allocated to an institution must be utilised by the institution in accordance with its needs in respect of its curricular, co-curricular and extra-curricular activities. For this purpose posts can be filled in full-time, part-time and shared capacities. Appointment of educators in a shared capacity implies that more than one educator is appointed to the same post, sharing the remuneration applicable to the post. It is recommended that only a limited number of posts be utilised in this way.
5. Although a public school's curriculum has a bearing on its post allocation, the inequities that exist among schools in this regard are not taken into account by the model. These inequities are based on historical imbalances and pertain to certain learning areas that are mainly offered in advantaged schools in certain communities and also in respect of the provision of facilities required by some of these learning areas. These inequities should therefore be addressed separately by heads of education departments. The annual programme according to which a department will address these inequities should include the retention of posts in a central pool (see paragraph 7) for the allocation thereof to schools where these subjects are introduced and which consequently qualify for additional posts in terms of this model. These allocations may result in intra-provincial deviations for the purposes of redress.
6. Should circumstances in a department justify a deviation from the weighting norms of this model, (except those in respect of learners with special educational needs, higher education institutions and further education and training education institutions), the department may deviate by not more than 5% from any of these weighting norms, after consultation in this regard with the trade unions who are members of the Education Labour Relations Council (ELRC).

7. Apart from the posts that are distributed to institutions through this model, provision should also be made for the ad hoc allocation of posts to institutions where specific circumstances necessitate such additional allocations. A limited, but sufficient, number of posts, therefore, need to be retained in a central pool for this purpose.

## **WEIGHTING NORMS**

### **Public Schools**

8. A learner in grade 1, 2 or 3 is counted as 1,15 weighted learners based on the need to have smaller classes during the formative phase.
9. A learner in grade 4, 5, 6 or 7 is counted as 1 weighted learner.
10. Learners in grades 8 and 9 are weighted in accordance with their study field. These weightings are based on smaller classes required by certain subjects (usually practical components) and the requirements that the time table usually has on class size and period loads. The following weightings apply in respect of the various study fields:

Agricultural or technical study field: Each learner is counted as 1,35 weighted learners. Learners must take at least one of these subjects with a practical component. Example: A learner who takes only Agricultural Science does not qualify.

Art or Speech and Drama study field (at least one of these examination subjects with a practical component is required to qualify): Each learner is counted as 1,3 weighted learners.

Music or Dance study field (at least one of these examination subjects with a practical component is required to qualify): Each learner is counted as 1,65 weighted learners.

Hotel Keeping and Catering: Each learner is counted as 1,25 weighted learners.

All other study fields: Each learner is counted as 1,18 weighted learners.

All other study fields: Each learner is counted as 1,18 weighted learners.

11. Learners in grades 10 to 12 are weighted in terms of all their subjects. The weightings that apply to these subjects are based on class size requirements as well as time and other complicating factors that have a bearing on post provisioning needs as well as the need to promote certain learning areas. In respect of each learner the relevant weightings applicable to his or her six examination subjects are accumulated plus provision for non-examination subjects. The following weightings apply:

SUBJECT	WEIGHTING
Animal Husbandry	0,421
Agricultural Science	0,215
Applied Agricultural Science	0,512
Art	0,361
Biology	0,188
Bricklaying and Plastering	0,421
Building Construction	0,421
Computer Studies	0,215
Dance/Ballet	0,502
Dance Performance	0,502
Design	0,361
Electrician Work	0,421
Electronics	0,421
Farm Mechanics	0,421
Field Husbandry	0,421
Fitting and Turning	0,468
Graphic Art	0,361
Home Economics	0,301
Hotel Keeping and Catering	0,361
Mathematics (Incl. Functional Maths.)	0,188
Metalwork	0,301
Motor Body Repairing	0,421
Motor Mechanics	0,421
Music	0,502
Music Composition	0,502
Music Performance (2 <sup>nd</sup> instrument)	0,502
Needlework and Clothing	0,301
Painting	0,361
Physical Science (Incl. Functional Sc.)	0,188
Plumbing and Sheet Metal Work	0,421
Sculpture	0,361
Shorthand/Snelskrif	0,215
Speech and Drama	0,361
Technical Drawing	0,237
Technika (all disciplines)	0,421

SUBJECT	WEIGHTING
Tractor Mechanics	0,421
Typing	0,215
TV and Radio Electrician Work	0,421
Veterinary Practice	0,421
Watchmaking	0,421
Welding and Metalworking	0,468
Woodwork	0,301
Woodworking	0,421
All other examination subjects	0,172
Non-examination subjects (combined)	0,172

#### Special provision for schools with more than one language medium of instruction

12. In order to provide for the additional demands of an additional language medium of instruction, irrespective of whether teaching takes place in a dual medium or parallel medium format, the number of weighted learners in each grade is increased by 15% of the number of learners who are being taught in another language than the language in which the majority of learners in that grade are being taught.

#### Combined schools

13. If a school provides education to learners in the primary as well as the senior secondary section, an additional post is allocated to the school. This can be effected by increasing the total number of weighted learners in the school by  $1,2r$ , where  $r$  = total number of learners for which posts are provided by means of the model divided by the total number of posts so provided.

#### Learners with Special Educational Needs

14. Learners who have special educational needs as a result of any of the following disabilities, are weighted as follows:

Specifically Learning Disabled	3.0
Severely Mentally Handicapped	3.0
Epileptic	3.0
Cerebral Palsied	4.0
Physically Disabled	4.0
Severe Behaviour Problems	5.0
Hard of Hearing	5.0
Partially Sighted	5.0
Blind	5.0
Deaf	5.0
Autistic	6.0

In accordance with specific circumstances in a department, each of the above weightings may be increased, after consultation with trade unions who are members of the ELRC, by between 0% and 20%. It is important to note that the weightings (referred to in paragraphs 9 to 14) that apply to learners based on their curriculum, school phase, instruction media or the fact that both primary and senior secondary phases are provided for, do not apply to these learners.

15. Learners who are mildly to moderately learning disabled are weighted in terms of the curriculum they follow and not in terms of their disability. If they are accommodated in so-called special schools where they receive vocational training, they are counted as 2,5 weighted learners each.
16. Posts for Education Therapists are provided additional to educator posts distributed in terms of this model. Posts of psychologists are included in the number of educator posts, distributed in terms of the model.

#### Further Education and Training Colleges

17. The learner enrolment of these colleges is expressed in terms of full-time equivalent (FTE) learners. For purposes of this model, these FTE learners are divided into the following categories:

- Practicals/workshop/hands-on-training (excluding subject components that require computer application)
- Engineering theory and subject components requiring computer application
- Other theory classes

The weightings applicable to these three categories are 2,7; 1,9 and 1,7 respectively. A department may deviate from each of these norms by not more than 10% after consultation with trade union members to the ELRC.

#### Higher Education Institutions

18. A full-time equivalent student at a higher education institution is counted as 2 weighted learners. A department may deviate from this norm by not more than 10% after consultation with trade union members to the ELRC.

#### Formula

19. The number of posts to be allocated to an educational institution is determined by means of the following formula:

$$P = w/twl \times (p - c \times Inst) + c$$



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Where  
institution.

wl = total number of weighted learners at the

twl = total number of weighted learners in the department.

p = total number of posts to be distributed to all the institutions.

Inst = total number of institutions to which the posts need to be distributed.

c = a constant value that determines the extent to which the formula will benefit smaller institutions. The higher the value of c, the more beneficial the allocation will be to smaller institutions and the less beneficial it will be to larger institutions. A value of c of between 0,4 and 1 is proposed.

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