



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

PROVINCE OF WESTERN CAPE

PROVINSIE WES-KAAP

IPHONDO LENTSHONA KOLONI

**Provincial Gazette
Extraordinary**

**Buitengewone
Provinsiale Koerant**

**Isongezelelo
kwiGazethi yePhondo**

6976

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Friday, 29 June 2012

Vrydag, 29 Junie 2012

ulwesi Hlanu, 29 uJuni 2012

Registered at the Post Office as a Newspaper

As 'n Nuusblad by die Poskantoor Geregistreer

Ibhaliswe ePosini njengePhephandaba

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IZIQULATHO

(*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.)

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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. 85/2012

29 June 2012

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

The Provincial Minister responsible for education in the Western Cape in terms of section 63(1)(cG) read with section 9 of the Western Cape Provincial School Education Act, 1997 (Act 12 of 1997), makes the regulations set out in the Schedule.

SCHEDULE**ARRANGEMENT OF REGULATIONS**

1. **Definitions**
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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 of schools, 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. (1) The norms and standards referred to in these regulations are the national norms and standards contemplated in section 58C(1)(a) of the South African Schools Act, 1996 (Act 84 of 1996), for:
 - (a) school infrastructure;
 - (b) capacity of schools;
 - (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 set in terms of section 58C(1)(b) of the South African Schools Act, 1996 (Act 84 of 1996), 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 referred to in the South African Schools Act, 1996 (Act 84 of 1996), section 58C(1)(c) 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 referred to in section 58C(2) of the South African Schools Act, 1996 (Act 84 of 1996), 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 the level of performance or compliance within a particular school through the process of evaluation and monitoring.

- (4) Every school must provide such information about the school as is reasonably required by the Head of Department or the Provincial Minister after consultation with the Head of Department.
- (5) The authorised person must complete a report per school after every visitation and assessment.
- (6) Once the report has been approved by the Head of Department, district officials must implement the recommendations.

Authorisation for school visitation and assessment

5. (1) School visitation and assessment, for the purposes of these regulations, may only take place when authorised in writing by the Head of Department.
- (2) The request for the authorisation of 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 the visitation and assessment of a school.

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 the visitation and assessment.
- (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 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. (1) Any educator or public servant who, without just cause and after written notice, fails to comply with measures contained in regulation 9, may be charged with misconduct, and disciplinary steps may be initiated against him or her as determined in the Public Service Act, 1994 (Proclamation 103 of 1994), or the Employment of Educators Act, 1998 (Act 76 of 1998).
- (2) Any educator or non-educator employed by the governing body, who without just cause and after written notice, fails to comply with measures contained in regulation 9, may be reported to the governing body.
- (3) Any educator or non-educator employed by a subsidised independent school, who without just cause and after written notice, fails to comply with measures contained in regulation 9, may be reported to the owner of the school.

Short Title

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

PROVINSIALE KENNISGEWING

P.K. 85/2012

29 Junie 2012

REGULASIES BETREFFENDE BESOEK EN EVALUERING VAN OPENBARE EN GESUBSIDIEERDE ONAFHANKLIKE SKOLE

Die Provinsiale Minister verantwoordelik vir onderwys in die Wes-Kaap maak ingevolge artikel 63(1)(cG) geles met artikel 9 van die Wes-Kaapse Provinsiale Wet op Skoolonderwys, 1997 (Wet 12 van 1997), die regulasies soos uiteengesit in die Bylae.

BYLAE**INDELING VAN REGULASIES**

1. Woordomskrywing
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. Kriteria vir besoek- en evalueringsinstrument
8. Verslae
9. Maatreëls om voldoening te verseker
10. Versuim om te voldoen
11. Kort titel

Woordomskrywing

1. In hierdie regulasies het enige woord of uitdrukking wat in die Wet op omskryf is, die betekenis wat in daardie Wet daaraan geheg word, en tensy dit 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 persoon of regspersoon wat deur die Departementshoof gemagtig is om die besoek en evaluering te behartig van skole.

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 moniteer.

Norme en standaarde

3. (1) Die norme en standaarde wat in hierdie regulasies bedoel word, is die nasionale norme en standaarde soos beoog in artikel 58C(1)(a) van die Suid-Afrikaanse Skolewet, 1996 (Wet 84 van 1996), vir:
- (a) skool infrastruktuur;
 - (b) kapasiteit van skole;
 - (c) skoolbefondsing;
 - (d) leer- en onderrigsteunmateriaal;
 - (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 uitkomste en standaarde wat ingevolge artikel 58C(1)(b) van die Suid-Afrikaanse Skolewet, 1996 (Wet 84 van 1996), gestel is vir:
- (a) 'n nasionale kurrikulumverklaring wat die minimum uitkomste of standaarde aandui; en
 - (b) 'n nasionale proses en prosedures vir die evaluering van leerderprestasie.
- (3) Die prestasiestandaarde wat in die Suid-Afrikaanse Skolewet, 1996 (Wet 84 van 1996), artikel 58C(1)(c) bedoel word, 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 soos beskryf in artikel 58C(2) van die Suid-Afrikaanse Skolewet, 1996 (Wet 84 van 1996), 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 word.

Rolle en verantwoordelikhede

4. (1) Die Provinsiale Minister kan, ingevolge artikel 9 van die Wet, voldoening aan die norme en standaarde wat in regulasie 3 beoog word, verseker.
- (2) Die Departementshoof kan evalueringinstrumente wat in regulasie 5(2)(e) bedoel word, goedkeur.
- (3) Die Departementshoof kan 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 die skool verskaf wat redelikerwys deur die Departementshoof of die Provinsiale Minister verlang word.
- (5) Na 'n besoek en evaluering moet die gemagtigde persoon 'n verslag vir elke skool opstel.
- (6) Nadat die verslag deur die Departementshoof goedgekeur is, moet distriksbeamptes die aanbevelings implementeer.

Magtiging vir skoolbesoek en evaluering

5. (1) 'n Skoolbesoek en evaluering, vir die doeleides van hierdie regulasies, mag plaasvind slegs wanneer dit skriftelik deur die Departementshoof gemagtig is.
- (2) Die versoek vir die magtiging van 'n skoolbesoek en evaluering moet die volgende insluit:
 - (a) die doel van die besoek en evaluering, met vermelding van die norme en standaardde 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 standaardde;
 - (c) die tydsraamwerk van die besoek;
 - (d) die posbenaming en name van die betrokke gemagtigde persone; en
 - (e) die toepaslike besoek- en evalueringsinstrument.

Kennisgewing aan skole

6. (1) Die gemagtigde persoon moet die Distriksdirekteur, 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 standaardde wat geëvalueer gaan word;
 - (c) die fokus van die evaluering van prestasie of monitering van voldoening volgens die norme en standaardde vermeld;
 - (d) genoeg besonderhede van die datum en tyd van die besoek en evaluering en van die aard van die dokumentasie wat nodig is, bevat; en
 - (e) die goedgekeurde besoek- en evalueringsinstrument en die posbenamings en name van die betrokke gemagtigde persone insluit.

- (3) In uitsonderlike omstandighede mag die Departementshoof, met billike rede, gemagtigde persone gelas om die besoek en evaluering van 'n skool onmiddellik en sonder kennisgewing te doen.

Besoek- en evalueringsinstrument

7. (1) Die gemagtigde persoon moet verseker dat 'n besoek- en evalueringsinstrument ontwikkel word om vir die volgende voorsiening te maak –
 - (a) die stelselmatige versameling van data en inligting;
 - (b) 'n spesifieke doel, wat die norme en standaard wat in regulasie 3 beoog word, duidelik aandui.
 - (c) die fokus van die evaluering van prestasie of monitering van voldoening binne die norme en standaard aandui.
- (2) Die bestek van die besoek- 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) Kontrolelyste, gestruktureerde onderhoude of vraelyste kan gebruik word afhange van die doel, fokus en bestek 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 standaard 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 na die besoek en evaluering aan die gemagtigde persoon kommentaar te lewer oor die geldigheid van die verslag.
- (5) Finale bevindings en aanbevelings, insluitende die ingesorteerde 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 in die vorm kan wees van—
- (a) steun en advies;
 - (b) 'n lys hulpbronne waaraan voldoen moet word;
 - (c) risikogebiede vir voldoening; en
 - (d) ontwikkelingsplanne, wat mentorskap, plaasvervanging, formele opleiding en dissiplinêre optrede kan 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 uitbrei wanneer gebiede van nie-voldoening of swak prestasie na 'n besoek en evaluering aangemeld is.
- (3) Die prinsipaal moet die uitgebreide skoolverbeteringsplan voorlê binne 15 dae na ontvangs van die verslag oor die besoek en evaluering.
- (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. (1) Enige opvoeder of staatsamptenaar wat sonder oorsaak en na skriftelike kennisgewing versuim om aan die maatreëls soos vervat in regulasie 9 te voldoen, kan van wangedrag aangekla word, en dissiplinêre stappe kan teen hom of haar ingestel word soos bepaal in die Staatsdienswet, 1994 (Proklamasie 103 van 1994), of die Wet op die Indiensneming van Opvoeders, 1998 (Wet 76 van 1998).
- (2) Enige opvoeder of staatsamptenaar wat deur die beheerliggaam aangestel is, en wat sonder oorsaak en na skriftelike kennisgewing versuim om aan die maatreëls soos vervat in regulasie 9 te voldoen, mag aan die beheerliggaam gerapporteer word.
- (3) Enige opvoeder of staatsamptenaar wat deur 'n gesubsidieërde onafhanklike skool aangestel is, en wat sonder oorsaak en na skriftelike kennisgewing versuim om aan die maatreëls soos vervat in regulasie 9 te voldoen, mag aan die eienaar van die skool gerapporteer word.

Kort titel

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

ISIBHENGEZO SEPHONDO

P.N. 85/2012

29 uJuni 2012

**IMIGAQO EMALUNGA NOTYELELO NOKUVAVANYWA KWEZIKOLO ZIKARHULUMENTE
NEZIKOLO EZIZIMELEYO EZIXHASWA NGORHULUMENTE**

UMphathiswa wePhondo ophathiswe ezemfundo eNtshona Koloni ngokweSiqendu 63(1)(cG) esifundwa neSiqendu 9 soMthetho weMfundo weZikolo zePhondo leNtshona Koloni, 1997 (uMthetho 12 ka-1997), 1997 (*Act 12 of 1997*), ngokwenjenje ubhengeza imigaqo ecaciswe kule Shedyuli.

ISHEDYULI

ULANDELELWANISO LWEMIGAQO

1. **lingcaciso-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. **lingxelo**
9. **Amanyathelo okuqinisekisa ukuthotyelwa kwemimiselo**
10. **Ukungathobeli imigaqo**
11. **Igama elifutshane**

lingcaciso-magama

1. Kule migaqo naliphi na igama okanye ibinzana-magama elinikwe intsingiselo kuMthetho, lihlala linalool ntsingiselo liyinikeyo, ngaphandle kokuba umxholo ophethweyo walatha okanye –

“**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 leMfundo 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 ukungqinelana nemimiselo nemigangatho kazwelonke neyephondo.

Imimiselo nemigangatho

3. (1) Imimiselo nemigangatho ekubhekiswe kuyo kule migaqo yimimiselo nemigangatho yesizwe echazwe kuMthetho weZikolo zaseMzantsi Afrika, 1996 (uMthetho 84 ka-1996), isiqendu 58C(1)(a) 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 libhunga elilawula isikolo;
 - (g) ukuvulwa kwezithuba zemisebenzi nokuqeshwa kwabasebenzi abangezotishala libhunga elilawula isikolo; kunye
 - (h) nokuxhaswa ngezimali kwezikolo ezizimeleyo.
- (2) Imimiselo nemigangatho esezantsi kwisiqendu 58C(1)(b), soMthetho weZikolo zaseMzantsi Afrika, 1996 (uMthetho 84 ka-1996):
- (a) yenkcazelo yekharithyulamu yesizwe echaza ezona ziphumo nemigangatho esezantsi elindelekileyo; kwakunye
 - (b) nemimiselo elandelwayo emalunga nokuhlola impumelelo yomfundi.
- (3) Imigangatho yokusebenza ekubhekiswe kuyo kuMthetho weZikolo zaseMzantsi Afrika, 1996 (uMthetho 84 ka-1996), kwisiqendu 58C(1)(c) nje ngoko ichaziwe kwisiqendwana 2(2) seShedyuli 1 yomthetho weze-Ngqesho yooTitshala, 1998 (uMthetho 76 ka-1998).
- (4) Imimiselo nemigangatho ekubhekiswe kuyo kwisiqendu 58C(2), kuMthetho lweZikolo woMzantsi Afrika, 1996 (uMthetho 84 ka-1996), eyenzelwe imigaqo-nkqubo emiselwa ngamabhunga olawulo lweZikolo:
- (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 ezi-chatshazelewe kummiselo 5(2)(e).
- (3) INtloko yeSebe ingaqiniseka ukuthotyelwa komgangatho wokusebenza nokuthotyelwa kwemimiselo kwisikolo esithile ngokuthi ilandele inkqubo yovavanyo neyokubeka iliso.
- (4) Zonke izikolo kufuneka ukuba 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, amagosa ezithili kufuneka enze oko kuchazwe kwiziphakamiso.

Ugunyaziso lokutyelela nokuvavanya izikolo

5. (1) Isikolo, ngokwalo mgaqo, singatyelelwa sivavanywe kuphela xa kufunyenwe imvume ebhaliweyo ephuma kwiNtloko yeSebe.
- (2) Izicelo zogunyaziso lotyelelo novavanyo lwesikolo kufuneka ziqulathe oku kulandelayo:
 - (a) injongo yotyelelo novavanyo, kuchazwe nemimiselo kunye nemigangatho eza kuvavanywa njengoko ichaziwe kumgaqo 3;
 - (b) into ekuza kugxilwa kuyo kuvavanyo lokujonga indlela ekusetyenzwe 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 ileta 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 ngesiqophe 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 kunyenemimiselo nemigangatho elandelwayo ngendlela echatshazelwe ngayo kummiselo 3.
 - (c) sichaze 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 ngenkqubo ezilandelwayo sisikolo nakwixesha elifumanekayo lotyelelo novavanyo.
- (3) litshekhilisti, udliwano-ndlebe okanye amaphepha anemibuzo asokusetyenziswa 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 siyithobele.

- (4) Ibhunga lolawulo nenqununu mabanikwe ithuba lokunika izimvo zabo malunga nokunyaniseka kwengxelo kumntu ogunyazisiweyo zingaphelanga iintsuku ezisixhenxe emva kotyelelo novavanyo.
- (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 ithobekeke;
 - (c) izinto eziyimiqobo kuthotyelo-mithetho; kunye
 - (d) nezicwangciso zophuhliso, ezinokubandakanya ukucetyiswa, utshintsho, uqeqesho olusesikweni namanyathelo oluleko; zinto ezo ekufuneka ukuba zikhokelele kuthotyelo lwemimiselo nemiganatho 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 zingaphelanga iintsuku ezili-15 emva kokuba ifumene ingxelo yotyelelo novavanyo.
- (4) UMlawuli weSithili kufuneka ephucule isicwangciso sakhe sokuphucula nokuphuhlisa isithili ukuze sibandakanye ingxelo yokuphucula imeko yesikolo eso.
- (5) UMlawuli weSithili kufuneka aho ngekota ebeke iliso kwinkqubela yokuphucula imeko yeso sikolo ngokwengxelo ekhutshiweyo.

Ukungathobeli imigaqo

10. (1) Nawuphi na utitshala okanye umsebenzi karhulumente othe, ngaphandle kwesizathu esivakalayo nasemva kokufumana isaziso esibhaliweyo, akayithobela imimiselo equlethwe kumgaqo 9, angamangalelwa ze atyholwe ngokungaziphathi ngendlela eyiyo yaye kusenokuthathwa amanyathelo oluleko ngakuye kulandelwa umthetho i-Public Service Act,

1994 (ISibhengezo 103 sika-1994), okanye uMthetho wezeNgqesho yooTitshala, 1998 (uMthetho 76 ka-1998).

- (2) Nawuphi na utishala okanye umsebenzi oqeshwe libhunga lolawulo lwesikolo othe, ngaphandle kwesizathu nasemva kokufumana isaziso esibhaliweyo, akayithobela imimiselo equlethwe kumgaqo 9, angaxelwa kwibhunga lolawulo lwesikolo.
- (3) Nawuphi na utishala okanye umsebenzi oqeshwe sisikolo esizimeleyo esifumana inkxaso-mali kurhulumente othe, ngaphandle kwesizathu esivakalayo nasemva kwesaziso esibhaliweyo, akayithobela imimiselo equlethwe kumgaqo 9, angaxelwa kumnikazi wesikolo eso.

IGama elifutshane

11. Le migaqo ibizwa ngokuba yimiGaqo emalunga noTyelelo nokuVavanywa kweZikolo zikaRhulumente neZikolo eziziMeleyo eziXhaswa nguRhulumente.

