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Iya: KumaSekela Balawuli-Jikelele, kuBalawuli abaziiNtloko, kuBalawuli (kwaNdlunkulu nakwii-ofisi zezithili), kuBaphathi beeSekethe, kwiiNqununu zezikolo zikarhulumente nezezikolo ezizimeleyo nakooSihlalo bamabhunga olawulo

Isishwankathelo esifutshane: *Le setyhula yazisa ngomgaqo-nkqubo olawula ukufakwa kwezikhalazo ojolise ekumiseleni ngempumelelo nangobuchule umgaqo wokufakwa kwezikhalazo eWCED*.

Isihloko: UmGaqo-nkqubo neeNkqubo eziLawula ukuFakwa kweZikhalazo

1. ISebe leMfundo leNtshona Koloni (*WCED*) kufuneka lisebenze ngokusekuhleni (*be open*), liphendule ngelikwenzayo (*accountable) yaye* liphendule kwiimfuno zoluntu (*responsive to the public's needs*). Ukuze libe nako ukwenza oku kufuneka lisebenzise inkqubo esekelwe kwinkqubo yomgaqo-nkqubo neenkqubo ezilawula ukufakwa kwezikhalazo.

2. Lo Mgaqo-nkqubo neeNkqubo eziLawula ukuFakwa kweZikhalazo ziqhotyoshelweyo ziqulethe iinkqubo ekufuneka zilandelwe xa kufakwa isikhalazo e*WCED*.

3. Kucelwa iinqununu ziyifunde ngononophelo kakhulu le nkqubo yaye ziyisebenzise ngokuthe mbo.

4. Kucelwa wazise okukule setyhula nakuMgaqo-nkqubo woLawulo lokuFaka iZikhalazo onke amagosa ezithili, iikomiti zolawulo zezikolo, amalungu amabhunga olawulo kunye nabazali.

ISAYINWE: BK SCHREUDER
INTLOKO YESEBE LEMFUNDO
UMHLA: 2017-08-09

URhulumente weNtshona Koloni

EzeMfundo

INkqubo neSikhokelo soLawulo lokuFaka iZikhalazo, ka-2017

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1. linkcazelo zeentsingiselo zamagama

Kule migaqo, naliphi na igama okanye intetho enikwe intsingiselo, inentsingiselo enye naleyo inikwe yona, yaye, ngaphandle kokuba imeko ichaza ngenye indlela:

"**ummangali**"uthetha umntu ofaka isikhalazo onento emkhathazayo afuna ukuyivakalisa;

"**igosa**" lithetha umntu oqeshwe liSebe leMfundo leNtshona Koloni;

"**umthathi-nxaxheba**" uthetha nawuphi na umntu onokuthathwa njengehlakani le*WCED*, oku kuquka abazali, abafundi, ootitshala, uluntu namahlakani ezoshishino.

2. Umgaqo-sikhokelo wezowiso-mthetho

Constitution of the Republic of South Africa, 1996

South African Schools Act, 1996 (Act 84 of 1996)

National Education Policy Act, 1996 (Act 27 of 1996);

Employment of Educators Act, 1998 (Act 76 of 1998)

Child Justice Act, 2008 (Act 75 of 2008)

Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act 32 of 2007)

Sexual Offences Act, 1957 (Act 23 of 1957)

Children's Act, 2005 (Act 38 of 2005)

Basic Conditions of Employment Act, 1997 (Act 75 of 1997)

Labour Relations Act, 1995 (Act 66 of 1995)

Employment Equity Act, 1998 (Act 55 of 1998)

Skills Development Act, 1998 (Act 97 of 1998)

Skills Development Act, 1999 (Act 9 of 1999)

Occupational Health and Safety Act, 1993 (Act 85 of 1993)

Promotion of Administrative Justice Act, 2000 (Act 3 of 2000)

Promotion of Access to Information Act, 2000 (Act 2 of 2000)

3. Injongo

Injongo yale nkqubo:

a) kukuqinisekisa ulawulo lokufaka izikhalazo ngobuchule nangempumelelo;
b) Ukunika isikhokelo abasebenzi xa kusingethwe izikhalazo; kunye
c) nokwazisa abathathi-nxaxheba *beWCED* ngokuzinikela kwabo ekulawuleni ngobuchule indlela yokuvakaliswa kwezikhalazo.

4. Abantu abaya kusebenzisa esi sikhokelo

Le nkqubo isebenza kuwo onke amagosa ezithili, kwiikomiti zolawulo zezikolo, kwiinqunu zezikolo zikarhulumente nezezikolo ezizimeleyo, kumalungu ebhunga lolawulo nakubazali.

5. Intshayelelo

5.1 ISebe leMfundo leNtshona Koloni (i*WCED*) kufuneka lisebenze ngokusekuhleni, ngokuphendulayo ngelikwenzayo kwanokuphendula kwiimfuno zoluntu. Ukwenza oku kufuneka inkqubo yolawulo lokuvakalisa izikhalazo esekelwe kwinkqubo yolawulo lokuvakalisa izikhalazo. Oku kufanele ukukhokela abasebenzi xa besingethe izikhalazo nokwazisa abathathi-nxaxheba ngokuzinikela kwe*WCED* ekulawuleni izikhalazo ngobuchule.

5.2 I*WCED* ikholelwa ekubeni izikhalazo:

a) zingokuphendula ngokwenzayo;
b) ziyinxenye ebalulekileyo yabenzelwa iinkonzo;
c) azinakunqandwa yaye mazisingathwe kakuhle;
d) zizoba umfanekiso ongemhle nge*WCED* ukuba azisingathwanga kakuhle kwangethuba; yaye
e) mazikhokelele ekuphuculweni komgangatho wokusebenza.

5.3 Ukongeza, i*WCED*:

a) ithathela ingqalelo ilungelo loluntu lokukhalaza xa lunganelisekile yinkonzo yaye ikhuthaza ingxelo esuka kubathathi-nxaxheba nakuluntu;
b) ifuna abasebenzi "bazisingathe ngomoya omhle izikhalazo" bangazithetheleli okanye bayithathe kakubi ingxelo nezikhalazo ezifakiweyo; yaye
c) bathathele ingqalelo ukuba izikhalazo ezingathiweyo yaye zaqwalaselwa kakuhle kwaze kwanikwa nengxelo ngazo, oko kuya kunceda ukuphucula ubudlelane nabathathi-nxaxheba, yaye ke ngoko ixesha elichithwe ekusingatheni izikhalazo lutyalo-mali kwinkonzo karhulumente.

6. Inkqubo yolawulo lwendlela yokuvakalisa izikhalazo

I*WCED* yenze inkqubo eyazisa uluntu ngale miba ilandelayo engolawulo lokufakwa kwezikhalazo:

a) Zifakwa phi izikhalazo
b) Indlela yokufaka isikhalazo – ithini nkqubo
c) Yintoni ingcaciso efunekayo
d) Indlela ekuya kulawulwa ngayo isikhalazo (ngokwamaxesha asikiweyo, iingxelo ngokwenziwayo ngesikhalazo eso, ingxelo)

7. Uphando nenkqubo yokusombulula iingxaki

7.1 Kwi*WCED*, izikhalazo zifakwa ngokwamanqanaba ahlukeneyo. Onke la manqanaba makathotyelwe, ukuba oko akwenzeki ummangali makathunyelwe kwinqanaba apho isikhalazo eso bakumele ukuba siqwalaselwa yaye sisonjululwa khona. Abamangali mabangazami ukutsiba inqanaba elithile kuba bekholelwa ukuba oko kuya kusisombulula ngokukhawuleza isikhalazo.

7.2 Izikhalazo mazifakwe kumagosa atyunjelwe ukusingatha izikhalazo wona agunyaziselwe ukusingatha izikhalazo ezo.

7.3 Ukuba ummangali akanelisekile yindlela ekusingathwe ngayo isikhalazo okanye sisiphumo kwinqanaba lesikolo, umba lowo mawugqithiselwe ngentla kumhloli wesekethe kwi-ofisi yesithili echaphazelekayo. Ukuba isikhalazo asikwazi kusonjululwa kwinqanaba lesithili sinokugqithiselwa ngentla kuNdlunkulu we*WCED*. Ezinye izikhalazo zingasonjululwa ngoko nangoko lo gama ezinye kuya kufuneka ziphandwe ngamagosa e*WCED*.

7.4 INqanaba 1: Ukusingathwa kwesikhalazo kwinqanaba lesikolo

7.4.1 Ezi zikheyisi ezinokusingathwa kwinqanaba lesikolo yaye zona akufuneki zigqithiselwe kwinqanaba elingentla ngokungeyomfuneko. Imizekelo yezo kheyisi yimiba enxulumene nale ilandelayo:

a) Ukubhulisha okanye ukungqwangaza
b) Iziphumo zokuphela konyaka
c) Iikheyisi ezincinane
d) Izikhalazo ezibhekiswa kootitshala okanye kubasebenzi abancedisayo esikolweni
e) Ukungavisisani
f) Ezolawulo nokuphatha esikolweni
g) Indlela abafundi abaziphatha ngayo
h) Ukwamkelwa kwesikhalazo

7.4.2 Ukuba ummangali akayanga kwisikolo eso, makathunyelwe kwisikolo eso ukuze enze idinga lokubonana negosa elichaphazelekayo esikolweni (umz. okokuqala

mayibe ngutitshala lowo uchaphazelekayo, emva koko ibe yisuphavayiza (intloko yecandelo lesifundo/isekela-nqununu nenqununu). Apho iimeko zimvumelayo ummangali ukuba angaya ngqo kwinqununu yaye kufuneka ukuba kwenziwe idinga nenqununu leyo ukwenzela ukufaka isikhalazo.

7.4.3 Kuphela xa ummangali enganelisekile yindlela ekusingathwe ngayo isikhalazo okanye isiphumo sesikhalazo sisikolo eso, unokusigqithisela phezulu isikhalazo kwinqanaba elilandelayo.

7.5 INqanaba 2: Ukusingathwa kwesikhalazo kwinqanaba le-ofisi yesithili

7.5.1 Kwinqanaba le-ofisi yesithili okulandelayo kuya kusingathwa:
- a) Iikheyisi ezingakhange zisingathwe ngokwanelisayo kwinqanaba lesikolo.
- b) Izikhalazo ezibhekiswa kwisikolo ubuqu.
- c) Iikheyisi ezigqithiselwe sisikolo eso.

7.5.2 Kuzo zonke ezi meko, kunyanzelekile ukuba ummangali akwazi ukungqina ukuba uyile esikolweni ekuqaleni ngalo mba, kodwa isimangalo eso asikhange sisonjululwe ngendlela ebanelisayo.

7.5.3 Ukuba kukhangeleka ngathi ummangali akayanga esikolweni, makathunyelwe kwisikolo eso bekumele ukuba isimangalo sisingathwa khona kuqala. Ngamanye amaxesha isimangalo singasonjululwa ngomnye umntu ongeyonqununu nalowo ebefumene isikhalazo eso angasithumela kwenye indawo kwalapho esikolweni.

7.6 INqanaba 3: Ukusingathwa kwesikhalazo kwinqanaba lakwaNdlunkulu

7.6.1 Kwinqanaba lakwaNdlunkulu okulandelayo kuya kusingathwa:
- a) Iikheyisi ezingakhange zibe zisingathwa ngokwanelisayo kwinqanaba lesithili.
- b) Izikhalazo ezibhekiswa kwi-ofisi yesithili ubuqu.
- c) Iikheyisi ezithunyelwa kwi-ofisi yesithili.

7.6.2 Kuzo zonke ezi meko, kunyanzelekile ukuba abamangali bakwazi ukungqina ukuba bayile esikolweni ekuqaleni ngokumalunga nalo mba, kodwa isimangalo eso asikhange sisonjululwe ngendlela ebanelisayo.

7.6.3 Ukuba ummangali akakhange aye esikolweni okanye kwi-ofisi yesithili, makayalelwe ukuba enze idinga kunye nesikolo okanye ne-ofisi yesithili.

7.6.4 Makuqatshelwe ukuba ummangali wazisiwe ngelungelo lakhe lokubhena kuMphathiswa wePhondo weMfundo ukuba akanelisekile yindlela ekusingathwe ngayo okanye sisiphumo sesimangalo sakhe.

7.7 INqanaba 4: Ukusingathwa kwezikhalazo nguMphathiswa weMfundo wePhondo

7.7.1 Umphathiswa weMfundo ujongene noku kulandelayo:

a) Iikheyisi ezingakhange zisingathwa ngokwanelisayo kwinqanaba lakwaNdlunkulu.
b) Izikhalazo ezibhekiswa kuNdlunkulu ubuqu.
c) Iikheyisi ezithunyelwa kwaNdlunkulu.

7.7.2 Ukuba ummangali akakhange aye esikolweni, i-ofisi yesithili okanye uNdlunkulu phambi kokuba athunyelwe kwi-Ofisi kaMphathiswa, makayalelwe ukuba athumele isimangalo kwinqanaba elifanelekileyo kuqala.

8. Ukuphendula kwiizikhalazo zoluntu

Kunyanzelekile ukuba:

a) ukufunyanwa kwazo zonke izikhalazo ezibhaliweyo kuyaziswa yaye kusikelwe ixesha lokusombulula isikhalazo eso;
b) bonke abathathi-nxaxheba banolwazi ngokuqulathwe yile nkqubo kwaneenkqubo ezichaphazelekayo;
c) zonke izikhalazo zisingathwa kwangexesha ngokwamaxesha asikiweyo abhalwe kwiinkqubo ezo;
d) ezinye iindidi zezikhalazo zisonjululwa ngokukhawuleza kakhulu kunezinye (apho kuyimfuneko);
e) izikhalazo ziyalandelelwa;
f) kubekwa esweni amaxesha asikiweyo okusonjululwa kwesikhalazo; baze
g) baze abamangali banikwe iingxelo zokuqhubekayo ezifanelekileyo.

9. Uhlolo nenyathelo emakulandelwe lona

I-*WCED* ifuna ukuba okulandelayo kuthotyelwe ukuphendula izikhalazo.

9.1 Igosa eliphendula isikhalazo malibhale okulandelayo:

a) Indlela isikhalazo esiya kuhlolwa ngayo, umz. ungxamiseko lwaso, ubuzaza baso, ngokungenamkhethe, njl. njl. okanye intlanganisela yeemeko.
b) Indlela isikhalazo esiya kwamkelwa kwenziwe uphando ngaso.
c) Amanyathelo angundoqo aya kuthathwa, umz. inkqubo yobulungisa (ukuqinisekisa ukusabela amacala omabini ebali).
d) Indlela eziya kushicilelwa ngayo iziphumo.
e) Indlela ekuya kugcinwa ngayo izinto bucala nangokuyimfihlo.
f) Indlela ekuya kusingathwa ngayo isikhalazo somntu ongafuni kwaziwa igama lakhe.

9.2 Inqanaba lophando malingqinelane nobuzaza kunye nemeko yesikhalazo. Oku kuquka:

a) ukuqwalaselwa kohlobo lwesikhalazo nemiba eya kuphandwa (oku kuya kuquka ukuqhagamshelana nommangali);
b) ukuqonda uwiso-mthetho nemigaqo-nkqubo echaphazelekayo;

c) ukuqwalaselwa oko kungangoovimba bengcaciso;
d) ukuhlola ingcaciso noovimba bolwazi ngendlela engathathi cala (kunye nokunqanda nakuphi na ukungqubana kweemfuno);
e) ukurekhoda ngokuchanekileyo ingcaciso efanelekileyo efunyenwe ngexesha lokwenziwa kophando;
f) ukunika amaqela lawo ithuba lokuvakalisa izimvo zawo ngengcaciso engasayi kuba luncedo oko bakufunayo;
g) ukuqinisekisa ukuba oko bakufumanisileyo kusekelwe kwizizathu ezizizo;
h) ukuthintela izenzo zokuqala ugwebe kwanokuthatha amacala;
i) ukunika izizathu ezifanelekileyo ngezigqibo ezo;
j) ukunika izisombululula apho kufanelekileyo;
k) ukunika ummangali ingxelo ngokwenzekayo (ngencwadi ebhaliweyo) qho ngeveki (umphathi wecandelo kufuneka kufuneka athunyelwe yonke imbalelwano ethunyelweyo); yaye
l) kusetyenziswane nawo onke amaqela ngobuchule nangovelwano.

10. Ingxelo

a) Xa kuqhutywa uphando, abamangali mabanikwe ingxeko yokuqhubekayo qho ngeveki ngencwadi ebhaliweyo (umphathi wecandelo makathunyelwe yonke ikopi yayo yonke imbalelwano).
b) Emva kokuba senziwe isigqibo, ummangali makacetyiswe ngokuthunyelwa ingxelo ebhaliweyo yesigqibo sokugqibela zingadlulanga iintsuku ezintlanu zomsebenzi.
c) Makunikwe izizathu ngezigqibo ezithathiweyo.

11. Umhla wokusetyenziswa kwale nkqubo nesikhokelo

Le nkqubo iqalisa ukusebenza ukususela nge-01 Agasti 2017.

12. Ukuqwalaselwa kwakhona kwenkqubo yokulawula izikhalazolawulo lwezikhalazo

Le nkqubo mayiqwalaselwe kwakhona kwimeko apho kukho utshintsho kwiimeko, kuqukwa utshintsho kuwiso-mthetho kunye/okanye imimiselo kwaneemeko zebhajethi.

Mna, ……, oyiNtloko yeSebe leMfundo eNtshona Koloni ukwenjenje ndinika imvume yokusetyenziswa kwale nkqubo nesi sikhokelo.

……(igama elisayiniweyo)

……(umhla)