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Enquiries: DD Louw

Circular: 0034/2018
Expiry date: None

To: Deputy Directors-General, Chief Directors, Directors (Head Office and district offices), Circuit Managers, Principals of public schools and Chairpersons of governing bodies

Short summary: *The need for a reasonable and standard process to ensure the uniform implementation of the principles of the conditional exemption from school fees set out in the Saffer judgment and subsequent circular.*

Subject: Standard process for parents applying for conditional exemption from the payment of school fees

1. This circular supplements and should be read in conjunction with Circular 0012/2018, dated 14 March 2018.
2. Paragraph 7 of the aforementioned circular confers the right on schools to verify that, *“the reason the parent applying has not given particulars of the total annual gross income of the other parent is because the other parent has indeed refused or failed to provide those particulars ...”*. It states further that, *“the school is not obliged to accept the applying parent’s say-so as the reason why he or she has not given those particulars.”*
3. Concerns have been raised that the aforementioned paragraph could lead to applying parents having to go to unreasonable lengths to show compliance in cases where parents are not able to make contact with the non-applying parents, e.g. having an existing protection order against the non-applying parent.
4. In view of the aforementioned, the Western Cape Education Department (WCED) has to ensure the uniform implementation of the principles set out in the Saffer Supreme Court of Appeal judgement and Circular 0012/2018 by setting a reasonable and standard process which provides for specific guidance on the requirements with which

applying parents must comply in order for their fee exemption applications to be considered.

5. The standard process is as follows:

5.1. In cases where there is a protection order against the non-applying parent to protect the applying parent –

All that is required in these circumstances is that the protection order be attached to the school fee exemption application. No further steps are required.

5.2 In cases of a contactable non-applying parent (excluding circumstances where there is a protection order as outlined above) –

5.2.1 **Step 1:** If the non-applying parent is contactable (i.e. the applying parent has his or her telephone number, email address, postal address or home address), the applying parent must take steps to request the financial information of the non-applying parent. This can be written or verbal.

5.2.2 **Step 2:** If the steps taken by the applying parent were verbal, then the non-applying parent's response must be set out in an affidavit.

5.2.3 **Step 3:** The affidavit must be attached to the applying parent's fee exemption application.

5.3 In cases where the other parent is not contactable –

This refers to circumstances where the applying parent does not have, and cannot obtain, any contact information of the non-applying parent, and therefore cannot request the non-applying parent's financial information. It also includes instances where the non-applying parent cannot be contacted due to safety concerns of the applying parent.

5.3.1 **Step 1:** The applying parent must depose to an affidavit and under oath set out the reasons why he or she was unable to contact the non-applying parent or obtain their contact information.

5.3.2 **Step 2:** This affidavit must be attached to the fee exemption application.

6. A template of an affidavit that must be attached to the applying parent's application for fee exemption is annexed to this circular.

7. School governing bodies, inclusive of principals, must always be guided by the consideration that the purpose of the school fees exemption policy is to protect the right to education of all learners whose parents find it hard to finance the education of

their child/children. All must avoid any elaborate measures that have the effect of frustrating parents or guardians applying for relief.

8. Principals are kindly requested to bring the content of this circular to the attention of all concerned.

SIGNED: BK SCHREUDER

HEAD: EDUCATION

DATE: 2018-09-21

7. I was, however, unable to obtain the financial information from the non-applying parent for the following reasons:

8. I therefore submit this affidavit as proof that I have done all that is in my power to obtain the financial information of the non-applying parent.

DEPONENT

I hereby certify that the abovementioned deponent acknowledged to me that he/she knows and understands the contents of this affidavit, that it is to the best of his/her knowledge both true and correct, and that he/she has no objection to taking the prescribed oath and considers it to be binding on his/her conscience.

Thus signed and sworn to before me at _____
on this _____ day of _____.

COMMISSIONER OF OATHS