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To: Deputy Directors-General, Chief Directors, Directors, Circuit Managers, Heads of all educational institutions and Chairpersons of governing bodies

Short summary: *Conversion of the employment of Post Level 1 educators from temporary to permanent in terms of section 6(b) of the Employment of Educators Act, 1998 (Act 76 of 1998).*

Subject: Conversion of the employment of Post Level 1 educators from temporary to permanent in terms of section 6(b) of the Employment of Educators Act, 1998 (Act 76 of 1998)

1. This circular has been revised and repeals and replaces Circular 0055/2015, dated 08 October 2015 and Circular 0006/2019, dated 05 January 2019, in its entirety.
2. Section 6(b) of the Employment of Educators Act (EEA), 1998 (Act 76 of 1998), makes provision for the conversion of the appointment status of educators from a temporary/contract position to a permanent position.
3. A temporary educator means an educator who is currently appointed in an approved substantive vacant Post Level 1 post and includes therapists, psychologists and counsellors at entry level, in a temporary capacity, for a closed period at institutions. This definition does not apply to educators appointed in vacant substantive promotion posts in an acting capacity, or to substitutes for permanently employed educators who are absent from duty, for whatever reason.
4. Unless the Head of Department (HoD) determines otherwise, a temporary educator may not be converted to a permanent educator, if the temporary educator was previously employed as a permanent educator and the educator's permanent employment was terminated because of early retirement, ill health or voluntary retrenchment where the educator received a severance package.
5. The conversion of a temporary appointment to a permanent appointment is done at the discretion of the HoD.

6. In line with the Educator Labour Relations Council Collective Agreement No. 4 of 2018, the Western Cape Education Department (WCED) adopted the following criteria for the conversion of the appointment status of educators from temporary to permanent positions in terms of section 6(b) of the EEA, 1998 (Act 76 of 1998):
 - 6.1 The permanent appointment must be made to a vacant substantive Post Level 1 post, including therapists, psychologists and counsellors at entry level. The post must reflect on the approved educator staff establishment of the school.
 - 6.2 The educator concerned must, at the time of applying for conversion, have been employed in a temporary capacity for a continuous period of three months.
 - 6.3 The educator must satisfy the following criteria to be considered for the conversion of his/her temporary/contract status to permanent:
 - 6.3.1 be professionally qualified for the education profession;
 - 6.3.2 be suitably qualified to teach the subject and in the phase in which the conversion appointment will be made;
 - 6.3.3 meet the inherent requirements of the post in which his or her conversion of appointment will be made; and
 - 6.3.4 be registered with the South African Council for Educators.
7. A temporary educator may only be appointed permanently to a funded, substantive and vacant Post Level 1 position at a public school which is on the approved educator staff establishment. A temporary educator may only be appointed permanently to such a post if the post cannot be filled by:
 - 7.1 a permanent educator who qualifies for the post and who is in addition of the educator staff establishment; or
 - 7.2 a first-time applicant to whom the employer has a contractual obligation to appoint in terms of the bursary awarded to the applicant; or
 - 7.3 any other first-time applicant; or
 - 7.4 the temporary educator is not excluded in terms of the provisions of paragraph 4 above.
8. Section 6(b) of the EEA,1998 (Act 76 of 1998) provides that the HoD may, after consultation with the governing body of a public school, convert the temporary appointment of an educator appointed to a post on the educator staff establishment of the public school into a permanent appointment in that post, without the recommendation of the governing body.

A conversion application must be done in consultation with the governing body. In the unlikely event that the governing body and/or the principal does not support the conversion of the educator's appointment status from temporary/contract to permanent, the principal MUST submit the educator's application and a written and valid motivation as to why the conversion is not supported.

9. Serving substitute educators may also be considered for permanent appointment, in terms of the measures set out in this circular, if the post becomes vacant whilst substituting in the post and the educator complies with the requirements. Governing bodies and principals are to ensure that the exclusions mentioned in point 4 are applied.
10. The WCED confirms that the conversion process in terms of section 6 (b) of the EEA (Act 76 of 1998) as stipulated, allows for conversions throughout the academic year.
11. The school principal must submit, in writing, to the department's district office requesting the conversion of the educator from temporary employment to permanent employment OR a temporary/contract educator who wishes to apply for the conversion of their temporary employment to permanent employment in terms of section 6 (b) of the EEA, 1998 (Act 76 of 1998). He/she must submit a completed DPE1 form (application for appointment form) and a letter of motivation, via the principal, to the WCED in line with paragraph 8.
12. This circular is applicable to all public schools.
13. Principals are requested to ensure that this circular is brought to the attention of the governing bodies and educators.

SIGNED: LJ ELY

DEPUTY DIRECTOR-GENERAL: CORPORATE SERVICES

DATE: 2020-07-23