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To: Deputy Directors-General, Chief Directors, Directors (Head Office and district offices), Deputy Directors, Circuit Managers, Heads: SLES Coordination and Advice, District Officials, and Principals and Chairpersons of School Governing Bodies of all public schools and independent schools

Short summary: *This circular outlines the conditions for the prevention of the re-employment of former educators and employees discharged or deemed discharged for misconduct or deemed resigned.*

Subject: Prevention of re-employment of former educators and public servants dismissed or deemed dismissed for misconduct or deemed resigned

1. Introduction

The Department of Basic Education (DBE) has published the *Terms and conditions of employment of educators determined in terms of section 4 of the Employment of Educators Act, 1998*, published in *Government Gazette* No. 44433 of 09 April 2021, which provides the measures to be applied for the re-appointment of educators who were dismissed or deemed dismissed for misconduct or deemed resigned. Similar rules for public servants have been published by the Department of Public Service and Administration (DPSA) in Circular 08 of 2020, dated 19 October 2020. Attached please find addendum A & B for ease of reference.

2. Purpose

The purpose of this circular is to communicate the **period of prevention of re-employment** for former educators and public servants dismissed or deemed dismissed

for misconduct or deemed resigned and to provide for a **procedure for re-employment**.

3. **Mandatory period of prevention from re-employment**

A full list with the acts of misconduct and the mandatory period of prevention of re-employment can be found in **point 6** of the *Terms and conditions of employment of educators determined in terms of section 4 of the Employment of Educators Act, 1998*, and **point 2 of DPSA Circular 08 of 2020**.

4. **Application for re-employment**

It is important to note that before any person can be appointed or re-appointed to work with children, the delegated official must ensure that the prospective educator/public servant:

- a) meets the prescribed minimum requirements as stipulated in the *Personnel Administrative Measures (PAM)*, published in *Government Gazette* No. 39684 of 12 February 2016, and the Public Service Act, 1994 (Proclamation 103 of 1994), as amended;
- b) is vetted against the National Child Protection Register referred to in section 111 of the Children's Act, 2005 (Act 38 of 2005); and
- c) has a clearance certificate from the Registrar referred to in the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act 32 of 2007), as amended.

5. These measures were developed to give effect to the provisions of the Children's Act, 2005 (Act 38 of 2005), and the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act 32 of 2007), as amended, which prohibit the employment of people who were found unsuitable to work with children.

6. Principals/managers/supervisors and School Governing Bodies are therefore directed to comply with the above-mentioned prescripts when dealing with the **re-employment** of former educators or public servants dismissed or deemed dismissed for misconduct or deemed resigned.

7. The contents of this circular must be brought to the attention of all educators and public servants at all of the Western Cape Education Department's educational institutions and all new entrants as soon as they are appointed.

SIGNED: B WALTERS

HEAD: EDUCATION

DATE: 2021-06-23