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## **COMMENT: DRAFT POLICY ON THE ORGANISATION, ROLES AND RESPONSIBILITIES OF EDUCATION DISTRICTS - NOTICE 180 of 2012**

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## INTRODUCTION

1. The following commentary on the Department of Basic Education's Draft Policy on the Organisation, Roles and Responsibilities of Education Districts, Notice 180 of 2012 (Draft Policy) is submitted in response to the Minister of Basic Education's call for comments on the Draft Policy. This commentary has been prepared by the Equal Education Law Centre (EELC) acting on behalf of Equal Education (EE).
2. EE is a movement of learners, parents, teachers and community members working for quality and equality in the South African education system through research, analysis and activism. A key part of EE's work takes the form of engaging with district officials, including district directors, in coming to the assistance of learners and parents who approach EE where serious issues affecting the rights of learners have manifested in schools. Drawing from these experiences, EE is well placed to make a contribution towards the Draft Policy.
3. The EELC is a new, independently-funded law centre established in 2012 in order to provide specialised expertise in education law and policy in South Africa. The EELC is dedicated to advancing the right to a basic education through strategic litigation, sustained engagement with government and the provision of legal assistance to communities and community-based organisations. A component of EELC's work is assisting community based organisations, such as EE, to formulate their own education policy inputs and interventions. This commentary is prepared in that capacity.
4. Recognising that the Draft Policy emanates from the Minister of Basic Education (the Minister) acting in consultation with the Council of Education Ministers, EE welcomes the move towards the establishment of a cohesive national policy setting the framework for the organisation, roles and responsibilities of education districts, and aimed at ultimately ensuring more "*effective, transparent and accountable*"<sup>1</sup> governance of the education system as a whole.
5. As noted in the Draft Policy, education districts play a "*pivotal role*"<sup>2</sup> in the provision of quality education and are critically situated in order to do so. The serious need for a cohesive national policy on education districts is indisputable in light of this essential role that education districts perform as the nexus between national and provincial governments and the schools and public which they serve. This is especially so in light of the fact that since the enactment of the South African Schools Act, no national

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<sup>1</sup> The Constitution at S 41(c): "*All spheres of government and all organs of state within each sphere must provide effective, transparent, accountable and coherent government for the Republic as a whole*". This obligation falls on both National and Provincial government.

<sup>2</sup> Draft Policy, *Mandate and Scope of the Policy: The Policy Mandate* at page 5, first para.

legislative or policy framework governing education districts has been introduced.

6. EE therefore applauds the Minister for recognising that education districts serve at the *“coal face of delivery, closer to the centre of our operation – the classroom”*,<sup>3</sup> and for taking the necessary steps towards realising her mandate of determining national policy with the *“intention to bring about a common approach to the demarcation, organisation, delegation of powers and resourcing of education districts across all Provincial Education Departments.”*<sup>4</sup>
7. EE further notes that the establishment of this policy is in line with the National Education Policy Act<sup>5</sup> which obliges the Minister to produce national policy on *“the planning, provision, financing, co-ordination, management, governance, programs, monitoring, evaluation and well-being of the education system”*.<sup>6</sup>
8. EE is, however, particularly concerned that the Draft Policy does not go far enough in assuring clarity and transparency of the delegated roles and responsibilities which district offices are bound to fulfill.
9. EE strongly believes that clearly delegated roles and responsibilities that are also accessible to all stakeholders, including district officials themselves, the schools within their districts, parents and learners, teachers and the general public, would greatly improve the ability of district offices to discharge their main roles of providing support to schools, holding schools accountable for their performance and informing and consulting with the public in an open and transparent manner.
10. EE has therefore focused its comments on issues surrounding the need for better transparency and a clearer understanding by all stakeholders of the roles and responsibilities of district offices.

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<sup>3</sup> Opening Address at the meeting with District Directors by Ms Angie Motshekga, Minister of Basic Education, Sol Plaatjie House: 19 April 2012. Accessible at the following link: <http://www.education.gov.za/Newsroom/Speeches/tabid/298/ctl/Details/mid/1929/ItemID/3327/Default.aspx>

<sup>4</sup> Draft Policy, Mandate and Scope of the Policy: The Policy Mandate at page 6, second para.

<sup>5</sup> National Education Policy Act 27 of 1996 (NEPA).

<sup>6</sup> NEPA mandates the Minister to determine national education policy for the well-being of the education system in accordance with the provisions of the Constitution and NEPA [See S 85(2)(b) of the Constitution conferring executive authority on the President together with other members of Cabinet for the purpose of *“developing and implementing national policy”*]. S 3(4) of NEPA is couched in peremptory terms and states in part that: *“the Minister **shall** determine national policy for the planning, provision, financing, co-ordination, management, governance, programs, monitoring, evaluation and well-being of the education system”*.

### LIMITATIONS OF A NATIONAL DISTRICT POLICY

11. EE is cognisant of the limitations of the Draft Policy as stated therein. In particular EE notes that the Draft Policy stems from an agreement with the Council of Education Ministers *“that a national policy including indicative national norms for district offices is essential but must be designed with full appreciation for the individual needs and characteristics of provincial systems.”*<sup>7</sup>
12. EE therefore appreciates the delicate balancing exercise called for in ensuring that the Draft Policy is not overly prescriptive to the point of rendering it unsuitable and unimplementable in a given province whilst simultaneously ensuring that the stated *“fundamental criterion”* that *“all district offices must be put in a position to provide all their education institutions with nationally normed core services”*<sup>8</sup> is adequately achieved.
13. EE accepts that this delicate balancing exercise should be achieved in a manner that pays sufficient homage to the fact that school districts fall in the first instance under the authority of Provincial Education Departments. EE thus understands the necessity of setting national standards for education districts in a manner which does not *“encroach on the . . . institutional integrity”*<sup>9</sup> of provincial government, and which is sensitive to the need for Provincial Education Department’s to retain sufficient flexibility to fine tune their districts to particular local needs. However, EE is troubled by the Draft Policy’s lack of guidance on the content of these *“nationally normed core services”* of support, accountability and to inform and be informed by the public. EE’s concern is that this lack of direction will inhibit the ability of education districts to provide learners within their care with a quality education.
14. EE suggests that guidance could take the form of describing the ideal levels of core support required from an effective education district or could be couched in a manner which commits education districts to a basic core level of support.
15. EE believes that clearer guidance in the manner described above ought to be given in the Draft Policy and that this is capable of being provided for in a manner in which sufficient space is made for *“necessary variations among provinces and districts depending on inherited conditions and local circumstances.”*<sup>10</sup>

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<sup>7</sup> Draft Policy, *Mandate and Scope of the Policy: Equity and District Organisation* at page 8, final para.

<sup>8</sup> Draft Policy, *Mandate and Scope of the Policy: Equity and District Organisation* at page 8, final para to page 9.

<sup>9</sup> The Constitution at S 41 (g): *“All spheres of government and all organs of state within each sphere must exercise their powers and perform their functions in a manner that does not encroach on the geographical, functional or institutional integrity of government in another sphere.”*

<sup>10</sup> Draft Policy, *Education District Organisation, Functions and Delegations* at page 17, first para.

16. EE believes that such guidance will go a long way towards furthering notions of accountability, as they would clearly identify for all schools what type of core support they can expect the districts to provide to them and the minimum extent to which such core support ought to be provided.
17. EE welcomes that the Draft Policy identifies the three main roles of education districts as being “*support*”, “*accountability*” and “*public information*”.<sup>11</sup> EE, however, is concerned that notwithstanding the limitations of the Draft Policy it could do more to assure that these roles are furthered elaborated upon.
18. EE’s concern that the Draft Policy currently falls short of providing sufficient guidance on what the core form of district support ought to entail, will be addressed below within the context of education districts’ stated three main roles. These shortcomings do not *completely* undermine the possible effectiveness of the Draft Policy, but does severely limit its effectiveness.

### **LIMITING FACTORS ON EDUCATION DISTRICT EFFECTIVENESS**

19. EE shares the concerns of the Department of Basic Education identified in the Draft Policy as the main limiting factors on district effectiveness, namely that:

*“Many education districts are responsible for too many education institutions and as a result cannot provide effective services to them.*

*The respective delegated powers, roles, relationships and lines of accountability of provincial head offices, district offices and education institutions are not clearly formulated, understood and exercised.*

*Many district offices do not have devolved authority to plan and develop their programmes, manage their own budgets and recruit or deploy staff members in their own offices or in education institutions. District directors need adequate delegated decision-making authority to effect necessary changes that are designed to improve learning performance. The absence of clearly delegated powers causes intolerable bureaucratic delays in service delivery since many decisions cannot be taken promptly but must be referred to higher authority.*

*Districts need more financial resources and the delegated authority to use such resources effectively. Lack of such powers creates uncertainty, impedes delivery and hampers quality management.*

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<sup>11</sup> Draft Policy, The Concept of an Education District: Roles at bottom of page 10 to page 11.

*Post-provisioning is uneven and does not reflect the responsibilities entrusted to district offices. Even when posts have been established many are unfilled. Few staff members have job related training or have been required to meet skills criteria suited to the work they do. Service delivery by many district offices therefore falls far short of what the institutions and the public expect.”<sup>12</sup>*

20. EE’s concerns from its interactions with district officials echoes the limitations on district effectiveness outlined above. In particular EE is concerned about the lack of an effective response and the often lengthy delays associated with obtaining feedback from district officials where EE has lodged complaints of a serious nature on behalf of learners and their parents.
21. Of an even greater concern is that learners and parents who approach EE for assistance have made repeated attempts at engaging with district officials personally, and report being disillusioned and frustrated at the lack of support on offer by district officials in addressing serious complaints requiring urgent intervention. Moreover, parents and learners often express their dismay at what they perceive as a lack of decisiveness at district level and the unwillingness of district officials to act against educators even when clear violations of the law and policy have taken place.
22. From EE’s own observations, this indecisiveness appears to be attributable to a lack of structures and clear guidelines setting out how district officials should deal with such cases, as well as a general lack of understanding by district officials of their roles and responsibilities towards the general public. It is EE’s impression that this lack of clarity and lack of emphasis on district officials’ responsibilities to members of the public creates the impression among these officials that assisting the public is something peripheral to, if not falling outside of, the scope and requirements of their work.
23. An example of a complaint lodged by EE with district officials include a group of learners being excluded from a school as a result of a unilateral change in the school’s language policy at the start of a new academic year. The delay by the district to address this complaint, even after EE came to the assistance of parents in the matter when they were unable to receive assistance from district officials, ultimately resulted in nine learners being unable to attend school for a period in excess of one month.
24. Another complaint lodged by EE on behalf of a parent concerned a learner, who had been unlawfully suspended from school for violating the school’s dress code under circumstances in which an exemption ought to have been considered and most likely granted on religious grounds. The parent in question, in a desperate attempt to ensure her child’s return to the school, sought the assistance of the relevant Institutional Management and Governance Manager, the Director of Districts and the Chief Education Specialist before ultimately turning to EE for assistance. Here the district’s

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<sup>12</sup> Draft Policy, Mandate and Scope of Policy: Equity and District Organisation at page 7 last para to page 8.

failure to make a timeous intervention resulted in the learner being unfairly discriminated against and prevented from attending school in a manner which amounted to an unlawful suspension.

25. EE also assisted two learners with lodging a complaint against the principal of their high school for administering corporal punishment. The complaint was lodged with the District Director on 4 October last year. To date EE, and the learners in question, are yet to receive any information regarding the outcome of the Department's investigation into the matter. This despite an undertaking by the District Director at a meeting held about five months after the initial complaint, that a response would be forthcoming by mid-February of this year. The principal continues to be employed at the school, while one of the learners involved opted to leave the school at the start of the 2012 academic year.
26. In the corporal punishment instance, EE found particularly worrisome what appears to be a duplication of work in the realm of educator discipline at District and Provincial office levels. The matter was initially investigated by the school's IMG Manager, which investigation took two months. After this investigation, the matter was passed onto 'Labour Relations' within the Provincial Office, who then undertook a second investigation. The outcomes of these investigations have not been communicated to the learners concerned and their parents, nor EE, despite the fact that more than eight months have passed since the original complaint was laid.
27. In light of the above, EE is pleased to see the education district conceptualised in the Draft Policy as "*the link between provincial education departments, their education institutions and the public*".<sup>13</sup> In EE's experience the support that districts are required to render to the general public, including individual learners and parents who turn to them for urgent assistance, and NGO's in the schooling sector who interact with districts on behalf of members of the schooling community, and the accountability of education districts to the public they are required to serve, (as apart from their specific duties towards schools) is often the forgotten and arguably the most neglected link in the education system. This is especially so in cases requiring urgent investigations into and possible disciplinary measures against educators where allegations of serious misconduct have been reported to an education district.
28. From what EE has witnessed district officials tend to shy away from their disciplinary responsibilities. EE therefore welcomes the listing of the "*Power to discharge an educator on account of misconduct or unfitness for his/her duties or incapacity to carry out those duties efficiently*"<sup>14</sup> and the "*Power to institute disciplinary proceedings and impose (implement) a sanction in accordance with the disciplinary code and procedures*"<sup>15</sup> as "*key (administration type) delegations that are essential to*

<sup>13</sup> Draft Policy, Mandate and Scope of the Policy: The Policy Mandate at page 5, first para.

<sup>14</sup> Draft Policy, Education District Organisation, Functions and Delegations: Delegations at page 20.

<sup>15</sup> Draft Policy, Education District Organisation, Functions and Delegations: Delegations at page 20.

*district effectiveness*".<sup>16</sup>

29. EE is concerned that the three main roles of support, accountability and public information as conceptualised in the Draft Policy fail to make mention of the essential role districts play in supporting and being accountable to the general public as the "*public face of the PED in its district area*".<sup>17</sup>
30. EE agrees with the description of an education district's role as serving the "*vital lines of communication between the provincial head office and the education institutions in their care*". However, this description of the role of the district ought to be broadened to be inclusive of an education district's vital obligations towards the general public as well.
31. EE suggests that the core support teams referred to in the Draft Policy should include, where applicable, the core functions districts are required to perform in discharging their obligations towards the general public. To illustrate, "*the District Management Support Team*" has as one of the descriptions listed under its core functions "*Institutional Management*".<sup>18</sup> This could be one of the potential spaces within which to situate the front line of this service to the public. EE therefore recommends that one of the support teams have as their core function the responsibility of addressing complaints from the general public.

### **DISTRICT SUPPORT TO SCHOOLS**

32. The Draft Policy sets forth areas of support for which districts are responsible for providing to schools within their care. Of primary concern to EE is that while the Draft Policy does raise general issues where district support is expected, the Draft Policy requires a more concrete commitment to national standards for support or mechanisms by which certain forms of support may be guaranteed.

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<sup>16</sup> Draft Policy, Education District Organisation, Functions and Delegations: Delegations at page 19, last para. That educator discipline is a function falling squarely in line with the role of the district stems as a necessary consequence of S 62(2) of the South African Schools Act 84 of 1996 (SASA) read together with S 16A(2)(e) of SASA. S 62(2) confers the authority upon the Head of the Department "*subject to such conditions as he or she may determine, [to] delegate to any officer any of his or her powers in terms of this Act or delegated to him [by the MEC with the exception of the MEC's powers to publish a notice or decide an appeal]*". S 16A(2)(e) whilst speaking to the functions and responsibilities of principals in public schools, makes it clear that the HOD is responsible for disciplinary matters pertaining to educators and support staff employed by the HOD. It reads "*The principal must—assist the Head of Department in handling disciplinary matters pertaining to educators and support staff employed by the Head of Department*".

<sup>17</sup> Draft Policy, The Concept of an Education District: Levels of Education Management and Accountability at page 10, first para.

<sup>18</sup> Draft Policy, Education District Organisation, Functions and Delegations: District Organisation and Functions at page 18, para four.



33. The Draft Policy states that district offices support schools by performing the following functions:

*“Providing an enabling environment for education institutions within a district area to do their work in line with education law and policy;*

*Assisting principals and educators to improve the quality of teaching and learning in their institutions;*

*Serving as an information node for education institutions and facilitating Information and Communications Technology (ICT) connectivity in all institutions with the district;*

*Providing an enabling environment for the professional development of educators and administrative staff members in line with the Occupation Specific Dispensation (OSD).”<sup>19</sup>*

34. The Policy further describes the supportive roles and responsibilities of the district offices by describing organisational teams which are charged with delivering what the Policy describes as “*a core basket of services.*”<sup>20</sup> Like the district offices’ supporting roles outlined above, the policy sets forth the core functions of each team in the following broad terms:

***“District curriculum support team***

*Curriculum Management, Development and support including Management of Learning and Inclusive Education;*

*Professional Development of educators*

***District Management Support Team***

*Institutional Management, Development and Supporting*

*Monitoring the performance of education institutions*

*Information and Communications Technology for e-Education and administrative support*

***District Learner Support Team***

*Education Specialised Programmes*

***District Operations Team***

*Education Management Information System (EMIS)*

*Human Resources; and*

*Financial and Supply Chain Services”<sup>21</sup>*

35. The Draft Policy addresses further support that district offices should provide to schools within their care in the section describing staffing of district offices. This

<sup>19</sup> Draft Policy, The Concept of an Education District: Roles at pages 10 to 11.

<sup>20</sup> Draft Policy, Education District Organisation, Functions and Delegations: District Organisation and functions at page 18, para two.

<sup>21</sup> Draft Policy, Education District Organisation, Functions and Delegations :District Organisation and functions at pages 18 to 19.

section states that because districts vary in their educational needs as well as in their physical and social characteristics, “[e]quity in the distribution of staff support to institutions is therefore the overall principle that guides the norms and in order to achieve quality education for all learners.”<sup>22</sup>

36. The Draft Policy goes on to state that this will be achieved “by ensuring that all education districts in all provinces have at least the minimum staffing level required to effectively deliver essential support to schools and other educational institutions, thus setting minimum standards.”<sup>23</sup> The Draft Policy states that this essential level of support “is described by the basket of educational services that a district must provide to the institutions under its care.”<sup>24</sup>
37. EE notes the Draft Policy’s objective to ensure that district offices have the “necessary...skills to enable them to perform their core functions”<sup>25</sup>. The staffing of district offices is therefore important in order to ensure that all district offices have the capacity and resources to fulfill all of their functions. EE is, however, concerned by the notable absence of the Draft Policy to speak clearly to the issue of the up-skilling and training of staff in district offices.
38. EE has the following concerns with respect to the support function set out in the Draft Policy: Whilst the Draft Policy makes a number of references to the “basket of educational services” that a district must provide to schools, it does not define these services. Moreover, the Draft Policy does not commit to establishing concrete guidelines that would set out the core basket of services district offices must deliver to schools. Whilst EE understands that the Draft Policy is stated in broad terms to accommodate local contexts, EE is concerned that this omission misses an opportunity to provide specific guidance and will result in many districts failing to provide the necessary support to schools so that schools can in turn deliver a quality education to their learners.
39. For example, the Draft Policy does not describe what curriculum support districts must of necessity perform. Whilst the Draft Policy briefly mentions that a subject adviser could visit a school twice per term, the Draft Policy does not mandate district officials to present themselves at schools either to support the curriculum or to assure that the curriculum is being properly delivered. Moreover, while the Draft Policy includes annexures detailing the roles and responsibilities of office based educators, Circuit Managers and Subject Advisers, the Draft Policy falls short of committing to providing schools with access to these officials, the extent to which such officials must be available to schools or the services that they must provide to schools when school visits take place. EE finds Annexure three particularly helpful in giving content to the

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<sup>22</sup> Draft Policy, Staffing District Offices: Principles at page 22, para two.

<sup>23</sup> Draft Policy, Staffing District Offices: Principles at page 22, para three.

<sup>24</sup> Draft Policy, Staffing District Offices: Principles at page 22, para three.

<sup>25</sup> Draft Policy, Mandate and Scope of the Policy: Limitations of the Policy at pages 6 to 7.

role and responsibilities of curriculum advisors. It would be useful if the Draft Policy directly referenced this Annexure as a guideline for the support that curriculum advisors should provide to schools.

40. EE recommends that the Draft Policy contain national minimum standards setting out the basket of services that districts must make available to schools in the course of fulfilling their function of supporting schools under their care.
41. EE is particularly concerned that the Draft Policy fails to identify the need that data obtained from schools be used to inform the support that is provided to schools in their care.
42. EE welcomes the Minister's recent emphasis on the need to focus on district planning:

*"Of vital importance is to strengthen district planning, that should be discharged timeously to impact positively on learner performance. I was disappointed to learn that some districts could not produce their District Improvement Plans. Among others, the focal point of planning has got to be on improved learner outcomes, effective LTSM to schools and effective filling of vacancies and utilisation of available teachers. Support for schools must be evident in the district-wide work plans and in individual plans of each district official, with clear focus on: regular quality monitoring [and] clear feedback processes for schools."<sup>26</sup>*

Due to the significance of district planning, EE is concerned that the Draft Policy does not require districts to put in place District Improvement Plans.

43. District offices need to be able to have the skill set to analyse data obtained from individual schools so management or teaching shortfalls can be identified and corrected. Because the Draft Policy does not identify data analysis as a district role, EE is concerned that data that could be used to identify areas where support is needed at individual schools will merely be transmitted to provincial and national governments and aggregated.
44. Because the district offices are uniquely situated as the direct link between the schools and provincial governments, EE suggests that the Draft Policy be amended to identify the need for district offices to serve the role of analysing data and using that data to inform the support provided to the schools within the districts. Data can further be used to match well performing schools with similarly situated poorly performing schools so successful management and teaching techniques can be identified and copied throughout and across districts.
45. The Draft Policy does not state the various types of specialist district officials with whom the education district offices should be staffed in order to fulfill school needs, and by extension does not state the extent to which these specialists should be made

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<sup>26</sup> See above note 3.

available to each school. EE recommends that the Draft Policy commit to establishing minimum standards detailing the range of specialists that should be available to offer support to schools.

46. These standards should address the need for specialists that can offer support in areas such as school management and governance, curriculum support and teacher training, value, quality assurance, infrastructural and resource support, curriculum development and labour relations.
47. EE notes the Draft Policy does not mention the supportive role required of district officers in providing “*introductory training for newly elected governing bodies to enable them to perform their functions*”<sup>27</sup> and providing “*continuing training to governing bodies to promote the effective performance of their functions or to enable them to perform additional functions.*”<sup>28</sup> EE recommends that the Draft Policy specifically mentions this supportive role.

### **ACCOUNTABILITY OF SCHOOLS TO DISTRICTS**

48. The Draft Policy does well in setting out the role that district offices have with respect to accountability. Like the support role outlined above, however, EE is concerned that the Draft Policy falls short of adequately ensuring that districts are sufficiently able to hold schools within their care accountable for their performances.
49. EE agrees with the Draft Policy’s statement that the districts’ role of accountability should make district offices responsible for:

*“Holding education institutions in a district area to account for their performance;*

*Accounting to the provincial education department for the performance of education institutions in a district area;*

*Accounting to the provincial education department in terms of performance agreements that stipulate the roles, functions and responsibilities of district officials in line with relevant policies.”*<sup>29</sup>

50. The Draft Policy sets out accountability mechanisms by which education districts are able to execute oversight of educational institutions. The Draft Policy lists these

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<sup>27</sup> Capable of delegation by the HOD to the District Director in terms of S 62(2) read with S19 (1)(a) of SASA.

<sup>28</sup> Capable of delegation by the HOD to the District Director in terms of S 62(2) read with S 19(1)(b) of SASA.

<sup>29</sup> Draft Policy, The Concept of an Education District: Roles at page 11.

mechanisms as delegations which the Draft Policy describes as essential to district effectiveness.

***“Human Resource Management***

*Power to appoint any person or to promote or transfer any educator (including substitutes), officer or employee from Post Level 1 up to School Principal;  
In the case of a new school, power to appoint, promote or transfer in a temporary capacity to any post on the educator establishment until the relevant governing body is established.*

***Administration***

*Power to discharge an educator on account of misconduct or unfitness for his/her duties or incapacity to carry out those duties efficiently;  
Power to institute disciplinary proceedings and impose (implement) a sanction in accordance with the disciplinary code and procedures;  
Power to dissolve an ineffective governing body;  
Power to withdraw, on reasonable grounds, a function from a governing body.”*

51. EE is concerned that the Draft Policy falls short of defining the mechanisms by which district offices are to hold schools accountable for their performances. The Draft Policy does not set out clearly the extent to which district officials are expected to review whether a school is performing adequately. Part of the Draft Policy’s shortfall here can be traced to the lack of standards governing the extent to which district officials must make school visits and the protocols that district officials should follow when visiting. Accordingly, the Draft Policy would be improved by identifying areas of school performance for which data should be collected, analysed and then used to inform the support provided to schools.
52. Annexure 3, which sets out the Roles and Responsibilities of Subject Advisors, does a good job of identifying areas that subject advisors are responsible for reviewing upon school visits. Annexure 3, for instance states that *“School visits should include drawing samples of learners’ written work to:*
- ▲ Establish pace, depth and sequencing of curriculum coverage;*
  - ▲ Compare written work to teacher planning and availability of resources;*
  - ▲ Check frequency and management of home and class work as well as usefulness of feedback to improve learner understanding;*
  - ▲ Visit classrooms during teaching time to assess quality of classroom interaction;*
  - ▲ Assess strategies to pick up on learner difficulties and school systems to provide remedial lessons or additional support to learners that need it.”*
53. It would be beneficial for school accountability if the Draft Policy were to identify areas of school management and curriculum delivery that education districts must be responsible for reviewing. These areas of review should either be set out in the Draft Policy similar to how it occurs in Annexure 3, or the Draft Policy should commit to

establishing standards which establish areas of school management, curriculum delivery, teacher qualification and learner access to infrastructure and educational resources that districts should be responsible for reviewing.

54. EE is further concerned that the Draft Policy does not identify a clear set of standards that both districts and schools should be measured against to determine whether they are functioning adequately. In the absence of such standards, there is a strong likelihood that district offices will have difficulty identifying areas of school management, curriculum delivery and access to resources that could be improved upon with proper support.
55. The Draft Policy does not contain mechanisms by which district offices are to communicate their findings with respect to each school's successes and areas of needed improvement to Provincial Education Departments. EE recommends that the Draft Policy require district offices to compile reports at the end of each school year for each school under their care. The Draft Policy should identify areas of school management, curriculum delivery and the state of school infrastructure and resources that must be reviewed and analysed in the report. The report should include descriptions of district support provided to the school that year, along with strategy plans for the following year that will outline areas where further improvement and support are needed. This report should be sent to the Provincial Education Departments and to schools.
56. The Draft Policy should address the roles and responsibilities of education districts with respect to:
- Requiring school management to explain poor results;
  - Requesting and monitoring implementation of action plans for education site improvement;
  - Requesting regular updates on education site curriculum delivery progress against the school's development plan;
  - Developing tools for tracking the progress that schools are making in improving curriculum delivery and learner assessment and assessing individual educators' work in classrooms;
  - Regularly scheduled school visits by multi-skilled support teams;
  - Taking prompt and decisive action when educators fail to deliver;
  - Requesting accurate data from schools and reviewing its accuracy on a regular basis pertaining to issues such as learner enrolment, number and qualifications of

educators, learner and educator absenteeism, language, classroom size, number of vulnerable learners, state of school infrastructure and textbook availability.

### **PUBLIC INFORMATION**

57. The Draft Policy currently describes one of the three central roles of districts as:

*“Public Information*

*Informing and consulting with the public in an open and transparent manner  
Upholding Batho Pele principles in all dealings with the public”.*<sup>30</sup>

58. The meaning of this role is slightly enumerated upon later in the Draft Policy as follows:

*“Batho Pele*

*In their dealings with the public the staff of district offices are required to exhibit the Batho Pele principles which involve consultation with clients, setting and keeping to service standards, increasing access to services, ensuring courteous behavior, providing the required information to the public, acting openly and transparently, redressing sub-standard performance and ensuring value for money.”*<sup>31</sup>

59. EE agrees that one of the primary roles of education districts is to inform and be informed by the public. EE is, however, concerned that the Draft Policy as currently structured fails to place the necessary emphasis on the districts’ obligations towards the public, specifically furnishing information when complaints are lodged.
60. EE welcomes that the Draft Policy speaks to the need for roles and responsibilities delegated to the district offices to be clearly communicated and transparent. The Draft Policy states in part that delegations must be *“in writing”*<sup>32</sup>, *“clear and precise”*<sup>33</sup> and, quite significantly, *“accessible to the public.”*<sup>34</sup>
61. EE is concerned that the Draft Policy does not contain mechanisms by which it can be assured that the district officers’ roles and responsibilities are clearly communicated to the public. Assuring adequate communication of these roles and responsibilities is particularly important given the manner in which duties are delegated to education

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<sup>30</sup> Draft Policy, The Concept of the Education District at page 11, numbered “3”.

<sup>31</sup> Draft Policy, Education Districts Organisation, Functions and Delegations at page 21.

<sup>32</sup> Draft Policy, Education Districts Organisation, Functions and Delegations at page 20, last para.

<sup>33</sup> Draft Policy, Education Districts Organisation, Functions and Delegations at page 21.

<sup>34</sup> Same as above.

districts and the Draft Policy's clear acknowledgment that *"delegation is the crucial legal instrument by which a Provincial Education Department empowers a district director to execute the functions that a district office must perform in order to fulfill its roles."*<sup>35</sup>

62. EE therefore recommends that the Draft Policy contain detailed direction as to the mechanisms to be put in place to ensure that delegated district roles and responsibilities are communicated effectively to all stakeholders. One possible way in which proper communication can be addressed would be for education districts to produce a brochure each year outlining and explaining all of their roles and responsibilities. A brochure could advise all stakeholders of the contact details, including phone numbers, of district officials who are required to deal with specific problems.
63. EE recommends that the Draft Policy makes provision for staff who are trained in taking complaints and providing information regarding the roles and responsibilities of district offices and the procedure involved with resolving deficiencies in all areas of service delivery.
64. EE further suggests that approved standards which education districts ought to provide to schools under their care be published and displayed at schools and communicated as widely as possible to all potential users, so that they know what level of service they are entitled to expect, and with whom a complaint may be lodged if such services are not delivered. Such standards ought to make provision for a structured complaints mechanism including turn-around times for providing feedback to complainants or those requesting information from a district.

### **FUNDING**

65. EE welcomes the emphasis that the Draft Policy places on the need for adequate funding to accompany delegated roles and functions for district offices. The Draft Policy makes several references to the key principle that district offices have access to adequate resources to fulfill their fundamental roles of providing support, requiring accountability and interacting with the public.
66. EE agrees that it is of paramount importance that *"no function should be ascribed or delegation made in the absence of appropriate funding and other relevant resources, such as personnel, ICT connectivity or access to PERSAL."*<sup>36</sup>
67. Moreover, the Draft Policy sets forth the power to procure goods and services, including equipment, up to a value of R 500 000 as a key delegation that is essential to

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<sup>35</sup> Draft Policy, Education District Organisation, Functions and Delegations: Delegations at page 19.

<sup>36</sup> Draft Policy, Education District Organisation, Functions and Delegations: Delegations at page 19.



district effectiveness.

68. While EE appreciates that the Draft Policy places an emphasis on the need for district funding and resources, EE is concerned that the manner in which the Draft Policy addresses these funding concerns are too vague.
69. Firstly, the Draft Policy does not explain the method by which it is determined that the funding and/or resources which accompany certain delegations are actually appropriate. This issue becomes further complicated by the fact that the Draft Policy does not set forth any minimum standard for the roles and responsibilities that district offices must fulfill.
70. Moreover, because the Draft Policy does not quantify the extent to which delegated roles and responsibilities must be fulfilled, EE is concerned that it would be difficult to efficiently and effectively assign adequate funding and resources to certain delegated functions. EE recommends that in order to ease the complications involved with making appropriate funding and resources available to district offices, that districts be required to draft and submit strategic planning documents to Provincial Education Departments each term detailing their financial and resource needs for the period of time covered by each planning document. This strategic planning document should state the planned activities for that year, expected results and productivity targets.
71. EE strongly believes that policy requiring each district to submit scheduled submission action plans would further the three principle roles a district must perform. Such a planning document would further the support provided to schools because district offices would be required to commit to providing specific forms of support. This document would also communicate to schools exactly what forms of support they can expect and the extent to which such support will be provided to them. Accountability would be furthered because such planning would require districts to link the resources defined in their plans with the services the district offices would be providing to the schools.

### **DISTRICT ACCOUNTABILITY**

72. EE is concerned with the Draft Policy's failure to indicate methods by which education districts should be held accountable for fulfilling their roles and responsibilities. The Draft Policy should set standards of review whereby Provincial Education Departments will be able to assess whether a district is functioning properly.
73. EE is concerned that the Draft Policy does not identify the areas of support for which

education districts are responsible such as school management, teacher qualifications, curriculum delivery, school infrastructure and resource allocation.

74. The Draft Policy should set standards outlining reporting requirements for education district offices. Education district offices should report on issues of capacity and progress to the Provincial Education Departments on a regular basis. Such reporting requirements would help assure that district offices have adequate capacity in the form of adequately qualified and trained staff, funding and physical resources to carry out their assigned roles and responsibilities.
75. Provision should be made for a formal mechanism whereby Provincial Education Departments review district progress. Performance of the district against standards of review must be regularly measured and the results published in a manner accessible to the public once a year, or more frequently where appropriate. Performance standards must be reviewed annually and, as standards are met, should be raised each year. If standards are not met, reasons must be communicated to Provincial Education Departments and new target dates should be set.

### **RECOMMENDATIONS**

76. EE recommends that the Draft Policy commits to establishing concrete guidelines that would set out the core basket of services district offices must provide to support schools. In particular it is recommended that the Draft Policy should address the services listed in paragraph 56 above.
77. EE recommends that the Draft Policy commit to establishing minimum standards detailing the range of specialists that should be available to offer support to schools and the extent to which these specialists should be made available. Specialists should offer support in areas such as school management and governance, curriculum support and teacher training, value, quality assurance, infrastructural and resource support, curriculum development and labour relations.
78. EE suggests that the Draft Policy be amended to identify the need for district offices to serve the role of gathering and analysing data and using that data to inform the support provided to schools.
79. EE recommends that the Draft Policy require district offices to compile reports at the end of each school year for each school under their care. The Draft Policy should identify areas of school management, curriculum delivery and state of school infrastructure and resources that must be reviewed and analysed in the report. The report should include descriptions of district support provided to the school that year along with strategy plans for the following year that will outline areas where further improvement and support are needed. This report should be sent to the Provincial

Education Departments and to the schools themselves.

80. It is recommended that the Draft Policy should set standards of review so that Provincial Education Departments are able to assess whether a district is functioning properly.
81. EE recommends that the Draft Policy requires a mechanism by which public complaints can be communicated and resolved.
82. EE recommends that the Draft Policy requires that a system be put in place so that the delegated roles and responsibilities of all district officials are communicated to stakeholders.
83. EE recommends that the Draft Policy requires education districts to publish and display approved service standards at schools, including complaints procedures and district contact information.
84. EE recommends that the Draft Policy pays regard to the need that strategic district planning documents be regularly drafted and submitted to the provinces. These planning documents should detail financial and resource needs, as well as planned activities for that year, expected results and productivity targets.
85. EE recommends that the Draft Policy speaks to the issue of the up-skilling and training of staff in district offices.
86. EE recommends that the Draft Policy should speak to the need for districts to provide SGB support and on-going education training.

### **CONCLUSION**

87. EE strongly agrees with the concluding statement that *‘the guidelines implementation and impact must be monitored and evaluated’*. It is with this statement in mind that EE strongly recommends that the Draft Policy upon finalisation should be accompanied by an implementation plan which makes provision for review of the policy within a stated timeframe.
88. EE welcomes the opportunity to submit a comment on the Draft Policy and will make ourselves available for further submissions to provide clarity or provide further details if necessary.

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