

# EDUCATION LABOUR RELATIONS COUNCIL

*Established in terms of the LRA of 1995 as amended*



**elrc**

EDUCATION LABOUR  
RELATIONS COUNCIL

## **RESOLUTION 3 OF 2001**

*6 JULY 2001*

**RE-GRADING OF INSTITUTIONS**



# EDUCATION LABOUR RELATIONS COUNCIL

## RESOLUTION NO 3 OF 2001

### RE-GRADING OF INSTITUTIONS

#### 1. PURPOSE OF THIS AGREEMENT

The purpose of this agreement is to determine measures according to which education institutions are re-graded and what the position of a principal of such a re-graded institution is.

#### 2. SCOPE OF THIS AGREEMENT

This agreement applies to and binds:

- 2.1 The employer, and
- 2.2 All the employees of the employer as defined in the Employment of Educators Act, 1998 (as amended), whether such employees are members of trade union parties to this agreement or not

#### 3. THE PARTIES TO COUNCIL NOTE AS FOLLOWS:

- 3.1 Paragraph 2.6, Chapter A of the Personnel Administration Measures (PAM) sets out norms for the grading of education institutions. However, no provision is made for a procedure that needs to be followed for the re-grading of an institution when its enrolment increases or decreases and what the position of the principal of such an institution will be if it is re-graded to a higher or lower level.
- 3.2 The grading of an institution is determined in terms of its learner enrolment. The enrolment of an institution may be such that slight variations may require it to be frequently re-graded. In order to avoid a situation such as this, the measures should allow for a certain minimum number of learners by which limits should be exceeded before a re-grading takes place. This should also be maintained for a minimum prescribed period in order to ensure that the increase or decrease is not just a temporary fluctuation.
- 3.2 If the post of a principal is upgraded or downgraded, it effectively becomes a new post that is vacant and that needs to be filled. Current measures in PAM determine that all vacant posts must be advertised. However, experience has shown that in the majority of cases the principal of such a re-graded institution is re-appointed to

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the post of principal. This may justify a procedure according to which the post of a re-graded institution may be filled by the principal concerned without having to advertise the post, on condition that it complies with the requirement that the appointment must be in terms of the council or governing body's recommendation.

- 3.3 In view of the fact that the re-grading of an institution has the effect that the principal becomes in excess, the position of principals is very insecure and procedures need to be put in place to protect their position.
- 3.4 The fact that the current grading norms of institutions are based on learner numbers while other complicating factors that may exist are not taken into account, is a concern that needs to be addressed. Any revision of the norms would also require a revision of the measures regarding the re-grading of an institution.

#### **4. THE PARTIES TO COUNCIL THEREFORE AGREE AS FOLLOWS:**

- 4.1 That measures be determined for the re-grading of an education institution on the basis that it will be re-graded once its enrolment grows to at least 50 full-time equivalent learners above the maximum enrolment requirement of its current grading level or drops to at least 50 full-time equivalent learners below the minimum enrolment requirement of such grading level. This growth or decline in enrolment must be maintained for two consecutive annual surveys. Should sufficient evidence exist that a substantial increase or drop in enrolment will be maintained for a reasonable period, a head of department may re-grade such an institution without having to wait for the next annual survey.
- 4.2 That, where the head of a department has reason to believe that a new institution will grow to a certain level within a relatively short period, he or she may immediately grade the institution at the expected grading level.
- 4.3 That, if an institution is re-graded, the new vacant post of the principal may be filled by the person who permanently held the principal post prior to re-grading, without advertising the vacant post, if the council or governing body makes such a recommendation.
- 4.4 That, if an institution is downgraded, the displaced principal will be dealt with in terms of the measures dealing with educators who are



in excess as a result of operational requirements, but that special provision be made to hold such a displaced principal against the re-graded post at his or her current salary level for a reasonable period as required by prevailing circumstances.

- 4.5 That, if a re-graded principal post is advertised, the application of the displaced principal shall be short-listed.
- 4.6 That the Minister of Education be requested to amend the PAM as proposed in the attached document.
- 4.7 That the revision of the norms regarding the grading of institutions be investigated in order to ensure that the grading of an institution be based on all relevant factors.

## 5. ADOPTION AND DATE OF IMPLEMENTATION

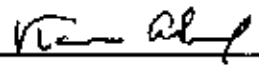
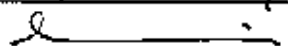
This agreement shall, in respect of parties and non-parties, come into effect on the date it is signed in Council.

## 6. DISPUTE RESOLUTION

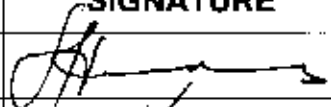
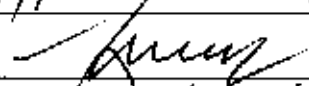
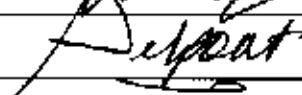
Any dispute arising from the provisioning of this agreement shall be referred to the ELRC for resolution.

Thus done and signed at Centurion on the 6<sup>th</sup> day of July 2001 by:

### ON BEHALF OF THE STATE AS EMPLOYER

DEPARTMENT	NAME	SIGNATURE
EDUCATION	VANDER ASMAR D. CRADOCK	 

### ON BEHALF OF THE EMPLOYEE PARTIES

TRADE UNION	NAME	SIGNATURE
NAPTOSA	H. Henricus	
SADTU	M. Pitso	
SAOU	P. Delpout	



**PROPOSED ADDITIONAL NEW PARAGRAPHS TO PAM TO PROVIDE FOR THE RE-GRADING OF INSTITUTIONS AND THE FILLING OF THE PRINCIPAL'S POST**

**CHAPTER A**

**2.7 Re-grading of Institutions**

- (a) An institution is upgraded to a higher grading level if, in terms of two consecutive annual statistics surveys, the learner enrolment of the institution exceeds the minimum enrolment requirement of such higher grading level by at least 50 full-time equivalent learners.
- (b) An institution is downgraded to a lower grading level if, in terms of two consecutive annual statistics surveys, the learner enrolment of the institution has dropped to at least 50 full-time equivalent learners below the maximum enrolment requirement of such lower grading level.
- (c) Where the enrolment of an institution increases or decreases substantially and sufficient evidence exists that the new enrolment level will be maintained for a reasonable period, the head of the department may immediately re-grade the institution in accordance with the new enrolment level.
- (d) The head of a department may grade a new institution in accordance with the enrolment that the institution is expected to maintain for a reasonable period.

**CHAPTER B**

**2.5 Position of principals in cases where an institution is upgraded or downgraded**

- (a) When an institution is re-graded, the post of the principal is regarded as a new, and therefore vacant, post that must, subject to these measures, be filled in terms of paragraph 3 without undue delay.
- (b) If the permanent incumbent of a principal post that has been upgraded, qualifies to be promoted to the new level and the governing body or council recommends in writing that the person may be appointed to the higher post, such appointment may be made without having to advertise the post. If the governing body or council does not make such a recommendation, the post must be

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PROPOSED ADDITIONAL NEW PARAGRAPHS TO PAM TO PROVIDE FOR THE RE-GRADING OF INSTITUTIONS AND THE FILLING OF THE PRINCIPAL'S POST

  
  
  
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advertised in which case the incumbent will be entitled to apply for the upgraded post and s/he shall be short-listed.

- (c) If such a principal's application for appointment to the upgraded post is unsuccessful, he or she will be regarded as in excess as a result of operational requirements and must be dealt with in terms of paragraph 2.4.
- (d) If a principal post is downgraded, the principal will be in excess as a result of operational requirements and must be dealt with in terms of paragraph 2.4. This includes holding the person at his or her current salary level against the downgraded post for a reasonable period up to a maximum of 2 years. If circumstances warrant it, the head of department may extend this period. Circumstances that will determine what a reasonable period is include the probability for the post to be upgraded to its original level in the near future, the personal circumstances of the incumbent and the availability of suitable posts to which the person can be transferred. The person so in excess may at any time, while occupying the downgraded post, exercise the option to be permanently appointed to the post concerned in which case his or her remuneration will be determined in terms of paragraph 4. In such a case the post does not need to be advertised if it is in accordance with a recommendation of the governing body or council.

(Regrading of Institutions)

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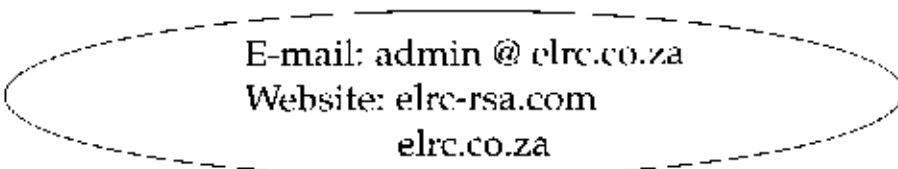
PROPOSED ADDITIONAL NEW PARAGRAPHS TO PAM TO PROVIDE FOR THE  
RE-GRADING OF INSTITUTIONS AND THE FILLING OF THE PRINCIPAL'S POST



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[elrc.co.za](http://elrc.co.za)

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*6 JULY 2001*

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