

KWAZULU-NATAL DEPARTMENT OF EDUCATION

**POLICY ON THE PAYMENT OF ACTING ALLOWANCE FOR EDUCATORS
APPOINTED TO ACT IN HIGHER POSTS**

1. INTRODUCTION.

The ELRC Resolutions 8 of 2001 and 8 of 2002 provide for the payment of acting allowance for Educators acting in higher vacant and funded posts as well as posts where the permanent incumbents are absent, respectively.

2. PURPOSE.

The policy seeks to provide measures for an educator to be appointed to act in a higher post as well as for the payment of an acting allowance to such an educator.

3. SCOPE OF APPLICATION.

The policy is applicable to all educators appointed in terms of the Employment of Educators Act, 76 of 1998.

4. AUTHORIZATION.

- Employment of Educators' Act, 1998 (Act 76 of 1998) as amended.
- Government Gazette No. 22961 of 2001
- ELRC Resolution No. 8 of 2001.
- ELRC Resolution No. 8 of 2002.
- Public Financial Management Act, 1999 (Act 01 of 1999) as amended.
- Labour Relations Act, 1995 (Act 66 of 1995) as amended.
- Personnel Administration Manual (PAM).
- Employment Equity Act, 1998 (Act 55 of 1998) as amended.

5. POLICY PROVISIONS.

- 5.1. As far as possible an educator will only be appointed to act in a vacant higher post, which is one level higher than his/her current position.
- 5.2. In exceptional circumstances and for justifiable reason an educator may be appointed to act in a vacant post which is two or more levels higher than his/her current position. In such an instance a detailed motivation must accompany the request for the acting appointment.
- 5.3. An appointment of an educator to act in a higher post is subject to prior approval being obtained from the relevant Delegation as indicated hereunder:

POST LEVEL	DELEGATION FOR APPROVAL
SCHOOL-BASED EDUCATORS	MANAGER: HR SUPPORT
OFFICE-BASED EDUCATORS:	-SENIOR GENERAL MANAGER: HR & ADMIN SERVICES

- 5.4. Under no circumstances should an educator be allowed to assume duties in an acting capacity in a vacant post before formal approval is obtained and conveyed to the institution/office where the vacancy, exists. In this regard it must be noted that the acting allowance will not be paid from a date prior to the date of approval. It is therefore in the interest of the office/institution to ensure that the process relating to the nomination of an educator for the vacant post is finalized without delay.
- 5.5. The appointment of an educator to act in a higher post will be effected on the recommendation of the School Governing Body/FET Council/Head of Office.
- 5.6. An acting allowance will be paid only to an educator who acts:
 - 5.6.1. In a higher post that is one (1) post level higher than his / her current position.

- 5.6.2 If the period of appointment is longer than **six (6) consecutive weeks, but** limited to a period of **twelve (12) months** in the case of a vacant and funded posts, or
- 5.6.3 If the period of appointment is longer than **twelve (12) consecutive weeks** but limited to a maximum of **twelve (12) months** in the case of a permanent incumbent who is absent (due to maternity leave, sick leave, study leave, displacement, suspension or secondment.
- 5.7. However, in exceptional circumstances the Department may deviate from 5.5 and 5.6.1 based on the following:
- In cases where there is no employee who is one level lower than the post available for acting.
 - In cases where the School Governing Body/FET Council/Head of Office fails to make a recommendation **with fourteen (14) days** to the Department.
- 5.8. The acting allowance payable is the difference of the existing Salary (without benefits) of the educator that has been appointed to act and the commencing salary position (without benefits) that applies to the post in which the educator concerned is to act. In instances where the existing salary (without benefits) of the educator that has been appointed to act equals or exceeds the commencing salary position (without benefits) that applies to the post in which the educator concerned is to act, the difference between the educator's salary and the next higher salary position is payable as the acting allowance.
- 5.9. An educator who has been appointed to act in a higher post will be required to execute all the duties and responsibilities attached to the higher post for the duration of the acting appointment.
- 5.10. Where an educator is appointed to act in a higher post at a Institution/Office that is geographically removed from the educator's present place of work, subsistence and travel allowance will also be payable in accordance with the relevant Policy.
- 5.11. All requests for the appointment of an educator to act in a higher post must be made on the prescribed form, which is attached (Annexure A).

6. PROCEDURE FOR THE NOMINATION OF AN EDUCATOR TO ACT IN A HIGHER POST.

- 6.1. Part A of Annexure A must be completed in full by the Head of Institution/Office.
- 6.2. Part B of the form must be completed by the Chairperson of the Governing Body/FET Councils/Head of Office of the Institution/office who has to motivate as to whether or not the nominated educator is recommended to act in the higher post.
- 6.3. The completed form must thereafter be forwarded to the District Office for completion of Part C by the responsible Superintendent of Education (SEM) and District Manager (DM).
- 6.4. After completion of Part C, the District Office must forward the Form to the Human Resource Component at the Service Centre for completion of Part D. The Human Resource Component will be required to certify that the request is in accordance with the measures pertaining to acting appointments and that the acting appointment is being effected against a higher post.
- 6.5. After completion of Part D and with a view to obtaining approval the Human Resource Component must forward the form to the Manager: HR Support Services and thereafter for approval to the Superintendent-General.
- 6.6. Once approval has been obtained, the Human Resource Component must forward a letter of appointment to the educator concerned. The pro forma letter (Annexure B), attached, must be used for this purpose.

7. SUBMISSION OF THE REQUEST TO APPOINT AN EDUCATOR TO ACT IN A HIGHER POST.

- 7.1. The criteria that may be used in identifying an educator to act in a higher post should include inter alia the following:
 - The potential of the educator to successfully execute the duties attached to the post.
 - When more than one (1) educator is eligible to be appointed in acting capacity, candidates must be subjected to an interview process.

- 7.2. In respect of posts of principalship the SEM must initiate the process and identify suitable educators for the post. The names of the suitable educators must thereafter be forwarded to the Governing Body/FET Council/Head of Office for a recommendation.
- 7.3. Educators from within the Institution/Office where the post exists must in the first instance be considered for acting appointment. Should it not be possible to fill the post from within the Institution/Office, a fully motivated request to fill the post with an educator from outside the Institution/Office must be forwarded for consideration and approval to the District Manager in respect of the Institution/Office concerned. Upon receipt of the relevant approval, the District Office within the circuit of the Institution/Office in which the post exists must advertise the post.
- 7.4. In recommending an educator to act in a higher post, it must be ensured that this is done in a transparent, fair and just manner. Consequently, the following with regard to the recommendation must be clearly documented:
- The procedure followed;
 - The criteria adopted and
 - Reason/s as to why the nominated educator was chosen as opposed to other eligible educator/s.
- 7.5. The Head of Department or his delegate may decline the recommendation of the Governing Body/FET Councils/Head of Office in the following instances: -
- The nominated educator does not comply with the requirements of the post.
 - Sufficient proof exists that the recommendation of the Governing Body/FET Councils/Head of Office was based on undue influence.
 - Evidence exists that the process was irregular or unlawful.
- 7.6. In instances where the recommendation was declined, the Governing Body/FET Councils/Head of Office will be required to make another recommendation.
- 7.7. Should the recommendation as contemplated in paragraph 5.5 above not be furnished, the Head of Department or his/her delegate may effect the acting appointment without such a recommendation being obtained.

8. TERMINATION OF ACTING ALLOWANCE.

- 8.1. It must be ensured that a notice of termination of acting appointment (Annexure C, attached) is issued to the educator concerned by giving him/her 24 hours notice from the date of receipt of the letter.
- 8.2. It must be ensured that the educator concerned acknowledges receipt of the notice of termination by signing a copy of the said notice, which must thereafter be forwarded to the relevant Human Resource Component for record purposes.

9. DISPUTE RESOLUTION.

Any disputes or grievances arising out of the interpretation/application of this policy shall be dealt with in terms of the dispute resolution, applicable within the relevant Sectoral bargaining council.