

A COMMON UNDERSTANDING ON THE INTERPRETATION & APPLICATION OF
CERTAIN CLAUSES OF RESOLUTION 5 OF 1998

I In respect of clauses in the text of the Resolution, the following is amplified:

1 Clause 1.3.1

The WCED (as employer) is obligated by law (e.g. the Labour Relations Act of 1995) to give effect to this clause. The department shall first attempt to place educators 'carried additional to the establishment' - in excess - in vacant posts, before such vacancies are to be advertised in a vacancy list.

2 Clause 1.3.4.

The emphasis here is placed on the *suitability* of the candidate in relation to the needs (e.g. curriculum etc.) of the institution/school.

2. In respect of Schedule I of the Resolution, the following is amplified:

2.1 Clause I.I. (d)

2.1.2. That the "State is an affirmative action employer" shall appear in the preface of the vacancy list.

2.2. Clause 2.1

2.2. The employer would send 'letters of acknowledgement' to all applicants before the application forms are sent to School Governing Bodies (SGBs).

2.3. Clause 2.2

2.3.1 The emphasis here is on *initial sifting* and such shall be in terms of the minimum requirements for the post/s as stated in the Personnel Administration Measures (PAM).

2.4. Clause 3.1.

2.4.1 The SGB is advised to take a *formal decision /adopt a resolution* in this regard and such must be clearly recorded as part of the minutes.

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2.5. Sub-clause 3.2.1. (a) and (b)

2.5.1 The SGB must send an *invitation for a representative / observer* to both the unions and the relevant Education Management and Development Centre (EMDC).

2.5.2. The employer shall fulfil its obligation and ensure that a trained representative (e.g. Circuit Manager or a Principal / Deputy Principal from another school) is present at all processes.

2.5.3. Thus, the principal (and SGB) would not be put in a position to decide if she/he should be the departmental representative or not.

2.5.4. In the event of a departmental representative's not being present at the start of proceedings due to unforeseen circumstances, the SGB should:

(i) in the case of a principal post, adjourn the meeting to allow for the departmental representative to be present.

or

(ii) in the case of any other educator post, exercise its discretion to either continue in the absence of the said official or adjourn the meeting to allow for the departmental official to be present.

Please note: *The principal would not assume the role of the departmental official if the SGB decides to continue with the process as per 2.5.4. (ii).*

2.5.5. Sub-clause 3.2.1. (c)

2.5.5. The members referred to here are those members duly elected to serve on the SGB (including a parent member co-opted to replace another parent member who is no longer serving due to absence, etc.) and exclude individuals co-opted in a specific capacity.

2.5.5.2 SGBs are also advised that a minimum of 2 (two) members **should** be part of the interview committee.

2.6. Clause 3.4.

2.6.1 As all instruction and relevant information would appear in the vacancy list, SGBs shall not open the envelope containing the application forms prior to the short-listing criteria having been finalised.

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2.7. Clause 3.5.

2.7.1 It is further amplified that such invitation must be sent to both the unions and the relevant EMDC.

2.8. Clause 3.6.

2.8.1 The short-listing criteria may be drawn up prior to the short-listing meeting, but such must be tabled for adoption at the short-listing meeting and comply with the set guidelines.

2.8.2. Consultation with the departmental representative and union observers is strongly encouraged where additional criteria are concerned.

2.8.3. Sub-clauses 3.6.3. and 3.6.4.

2.8.3.1 The interview committee must short-list those educators who are 'carried additional to the establishment' and suitable in terms of the curricula needs of the school (clause 1.3.4. in the text of the resolution).

2.8.3.2 The number of 5 (five) candidates is a guideline and the total to be short-listed, in addition to those suitable excess educators, is subject to the SGB's discretion.

2.8.3.3 The SGB must submit at least three (3) names of recommended candidates in order of preference (Section 6.3 of the amended act).

2.8.3.4 The SGB must inform the nominated candidates of their nomination for appointment.

2.8.3.5 The SGB must inform the candidates who are not nominated for appointment.

2.9. Clause 3.7.

2.9.1 Interview committees are advised to comply with the guidelines adopted by the provincial chamber.

2.10. Clause 3.9.

2.10.1 The interview committee must avail a preference list of candidates with a brief motivation to the SGB for a final decision.

GUIDELINES OF INTERVIEWS

(IN TERMS OF CLAUSE 3.7, IN SCHEDULE 1 OF RESOLUTION 5 OF 1998)

These guidelines serve to assist the interview committee (and the Governing Body) to perform its functions in accordance with the spirit of the resolution and to ensure that all applicants/candidates/interviewees are treated fairly.

[A] PROCEDURE BEFORE INTERVIEWS

- (i) Set and adopt the short-listing criteria.
- (ii) Short-list candidates as guided by the provincial Policy/Resource Document on Resolution 5 of 1998.
- (iii) Activate a process of question setting / drafting questions for interviews.

Suggestions.

Do not discuss the applicants with anyone outside of the Governing Body meetings or Interview Committee meetings.
Do not pre-judge - keep an open mind.
Do not talk to one applicant about another
Do not break confidentiality.

[B] PROCEDURE DURING INTERVIEWS

- (i) Finalise and adopt the questions to be asked. (Please note that the questions should be in accordance with the criteria/requirements for the post.)
- (ii) Give interview committee members specific tasks (i.e. introducing the panel, asking questions, supplying information about the school, should the applicant have any questions, explaining the procedure and what the candidate can expect).
- (iii) Allow enough time for each interview. (Please note the same amount of time per candidate.)
- (iv) Have someone on duty to receive the candidates as they arrive and to see them off the premises afterwards.
- (v) Committee members must have their annotated copies / summaries of candidates' documents on front of them (originals and copies must be treated with the strictest confidence and be accounted for and put in safe keeping)
- (vi) Put the candidate at ease.
- (vii) The chairperson should allow members of the committee to put questions according to a pre-arranged plan. Interviewees should be treated in a similar manner, both in terms of questions asked and manner in which interviews are conducted.

- (viii) Before the conclusion of the interview ascertain whether the candidate has any questions. Indicate when and how the candidate will be informed of the final decision.
- (ix)

Suggestions.-

Do not keep the candidates waiting.

Do not let the candidates meet each other or cross paths.

Do not rush the interview.

Do not allow any person who is an applicant, to be part of any of the processes.

Do not contravene the Bill of rights by asking questions about sexual orientation, religion or by asking embarrassing or personal questions.

Do not cross-examine a candidate.

Do not interrupt answers. You may ask a candidate to clarify something. Do not give hints or half-promises about the success of the candidate.

Do not refer to another candidate in any way.

IC] **PROCEDURE AFTER INTERVIEWS**

- (i) Reach a decision as soon as possible.
- (ii) The Interview Committee must rank the candidates in order of their preference and motivate their nomination to the Governing Body.
- (iii) The Governing Body, not the Interview Committee, must submit its recommendation in order of preference to the WCED. (Please note the prescriptions in the vacancy list.)
- (iv) The SGB must notify the nominated candidates of their nomination (without stating their preference) for appointment
- (v) The SGB must inform the other candidates who are not nominated for appointment.
- (vi) Return all applications and forward copies of minutes to the WCED.
- (vii) A candidate has the right to request and obtain information about his/her unsuccessful interview.
- (viii) Ensure that the nomination form and support documentation are correctly and fully completed and submitted to the department as soon as possible.
- (ix) The Governing Body must retain accurate records of proceedings relating to both short-listing and interviewing.