

PROVINCIAL NOTICE

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REGULATIONS ON THE WESTERN CAPE SCHOOLS EVALUATION AUTHORITY, 2019

The Provincial Minister of Education in the Western Cape, acting under section 11H of the Western Cape Provincial School Education Act, 1997 (Act 12 of 1997), has made the regulations set out in the Schedule.

SCHEDULE

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Definitions

1. In these regulations a word or expression to which a meaning has been assigned in the Western Cape Provincial School Education Act, 1997 (Act 12 of 1997), has the same meaning and, unless the context indicates otherwise-

"Public Service Act" means the Public Service Act, 1994 (Proclamation 103 of 1994);

"the Act" means the Western Cape Provincial School Education Act, 1997 (Act 12 of 1997).

Procedures for appointment

2. (1) The Provincial Minister must, before appointing a Chief Evaluator in terms of section 11A(2) of the Act, invite applications from persons eligible for such appointment.

(2) Except in the circumstances contemplated in regulation 3(5), the Chief Evaluator must, before appointing Lead Evaluators and Evaluators under section 11A(4) of the Act, invite applications from persons eligible for such appointments.

(3) The invitation referred to in subregulations (1) and (2) must include-

- (a) the closing date for applications; and
- (b) the criteria and requirements for the appointments.

(4) The invitation for applications for appointment as the Chief Evaluator must be by notice published-

- (a) in at least two newspapers in general circulation nationally;
- (b) in an electronic publication or posted on social media; and
- (c) on the website of the Western Cape Government.

(5) The process for inviting applications for appointment as Lead Evaluators and Evaluators may be determined by the Chief Evaluator, but must include at least the publication of a notice in a medium contemplated in subregulation (4).

(6) The Western Cape Education Department must, on the request of the Provincial Minister in respect of the process contemplated in subregulation (1) and on the request of the Chief Evaluator in respect of the process contemplated in subregulation (2), process the invitation for, and the consideration and vetting of applications.

(7) In the circumstances contemplated in subregulation (6), all applications received must be submitted to the

Provincial Minister or the Chief Evaluator, as the case may be, indicating in which respects the applications meet the criteria for appointment and in which respects the applications do not meet the criteria for appointment.

(8) The Schools Evaluation Authority must create and maintain a database of persons who have submitted an application as contemplated in this regulation and who qualify for appointment as an Evaluator in terms of section 1B of the Act.

(9) Evaluators may be appointed from the persons included in the database contemplated in subregulation (8) provided that an application for the relevant appointment is valid for a period of 12 months from the date of submission of the application.

Terms and conditions of appointment

3. (1) The appointment of a Chief Evaluator is, in terms of section 11A(3) of the Act, for a non-renewable term of four years.

(2) The terms and conditions of appointment as Chief Evaluator are regulated by agreement between the Provincial Minister and the Chief Evaluator.

(3) The appointment of a Lead Evaluator or an Evaluator is for a fixed term as determined by the Chief Evaluator, based on the annual programme of the Schools Evaluation Authority or a specific need of the Schools Evaluation Authority that may arise.

(4) Subject to subregulation (5) in the case of a secondment, the terms and conditions of appointment as Lead Evaluator or Evaluator to the Schools Evaluation Authority is regulated by agreement between the Chief Evaluator and the Lead Evaluator or Evaluator concerned.

(5) The Head of Department or the Provincial Minister may, in terms of and subject to the Employment of Educators Act or the Public Service Act, as the case may be, in consultation with the Chief Evaluator, second an officer to the Schools Evaluation Authority in order to take up an appointment as Lead Evaluator or Evaluator.

(6) The terms of appointment of a Lead Evaluator and an Evaluator must provide that the Lead Evaluator or Evaluator concerned will-

- (a) commit to the relevant dates in the programme of the Schools Evaluation Authority as determined by the Chief Evaluator;
- (b) at all times work in close cooperation and collaboration with the Chief Evaluator in the case of Lead Evaluators and with the Lead Evaluator in the case of Evaluators;
- (c) within two working days of receipt of the programme of the Schools Evaluation Authority declare in writing to the Chief Evaluator if he or she has a vested interest in a particular school;
- (d) work according to agreed procedures drawn up by the Chief Evaluator;
- (e) participate fully in report discussions in order to reach consensus on findings and recommendations for improvement, where applicable;
- (f) strictly adhere to the deadlines according to agreed procedures referred to in paragraph (d) in order to complete the given tasks timeously;
- (g) behave professionally at all times;
- (h) be punctual at all times;
- (i) at all times keep information confidential and act impartially;
- (j) attend meetings called by the Chief Evaluator according to agreed procedures referred to in paragraph (d); and
- (k) attend information sessions and specialised training as identified by the Chief Evaluator.

Procedures for filling of vacancies

4. (1) A vacancy in the Schools Evaluation Authority occurs when-

- (a) the term of office of the Chief Evaluator has expired or the Chief Evaluator has resigned;
- (b) the term of office of a Lead Evaluator or an Evaluator has expired or the Lead Evaluator or Evaluator has resigned;
- (c) in the case of an officer seconded to the Schools Evaluation Authority, the term of the secondment, or the employment in the Western Cape Education Department, has ended;
- (d) the Chief Evaluator, a Lead Evaluator or an Evaluator dies;
- (e) the Chief Evaluator, a Lead Evaluator or an Evaluator has been removed from office as contemplated in section 11C(1) or (2) of the Act, read with regulation 5.

(2) If a vacancy occurs in respect of the office of a Lead Evaluator or an Evaluator, the Chief Evaluator must

inform the Provincial Minister in writing within five days of the vacancy arising and indicate the reason for the vacancy and the date on which the vacancy arose.

(3) A vacancy in the office of Chief Evaluator, Lead Evaluator or Evaluator must be filled in accordance with the process and terms and conditions set out in the Act and these regulations.

(4) In the case of a vacancy in the office of Chief Evaluator, the Chief Evaluator appointed to fill such vacancy may be appointed for the unexpired term of the Chief Evaluator who has vacated his or her office, or for a new term of four years.

Removal from office

5. (1) If the Provincial Minister in the case of the Chief Evaluator, or the Chief Evaluator in the case of a Lead Evaluator or an Evaluator, believes that one or more grounds exist for the removal of the Chief Evaluator, a Lead Evaluator or an Evaluator, as the case may be, and intends to take steps to remove the person concerned from office, he or she must inform the person concerned of these grounds and provide him or her with a reasonable opportunity to submit written representations in respect thereof and for the presentation of the representations in person, by his or her legal representative or another nominated person.

(2) The Provincial Minister in the case of the Chief Evaluator or the Chief Evaluator in the case of a Lead Evaluator or an Evaluator may suspend the Chief Evaluator, a Lead Evaluator or an Evaluator, as the case may be, on the commencement of the steps for his or her removal.

(3) If the Chief Evaluator, a Lead Evaluator or an Evaluator has been removed from office, he or she may not on behalf of the Schools Evaluation Authority visit or communicate with any school.

(4) If the Chief Evaluator, a Lead Evaluator or an Evaluator has been removed from office, he or she must leave the premises of the Schools Evaluation Authority.

Dissolution of Schools Evaluation Authority

6. In the event of the dissolution of the Schools Evaluation Authority as contemplated in section 11G of the Act, the term of office of the Chief Evaluator, Lead Evaluators and Evaluators automatically terminates.

Exercise of functions by Chief Evaluator

7. (1) Subject to the operational costs contemplated in regulation 11, the Chief Evaluator must develop an annual programme that determines the itinerary of the Schools Evaluation Authority.

(2) The draft annual programme contemplated in subregulation (1) must be submitted to the Provincial Minister for comment, who may make recommendations for its amendment to the Chief Evaluator for consideration.

(3) Subject to the operational costs contemplated in regulation 11, the Chief Evaluator may at any time amend the annual programme-

- (a) if it comes to his or her attention by way of a request from the Provincial Minister, or in any other manner, that the urgent evaluation of a school is necessary;
- (b) if the Chief Evaluator considers that follow-up evaluations are necessary or would be beneficial-
 - (i) pursuant to matters identified at an evaluation of a school which indicate that intervention is required;
 - (ii) on receipt of a motivated request from the principal or governing body of a school.

(4) Subject to the operational costs contemplated in regulation 11, the Chief Evaluator may, in consultation with Lead Evaluators, determine the number of Evaluators required for the implementation of the annual programme.

(5) A written notice to the district director, principal and governing body of a school contemplated in section 11D(4)(a) and (b) of the Act must provide the following information:

- (a) the dates and times of the visit;
- (b) the purpose and focus of the evaluation;
- (c) the designation and names of the Lead Evaluator or Evaluators; and
- (d) the evaluation instrument as approved by the Chief Evaluator.

(6) The written notice referred to in subregulation (5) must state that the principal and members of staff of the school whose presence will be required should be present on the dates and times of the visit.

(7) A written request for documentation contemplated in section 11D(4)(c) of the Act must provide assurance that the documentation will be stored securely and returned to the school in the same condition in which it was provided within 30 days of the completion of the on-site visit.

(8) In the case of a visit to a school without notice as contemplated in section 11D(5) of the Act, an initial meeting with the principal and the management team of the school must be held to discuss the following matters:

- (a) the reason why the visit was unannounced;
- (b) the purpose and focus of the evaluation.

(9) During the initial meeting contemplated in subregulation (8) the following information must be provided in writing to the principal:

- (a) the information listed in paragraphs (a) and (b) of subregulation (8);
- (b) the evaluation instrument as approved by the Chief Evaluator;
- (c) notice of the intention to conduct an interview with the governing body or any member thereof, an official of the Western Cape Education Department, a member of staff at the school, a learner or a parent and the proposed dates and times for such interviews, where applicable;
- (d) a request for documentation in order to inform the Schools Evaluation Authority report and recommendations, if applicable;
- (e) an instruction to ensure that, where reasonably practicable, the principal and all members of staff of the school must be present at the school for the duration of the visit.

(10) At the end of each evaluation, a meeting must be arranged with the school concerned for the purpose of providing oral feedback.

(11) The oral feedback meeting contemplated in subregulation (10)-

- (a) must be attended by a district official, at least one member of the governing body, and the school management team;
- (b) may be attended by any member of staff at the school, and a representative of the donor and operating partner, where applicable.

Preparation and publication of reports

8. (1) Each evaluation must be followed by a written report based on the empirical findings made during the evaluation and the interpretation of the data obtained, which report-

- (a) must follow an agreed format determined by the Chief Evaluator;
- (b) must be of an acceptable quality according to a required standard, as determined by the Chief Evaluator;
- (c) may include a finding;
- (d) must include a quality rating;
- (e) must, where applicable, include recommendations for improvement; (f) may not identify any individual by name.

(2) The Lead Evaluator concerned must provide the draft report to the principal, the governing body and the district director of the school concerned in order to afford them an opportunity to submit to the Lead Evaluator, in writing, within 21 school days of receipt thereof, any further evidence on any findings with which they disagree.

(3) The Lead Evaluator must consider any further evidence received pursuant to the process contemplated in subregulation (2) and, if necessary, amend the draft report, and submit the draft report to the Chief Evaluator.

(4) The Chief Evaluator must-

- (a) consider and discuss the contents of the draft report with the Lead Evaluator concerned; and
- (b) approve the draft report, if necessary with amendments.

(5) The final report must be provided to the principal, the governing body and the district director of the school concerned, the Head of Department and the Provincial Minister prior to publication or public distribution thereof.

(6) The Chief Evaluator-

- (a) must publish the final report on the website of the Schools Evaluation Authority or the Western Cape Education Department;
- (b) may publicly distribute the final report by any other appropriate method.

Measures for improvement

9. The Head of Department must, in respect of every report published in terms of regulation 8(6) that contains recommendations for improvement, submit a biannual report to the Provincial Minister and Chief Evaluator reporting on the implementation of the measures to facilitate improvement as contemplated in section 11F(3) of the Act until the measures have been implemented.

Submission of reports to Provincial Minister

10. (1) The Chief Evaluator must submit to the Provincial Minister an annual report for the previous 12 months by 30 April each year.

(2) The Chief Evaluator must ensure that the annual report includes-

- (a) an overview of the schools evaluated;
- (b) a summary of findings based on the analysis of data obtained and the interpretation thereof; and
- (c) a summary of recommendations made, in terms of the matters listed in section 11D(1) of the Act.

(3) The Provincial Minister may table the annual report in the Provincial Parliament.

Operation of Schools Evaluation Authority

11. (1) Funding to the Schools Evaluation Authority is covered within the annual budget of the Western Cape Education Department.

(2) Expenditure in respect of the Schools Evaluation Authority must be based on the operational costs approved by the Head of Department in consultation with the Provincial Minister.

(3) The Chief Evaluator must during each financial year, at such time and in such manner as the Head of Department may determine, submit to the Head of Department a statement of the operational costs, including a detailed statement of the estimated expenses contemplated in sections HE and 11F(1) and (2) of the Act, for the following financial year.

(4) If, after consultation with the Chief Evaluator, the Head of Department is not satisfied with the operational costs contemplated in subregulation (3), the Chief Evaluator must revise the costs in accordance with the requirements of the Head of Department within seven days, or another agreed period, of receipt of the Head of Department's requirements.

(5) Expenditure in respect of the Schools Evaluation Authority-

- (a) may not exceed the detailed expenses stated in the operational costs approved by the Head of Department;
- (b) must be administered and accounted for in accordance with the Public Finance Management Act, 1999 (Act 1 of 1999).

(6) The Chief Evaluator is the administrative head of the Schools Evaluation Authority and must, subject to the applicable law-

- (a) ensure the efficient administration of the Schools Evaluation Authority;
- (b) develop procedures in consultation with the Provincial Minister and Head of Department in respect of the organisation, management and control of the personnel of the Schools Evaluation Authority.

(7) Costs in respect of a subsistence allowance, travel and accommodation costs and meals incurred by the Chief Evaluator, Lead Evaluators and Evaluators in the performance of their functions may be claimed and paid in accordance with the policy applicable to the Western Cape Education Department.

Short title

12. These regulations are called the Regulations on the Western Cape Schools Evaluation Authority, 2019.