

REGULATIONS RELATING TO THE REGISTRATION OF AND SUBSIDIES TO INDEPENDENT SCHOOLS (EXCLUDING INDEPENDENT PRE-PRIMARY SCHOOLS)

Under the powers vested in me by section 61(2) of the Western Cape Provincial School Education Act, 1997 (Act 12 of 1997), I, Penelope Ann Vinjevold, Head of the Western Cape Education Department responsible for education, hereby delegate the powers vested in me by the Regulations Relating to the Registration of and Subsidies to Independent Schools (excluding Independent Pre-Primary Schools), as amended, as published in Provincial Gazette Extraordinary 5313 dated 30 November 1998, as amended, as set out hereunder, to the holders of the posts as indicated opposite each power. When an official acts in a higher post, the rule applies that the powers attached to the higher post, are entrusted to him or her.

A	B	C	D	E	F	G	H
SECTION	EXECUTIVE POWER	DESCRIPTION OF POWER	CURRENT DELEGATION	PROPOSED DELEGATION	SPECIFIC CONDITIONS (IF ANY)	MOTIVATION	REMARKS
2(2) (c)	HOD	Determine the maximum number of learners who may be admitted to an independent school on the basis of the school buildings and grounds.	HOD	HOD	N/A		
2(2) (g) (vi)	HOD	Permit an official, authorized by him or her, to visit any independent school.	HOD	HOD	N/A		
3(5)	HOD	Confirm the date of receipt of the application in writing to the applicant.	Director	Director	N/A		
3(6)	HOD	Approve application for registration within 90 days of receipt.	Chief Director: Districts	Chief Director: Districts	N/A		
3(8)	HOD	Provisionally register an independent school for a calendar year.	Chief Director: Districts	Chief Director: Districts	N/A		

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4(1)	HOD	Issue a registration certificate for one site only, which is not transferable.	Chief Director: Districts	Chief Director: Districts	N/A		
5(1)	HOD	Allow learners at an independent school to register and sit for any examination conducted by, or under the supervision of, the WCED.	Director	Director	N/A		
5(2)	HOD	Ensure that standards by, and conditions under, which such examinations will be conducted by an independent school, equate to those required of a public school for the same examination.	Director	Director	N/A		
5(3)	HOD	Consider an application from an independent school to be registered as an examination centre for Grade 12 external examinations.	Director	Director	N/A		
6(1)	HOD	Initiate a monitoring visit to an independent school.	Chief Director: Districts	Director: IMG P	N/A		

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6(2)	HOD	In respect of unsubsidized independent schools, notify the schools in writing of such a visit providing the date, time and purpose of the visit.	None	Chief Director: Districts	N/A		
6(4)	HOD	Request a written report with regard to the complaint lodged against an independent school, by parents of the learners enrolled at the school, in writing to the principal.	District Director	District Director	N/A		
6(6)	HOD	If not satisfied with the written response, within 30 days of receipt of such written response, in writing to the principal of the school, request an investigation and appoint WCED officials to conduct the investigation.	None	Chief Director: Districts	N/A		
6(7)	HOD	If the result of the investigation reveals a prima facie case where requirements for registration have not been met, the Head of Department may proceed with action against the school as provided for.	None	HOD	N/A		
7(2)	HOD	Calculate annually the subsidy to an independent school with the concurrence of the chief financial officer	HOD	HOD	N/A		

SECTION	EXECUTIVE POWER	DESCRIPTION OF POWER	CURRENT DELEGATION	PROPOSED DELEGATION	SPECIFIC CONDITIONS (IF ANY)	MOTIVATION	REMARKS
7(4)	HOD	Give the owner written notice that it no longer complies with conditions, and stating which requirement or condition has not been complied with and instructing the owner to satisfy this requirement or condition within a period determined.	HOD	HOD	N/A		
7(6)	HOD	Determine that a subsidy be paid to learners in special needs independent schools following a curriculum other than Grade 1 to Grade 12.	HOD	HOD	N/A		
8(1)	HOD	Withdraw the registration of an independent school if he or she is convinced on reasonable grounds that such an independent school is not complying with all the registration requirements or conditions.	HOD	HOD	N/A		

8(2)	HOD	Before withdrawing the registration of an independent school, the Head of Department shall, in a written notice, addressed to the owner of the independent school.					
		(a) Notify the owner of the intention to withdraw;	HOD	HOD	N/A		
		(b) Furnish reasons for the intention to withdraw;	HOD	HOD	N/A		
		(c) Give the owner an opportunity, within 60 days of receipt of the written notice, to give a written presentation as to why the registration should not be withdrawn; and	HOD	HOD	N/A		
		(d) Consider such representation, and inform the owner within 30 days of receipt of the written representation, of his or her decision.	HOD	HOD	N/A		
8(5)	HOD	If the registration of an independent school is withdrawn, instruct the owner concerned to close the independent school with effect from a determined date.	HOD	HOD	N/A		

APPROVED

HEAD OF EDUCATION

DATE: