

Western Cape Provincial School Education Act, 1997 (Act 12 of 1997)

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 aforementioned Act as published in Provincial Gazette Extraordinary 5212 dated 9 December 1997, 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
1(ii)	HOD	Authority to a person to conduct an inspection in terms of section 20 of the Western Cape Provincial School Education Act, 1997(Act 12 of 1997).	Director: District	Director	The delegation to Director does not prevent a Chief Director, DDG or HOD from exercising the powers		
3(2)	HOD	Take such steps as may be necessary to carry into effect the policy determined by the MEC.	Director	Director: Head Office	NONE		
6	HOD	Establish a programme to promote effectiveness of governing bodies in accordance with section 19 of the South African Schools Act.	DDG	Deputy Director-General	NONE		
7(1)(a)	HOD	Approve educational and training programmes for learners.	DDG	Deputy Director-General	NONE		

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SECTION	EXECUTIVE POWER	DESCRIPTION OF POWER	CURRENT DELEGATION	PROPOSED DELEGATION	SPECIFIC CONDITIONS (IF ANY)	MOTIVATION	REMARKS
7(1)(b)	HOD	Approve educational and training programmes for learners with special education needs	DDG	Deputy Director-General	NONE		
7(1)(c)	HOD	Determine the conditions for admission to educational and training programmes, and the evaluation, by means of inspection or otherwise, of the effectiveness of the teaching and training provided in accordance therewith.	Circuit Team Manager	HOD	NONE		
7(1)(d)	HOD	Approve courses for the provision of education, including education for learners with special education needs.	DDG	Deputy Director-General	NONE		
7(1)(e)	HOD	Determine the conditions for admission to, and the syllabi of, courses approve in terms of subsection 7(1)(d).	Chief Director	Chief Director	NONE		

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SECTION	EXECUTIVE POWER	DESCRIPTION OF POWER	CURRENT DELEGATION	PROPOSED DELEGATION	SPECIFIC CONDITIONS (IF ANY)	MOTIVATION	REMARKS
7(1)(f)(i)	HOD	Cause examinations to be conducted and certificates to be issued to learners who passed those examinations.	DDG	Deputy Director-General	NONE		
7(1)(f)(ii)	HOD	Cause other approved forms of assessment to be conducted.	DDG	Deputy Director-General	NONE		
7(1)(g)(i)	HOD	Make rules as to the conducting of examinations, handling of, inquiries into the conducting of examinations referred to in subsection 1(f)(i), the handling of, and inquiries into, and the consequences of, any irregularities in the conduct of those examinations, the entering of candidates for those examinations, the conduct and discipline of candidates prior to, during and after those examinations, and the issuing of certificates referred to in that subsection.	DDG	Deputy Director-General	NONE		

7(1)(g)(ii)	HOD	Make rules as to appointment, conduct, discipline, powers, duties and functions of examiners, moderators, invigilators, markers and other persons whose services are necessary in connection with the conduction of those examinations.	DDG	Deputy Director-General	NONE		
A	B	C	D	E	F	G	H
SECTION	EXECUTIVE POWER	DESCRIPTION OF POWER	CURRENT DELEGATION	PROPOSED DELEGATION	SPECIFIC CONDITIONS (IF ANY)	MOTIVATION	REMARKS
7(1)(g)(iii)	HOD	Management and conduct of school based assessment	DDG	Deputy Director-General	NONE		
7(1)(g)(iv)	HOD	Quality assurance of national, provincial or school based assessments	DDG	Deputy Director-General	NONE		
7(1)(h)	HOD	Make arrangements for medical, psychological or dental examinations of learners and of persons employed at public schools and hostels.	Principal	Principal	NONE		

7(2)	HOD	Approve or determine different programmes and courses, as the case may be, in respect of different public schools	HOD	Deputy Director-General	NONE		
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SECTION	EXECUTIVE POWER	DESCRIPTION OF POWER	CURRENT DELEGATION	PROPOSED DELEGATION	SPECIFIC CONDITIONS (IF ANY)	MOTIVATION	REMARKS
7A(5)(a)	HOD	Identify resources with which to comply with the norms and standards	HOD	Director: Budget Management	NONE		
7A(5)(b)	HOD	Identifying the risk areas of compliance.	HOD	Director: Budget Management	NONE		
7A(5)(c)	HOD	Develop a compliance plan for the province, in which all norms and standards and the extent of compliance shall be reflected.	HOD	Director: Budget Management	NONE		
7A(5)(d)	HOD	Develop protocols with the schools on how to comply with the norms and standards and manage the risk areas.	HOD	Director: Budget Management	NONE		

7A(5)(e)	HOD	Reporting to the Provincial Minister on the state of compliance and on other measures before 30 September of each year.	HOD	Director: Budget Management	NONE		
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SECTION	EXECUTIVE POWER	DESCRIPTION OF POWER	CURRENT DELEGATION	PROPOSED DELEGATION	SPECIFIC CONDITIONS (IF ANY)	MOTIVATION	REMARKS
7A(6)(a)	HOD	Determine the minimum and maximum capacity of a public school.	HOD	HOD	NONE		
7A(6)(b)	HOD	Communicate such determination to the chairperson of the governing body and the principal.	HOD	HOD	NONE		
8(2)	HOD	May refuse the application referred to in subsection 8(1), only if the governing body concerned does not have the capacity to function effectively.	DBM	Director: Budget Management	NONE		
8(3)	HOD	May approve such application referred to in subsection 8(1) unconditionally or subject to conditions.	DBM	Director: Budget Management	NONE		
8(4)	HOD	The decision on such application must be conveyed in writing to the governing body concerned, giving reasons	DBM	Director: Budget Management	NONE		

8(5)	HOD	Withdraw a function of a governing body on reasonable grounds.	DDG	HOD	NONE		
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SECTION	EXECUTIVE POWER	DESCRIPTION OF POWER	CURRENT DELEGATION	PROPOSED DELEGATION	SPECIFIC CONDITIONS (IF ANY)	MOTIVATION	REMARKS
8(6)(a)	HOD	May not take action unless the governing body was informed of his or her intention so to act and the reasons thereof.	DDG	HOD	NONE		
8(6)(b)	HOD	Grant the governing body a reasonable opportunity to make representations.	DDG	HOD	NONE		
8(6)(c)	HOD	Give consideration to any such representations received.	DDG	HOD	NONE		
8(7)(a)	HOD	In case of urgency withdraw the function of a governing body without prior communication and furnishes the governing body with reasons for this decision.	HOD	HOD	NONE		
8(7)(b)	HOD	Gives the governing body a reasonable opportunity to make representations relating to such actions.	HOD	HOD	NONE		

SECTION	EXECUTIVE POWER	DESCRIPTION OF POWER	CURRENT DELEGATION	PROPOSED DELEGATION	SPECIFIC CONDITIONS (IF ANY)	MOTIVATION	REMARKS
8(7)(c)	HOD	Duly considers any such representations received.	HOD	HOD	NONE		
8(8)	HOD	For sufficient reasons, reverse or suspend his or her decision to withdraw the functions of a governing body.	HOD	HOD	NONE		
8(10)	HOD	Ensure that principals and other officers of the Western Cape Education Department render all necessary assistance to governing bodies in the performance of their functions.	HOD	IMG Heads	NONE		
9(a)	HOD	May either generally or in a specific case, authorize, in writing, a person to visit and assess a school or hostel, after consultation with the principal of the school, for the purpose of evaluating performance in accordance with national norms and provincial norms and standards.	HOD	Director	NONE		

SECTION	EXECUTIVE POWER	DESCRIPTION OF POWER	CURRENT DELEGATION	PROPOSED DELEGATION	SPECIFIC CONDITIONS (IF ANY)	MOTIVATION	REMARKS
9(b)	HOD	Monitoring compliance with national and provincial norms and standards	HOD	Director	NONE		
10(1)	HOD	Appoint a school attendance officer	Chief Director	Chief Director	NONE		
10(2)	HOD	Provide a signed appointment certificate to the school attendance officer	Chief Director	HOD	NONE		
11(4)(b)	HOD	Indicate the prescribed number of persons from the staff to serve on the Education Council	HOD	HOD	NONE		
12B(1)	HOD	Identify any underperforming public school	HOD	Chief Director: Districts	NONE		

SECTION	EXECUTIVE POWER	DESCRIPTION OF POWER	CURRENT DELEGATION	PROPOSED DELEGATION	SPECIFIC CONDITIONS (IF ANY)	MOTIVATION	REMARKS
12B(2)(a)	HOD	Give written notice to a underperforming school contemplated in subsection 1 if satisfied that the standard of performance of learners is below the standards prescribed by the National Curriculum Statement and is likely to remain so.	HOD	HOD	NONE		
12B(2)(b)	HOD	Give written notice to a underperforming school if satisfied that there has been a serious breakdown in the way the school is managed or governed which is prejudicing, or likely to prejudice, the standards of performance.	HOD	HOD	NONE		
12B(2)(c)	HOD	Give written notice to underperforming school if satisfied that the safety of learners or staff is threatened.	HOD	HOD	NONE		

SECTION	EXECUTIVE POWER	DESCRIPTION OF POWER	CURRENT DELEGATION	PROPOSED DELEGATION	SPECIFIC CONDITIONS (IF ANY)	MOTIVATION	REMARKS
12B(4)	HOD	Take all reasonable steps to assist a school identified in addressing underperformance	HOD	District Director	NONE		
12B(5)(a)	HOD	Consider Implementing the incapacity code and procedures for poor work performance.	HOD	District Director	NONE		
12B(5)(b)	HOD	Consider withdrawing the functions of the governing body	HOD	HOD	NONE		
12B(5)(c)	HOD	Consider appointing a person in terms of section 25 of SASA to perform the functions or specified functions of the governing body.	HOD	HOD	NONE		
12B(6)	HOD	Determine the period for the counseling of the principal which may include the appointment of an academic mentor or a substitute principal to take over the functions and responsibilities of the principal.	HOD	HOD	NONE		

SECTION	EXECUTIVE POWER	DESCRIPTION OF POWER	CURRENT DELEGATION	PROPOSED DELEGATION	SPECIFIC CONDITIONS (IF ANY)	MOTIVATION	REMARKS
12B(7)	HOD	Report to the Provincial Minister on the action taken tin regard to an underperforming public schools within three months after the end of a school year..	HOD	HOD	NONE		
13(3)	HOD	The professional management of a public school shall be undertaken by the principal under the authority of the Head of Department.	Principal	Principal	NONE		
13(4)	HOD	Close a public school temporarily in the case of an emergency if it's believed on reasonable grounds that the lives of learners and staff are endangered or that there is a real danger of bodily injury to them or of damage to property.	HOD	Chief Director: Districts	NONE		
13(5)	HOD	Inform the governing body and the principal of the date the school shall reopen.	HOD	Chief Director: Districts	NONE		
13(6)	HOD	The principal or a designated shall inform the educators and parents of the date the school shall reopen.	HOD	Principal	NONE		

SECTION	EXECUTIVE POWER	DESCRIPTION OF POWER	CURRENT DELEGATION	PROPOSED DELEGATION	SPECIFIC CONDITIONS (IF ANY)	MOTIVATION	REMARKS
13(7)	HOD	Exercise the governance of a new school until a governing body has been constituted in terms of the Act.	HOD	District Director	NONE		
13A(1)(c)(ii)(aa)	HOD	Determine a date on which the academic performance improvement plan shall be presented to the Head of Department.	HOD	HOD	NONE		
13A(1)(c)(bb)(iii)	HOD	Approve the academic performance improvement plan or return it to the principal with such recommendations as may be necessary in the circumstances.	HOD	District Director	NONE		
13A(1)(c)(iv)	HOD	Resume by 30 June a report from the principal on the progress made in implementing the academic performance improvement plan	HOD	District Director	NONE		

SECTION	EXECUTIVE POWER	DESCRIPTION OF	CURRENT DELEGATION	PROPOSED DELEGATION	SPECIFIC CONDITIONS (IF ANY)	MOTIVATION	REMARKS
13A(1)(v)	HOD	Extend the date for the submission of a progress report on the implementation of performance improvement plan contemplated in subsection 13A (1) (iv).	HOD	HOD	NONE		
13A(2)(g)	HOD	Receive data from school principals requested by the Head of Department	HOD	Chief Director	NONE		
20(2)	HOD	Request information from a school.	HOD	District Director	NONE		
21A(1)(m)	HOD	Request the SGB to allow, under fair and predetermined conditions use of the facilities of the school for educational programmes not conducted by the school.	HOD	District Director	NONE		
26(A)(5)	HOD	Suspend or terminate the membership of a governing body member for a breach of the code of conduct after due process	HOD	HOD	NONE		

SECTION	EXECUTIVE POWER	DESCRIPTION OF POWER	CURRENT DELEGATION	PROPOSED DELEGATION	SPECIFIC CONDITIONS (IF ANY)	MOTIVATION	REMARKS
27(1)	HOD	Register an independent school	Chief Director: Districts	Chief Director: Districts	NONE		
27A(2)(a)	HOD	Consider the request for admission of an underage learner to an independent school	HOD	Chief Director: Districts	NONE		
28(2)	HOD	Consider an application for the registration as an independent school	HOD	Chief Director	NONE		
28(3)	HOD	The authority to request additional particulars in connection with an application for registration of an independent school.	Director: Districts	Deputy Director	NONE		
29(1)	HOD	Approve the registration of an independent school	HOD	Chief Director	NONE		

SECTION	EXECUTIVE POWER	DESCRIPTION OF POWER	CURRENT DELEGATION	PROPOSED DELEGATION	SPECIFIC CONDITIONS (IF ANY)	MOTIVATION	REMARKS
29(2)	HOD	Notify the applicant in writing when an application for registration referred to in section 28 is refused and the reasons therefor	Chief Director: Districts	Chief Director: Districts	NONE		
30(1)	HOD	Issue to the applicant a registration certificate when the registration of an independent school is approved.	Chief Director: Districts	Chief Director: Districts	NONE		

39(1)	HOD	<p>Take into consideration the rights and wishes of the parent of a learner with special education needs in the process of -</p> <ul style="list-style-type: none"> (a) Identification (b) Admission (c) Placement (d) Referral (e) Transfer (f) Discharge (g) Exemption of a learner with special education needs from compulsory school attendance. 	<p>Principal</p> <p>Director: Specialised Education (DSE) DSE</p> <p>DSE</p> <p>DSE</p> <p>DSE</p> <p>DSE</p> <p>DSE</p>	<p>Principal</p> <p>Director: Specialised Education (DSE) DSE</p> <p>DSE</p> <p>DSE</p> <p>DSE</p> <p>DSE</p> <p>DSE</p>	NONE		
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SECTION	EXECUTIVE POWER	DESCRIPTION OF POWER	CURRENT DELEGATION	PROPOSED DELEGATION	SPECIFIC CONDITIONS (IF ANY)	MOTIVATION	REMARKS
39(2)	HOD	Notify the parent in writing of actions taken in terms of subsection 39(1)	DSE	DSE	NONE		
40(1)	HOD	Determine whether a learner dealt with in terms of section 15(1) of the Child Care Act, 1983 is a learner with special needs.	Principal	Principal	NONE		
40(2)	HOD	Approve the admission of a learner to a class, unit or school for learners with special education needs who has been identified as a learner with special education needs in terms of subsection (1)	DSE	DSE	NONE		

SECTION	EXECUTIVE POWER	DESCRIPTION OF POWER	CURRENT DELEGATION	PROPOSED DELEGATION	SPECIFIC CONDITIONS (IF ANY)	MOTIVATION	REMARKS
41(4)(b)(i)	HOD	Subject to the availability of suitable school places and other resources a learner who is under age may be admitted if good cause is shown.	HOD	Chief Director	NONE		
41(4)(b)(ii)	HOD	Admit a learner to a public school if the learner complies with the criteria contemplated by section 5(4)(c).	HOD	Chief Director	NONE		
41(6)	HOD	Determine the process for admission of a learner to a public school.	HOD	Chief Director	NONE		
41(7)	HOD	If the application in terms of subsection (6) is refused admission to a public school the parent must be informed in writing of the refusal and the reason thereof.	HOD	Principal	NONE		
42(4)(a)	HOD	Investigate the circumstances of the learner's absence from school who is subject to compulsory school attendance.	HOD	IMG Head	NONE		

SECTION	EXECUTIVE POWER	DESCRIPTION OF POWER	CURRENT DELEGATION	PROPOSED DELEGATION	SPECIFIC CONDITIONS (IF ANY)	MOTIVATION	REMARKS
42(4)(b)	HOD	Take appropriate measures to remedy the situation	HOD	District Director	NONE		
42(4)(c)	HOD	If such remedies fail, issue a written notice to the parent of the parent requiring compliance.	HOD	District Director	NONE		
43(1)	HOD	Exemption from compulsory school attendance	DDG	Chief Director: Districts	NONE		
43(2)	HOD	Maintain a register of all learners exempted from compulsory school attendance.	DDG	Chief Director: Districts	NONE		
44	HOD	Determine in consultation with the governing body the language policy and the religious observances for a school for learners with special education needs.	District Director	District Director	NONE		

SECTION	EXECUTIVE POWER	DESCRIPTION OF POWER	CURRENT DELEGATION	PROPOSED DELEGATION	SPECIFIC CONDITIONS (IF ANY)	MOTIVATION	REMARKS
45(4)	HOD	Grant approval for the continuation of the suspension of a learner.	HOD	HOD	NONE		
45(6)	HOD	Consider the recommendation by the governing body and decide whether or not to expel a learner within 14 days of receiving the recommendation.	HOD	HOD	NONE		
45(8)(a)	HOD	Make a decision to expel a learner at a public school.	HOD	HOD	NONE		
45(11)	HOD	Make arrangements for the suitable placement of a learner at a public school who is expelled and still subjected compulsory school attendance.	District Director	District Director	NONE		

SECTION	EXECUTIVE POWER	DESCRIPTION OF POWER	CURRENT DELEGATION	PROPOSED DELEGATION	SPECIFIC CONDITIONS (IF ANY)	MOTIVATION	REMARKS
45(12)	HOD	Pending the outcome of the appeal learners shall be given access to education as determined.	HOD	Chief Director: Districts	NONE		
45(13)(a)	HOD	Take reasonable measures to protect the rights of other learners and educators at the public school.	HOD	Chief Director: Districts	NONE		
45(12)(b)	HOD	Consider an alternative method of providing education to the learner.	HOD	Chief Director: Districts	NONE		
45(14)	HOD	If a decision is taken not to appeal a learner after consultation with the governing body imposes a suitable sanction on the learner.	HOD	HOD	NONE		
45(15)	HOD	If no sanctions are imposed on the learner refer the matter back to the governing body for an alternative sanction other than expulsion.	HOD	HOD	NONE		

SECTION	EXECUTIVE POWER	DESCRIPTION OF POWER	CURRENT DELEGATION	PROPOSED DELEGATION	SPECIFIC CONDITIONS (IF ANY)	MOTIVATION	REMARKS
50	HOD	Issue directions for governing body on how to deal with the school funds and public assets of a public school.	Director: Budget Management	Director: Budget Management	NONE		
51A(2)	HOD	Grant approval to make payments to a state employee contemplated in subsection (1), employed in terms of the Employment of Educators Act or the Public Service Act.	HOD	Director: Service Benefits	NONE		
51A(6)	HOD	Not unreasonably refuse an application to pay a state employee	HOD	Director: Service Benefits	NONE		
51A(7)(a)	HOD	Determine the implications for the employer in terms of the employment contract and labour law.	HOD	Director: Service Benefits	NONE		
51A(7)(b)	HOD	Determine whether the service concerned in the application will interfere with the normal service delivery of the employee.	HOD	Director: Service Benefits	NONE		

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51A(7)(c)	HOD	Service concerned in the application has already been paid for by the employer.	HOD	Director: Service Benefits	NONE		
51A(7)(d)	HOD	Determine whether the additional remuneration, other benefits or benefits in kind support the core activities and functions of the school.	HOD	Director: Service Benefits	NONE		
51A(9)	HOD	If a governing body pays remuneration or gives financial benefit or benefit in kind contemplated in section 51A(1) to an employee without prior approval, the amount of money paid or benefit given shall be recovered on behalf of the school from members of the governing body that supported that decision, excluding a member of the governing body who is a minor.	HOD	Director: Service Benefits	NONE		
54B(3)	HOD	When considering not appointing an educator because of the deemed discharge under subsection 54 B (1). Request a written submission can be requested from the educator in the prescribed manner, and may initiate any process as may be prescribed before deciding on the appointment.	HOD	Director: Service Benefits	NONE		

55(1)(f)	HOD	Members of the community who attend a particular school activity at the invitation of the principal or such educational programme as approved by the HOD.	IMG Head	IMG Head	NONE		
55(2)	HOD	Give written approval to persons from outside to visit public schools or any hostel attached to the school with the intention to subject learners to physical, psychometric and scholastic examinations or to obtain confidential information or to obtain confidential information on learners or their families.	IMG Head	Director: Research	NONE		
57(1)	HOD	Decide on process of law regarding a parent of a learner who is subject to compulsory school attendance who fails to send the learner to school regularly without sufficient cause.	Principal	Chief Director	NONE		

APPROVED

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HEAD OF DEPARTMENT
DATE:

