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Our ref :
Date : 17 February 2021

TO: SOUTH AFRICAN COUNCIL FOR EDUCATORS

BY EMAIL

Dear Sirs,

RE: SOLIDARITY OBO MEMBERS /// SOUTH AFRICAN COUNCIL FOR EDUCATORS

1. We refer to the above matter and confirm our appearance on behalf of Solidarity, a duly registered trade union, who in turns act on behalf of its members ("*our client*"), specifically the following members (collectively referred to as "*the members*"):

1.1. Mr Curvin Lu –Hann Fortuin,

1.2. Mrs Tyla Williams, |

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Professional Assistant: Annette Johanna Louw LLB • Christian Abraham Markgraaff LLB
Associates: Conrad Swart Bcom (Law) LLB Hdip (Insolvency)

1.3. Mr Dylan Botha,

2. This letter should not be considered exhaustive of all matters and /or issues arising from the contents of this letter; and our client's and the members rights are reserved in this regard.
3. Firstly, the members are both qualified educators with respective professional teaching qualifications. However, and notwithstanding the aforesaid eligibility, the members have been to date hereof and notwithstanding countless attempts to register with the South African Council for Education ("*SACE*"), been unsuccessful in doing so.
4. The aforesaid does not only cause frustration, but also actual harm given that, without being successfully registered with SACE, the members are unable to secure employment at registered teaching facilities. As stated above; the members are fully eligible for registration, yet, seemingly, for some other "bureaucratic" mechanism failure, the members have been unable to successfully register. We attached herewith the required documents already submitted by the members.
5. As you are surely aware, the South African Council of Educators Act No. 31 of 2000, provides for certain mandatory provisions, in particular sections 21; 22; 24 and 26 thereof, which reads thus:

"21. *Compulsory registration of educators—*

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- (1) *A person who qualifies for registration in terms of this Act must register with the council prior to being appointed as an educator.*
- (2) *No person may be employed as an educator by any employer unless the person is registered with the council.*

And:

22. *Application for registration—*

- (1)
 - (a) *An application for registration must be made to the council in the manner and form determined by the council.*
 - (b) *The applicant must submit the documentation and information required by the council together with the registration fee referred to in section 5 (d) (i).*
- (2) *The council must consider an application for registration in terms of the requirements for registration determined by the council.*
- (3) *If an applicant for registration satisfies the requirements referred to in subsection (1), the council must register the applicant and issue a registration certificate to the educator.*
- (4) *If an applicant does not satisfy all the requirements but the council is of the opinion that the requirements will be satisfied within a reasonable time, the*

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council may register the applicant provisionally on such conditions as the council may determine.

- (5) *When an educator who is provisionally registered as contemplated in subsection (4) satisfies all the requirements for registration and the conditions referred to in that subsection, the council must register the educator in accordance with subsection (3).*
- (6) *If an educator referred to in subsection (4) does not satisfy the requirements for registration within the period specified, the provisional registration lapses and the name of the person is removed from the register.*
- (7) *The period for which an educator is provisionally registered may be extended by the council, and different conditions in respect of different applicants may be determined if there is a reasonable basis for the differentiation.*
- (8) *Different categories of registration may be determined by the council—*
- (a) *to allow for special circumstances of different sectors in education; or*
- (b) *If there is a reasonable basis for such differentiation*

And:

24. *Registration certificates—*

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(1) *A registration certificate must be issued and sent to the educator upon registration by the council.*

(2) *If the chief executive officer is satisfied, on proof submitted by a registered educator, that a registration certificate has been destroyed or lost, a duplicate registration certificate must be issued to that educator upon payment of the fee prescribed by the council.*

And:

26. *Information to be furnished to council—*

(1) *A higher education institution and the employer of an educator must furnish the council, at its request, with such information as is reasonably required by the council for the performance of its functions.*

(2) *In each case where disciplinary steps are taken against any educator by the employer resulting in a sanction other than a caution or reprimand, a certified summary of the record of the proceedings at the hearing and of the sanction imposed must be forwarded to the council by such employer."*

6. We are therefore instructed to demand, as we hereby do, that written confirmation be provided to the effect that the members will be registered with SACE, by default of which our client on behalf it's the members will be forced to explore external legal proceedings, seeking your capitulation in terms of your governing Act *supra* with a punitive order as to costs.

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7. The aforesaid written undertaking is due **CLOSE OF BUSINESS FRIDAY THE 26th OF FEBRUARY 2021**. We await your urgent response and trust you grasp the urgency of the matter and show your cooperation.

Yours faithfully

SERFONTEIN, VILJOEN & SWART

Mr. JD Claassen

Email: jd@svslaw.co.za

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