



SUBMISSIONS OF THE TRADE UNION SOLIDARITY ON THE ADMISSION POLICY FOR ORDINARY PUBLIC SCHOOLS

1. We refer to the invitation to comment on the draft National Education Policy Act with regards to the Admission Policy for Ordinary Public Schools as published in the Government Gazette No 44139 of 10 February 2021. This letter constitutes the comment of Trade Union Solidarity, being an '*interested party*' as contemplated in the invitation.
2. The Trade Union has read and considered the proposed amendments to the National Education Policy Act No 27 of 1996 as contemplated in the policy.
3. Solidarity recognises the importance of education in South Africa and that adequate placement of learners proves to be an obstacle resulting in not all learners being placed at a school before the start of the academic year. Therefore, it welcomes and support amendments that provide legal certainty, provisions that have the capacity to prevent conflicts of interest, and those that are consistent with the provision of high-quality education at public schools.
4. The Trade Union welcomes amendments to the policy that may represent a reasonable adjustment to current admission policy that would ensure the access education without threatening the quality of such education. It is, however, concerned about the impact that some amendments to the admission policy may implicate on ordinary public schools. The union fully supports those amendments which further the constitutional value of allowing all learners access to education but does not support that this access should infringe on the constitutional rights of other learners such as the right to be able to receive an education in the language of their choice. We are of the opinion that disregarding language during the admission process will result in schools being forced to adapt an English language policy which would be detrimental to schools teaching in any of the other 11 official languages of South-Africa. This would discourage parents to enrol their children in schools that can offer them an education in their mother tongue and would result in all schools only offering English as their feeding language.



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5. We further believe that the ongoing growth in the number of students seeking admission to schools should not be addressed by amending admission policy especially with regard to language but should rather be addressed by building more schools to meet the need for education. Furthermore, we are of the opinion that all languages should be developed equally as academic languages as to provide children with the opportunity to exercise their constitutional right to attend a school in the language of their choice. The trade union is also concerned about the strain on teachers and is of the opinion that quality can only be ensured when both the learner and teacher is comfortable with the language in which education is taking place.
6. Solidarity questions the framework that forms the basis of the amendments as proposed by the Department of Basic Education and is of the opinion that such amendments will vest within the department unduly extensive control with regard to the operations of ordinary public schools thus limiting the responsibility the governing body and community to which the school belongs. Solidarity is of the opinion that school governance should not be centralised but the majority of the governance of the school should be the responsibility of the governing body which represents the community of the school in question.
7. Considering paragraph 6, Solidarity believes the underlying implication of amendments to the admission policy seems to be aimed at less than 10% of South African schools. These schools, who have functioning governing bodies, policies and excellent administrative systems will now be forced to take on an extra burden by having to accept learners that do not conform to the requirements as stipulated in the National Education Policy Act, 1996 by adapting new policies. The burden of registering learners without adequate documentation cannot be made the responsibility of the school and the staff working there. Furthermore, it would seem that these schools are the schools that will now be forced to abandon their language policy by accepting learners that are not able to speak nor learn in the language as per the current policy of the school. But not being forced to submit adequate documentation and not having to rely on language, children must now be allowed to attend any school, thus forcing the school to adapt, and omitting the rights of children applying to a particular school based on the language of education offered at that school. Moreover, such a situation would also be to the detriment of the new applicant to the school, who may be placed within a school that does not possess adequate infrastructure to accommodate their particular needs.
8. The Trade Union understands and accepts the interest that the Department of Basic Education and provincial education departments have in the provision of quality education and providing access to all learners of school going age. Also, in the protection of workers' rights in that teachers constitute public servants. Therefore, the Trade Union is concerned about the effect the disregard of admission policy might have on the quality of education provided.



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9. We agree that all admission policies of all schools should be consistent with the Constitution of the Republic of South Africa, 1996, the South African Schools Act, 1996, and provincial law as stated in paragraph 8 of the proposed amendment. We do, however, question the reasoning of submitting such policy to the Head of department for approval. Not only does this create an unnecessary burden on the Head of the department, but it is also highly questionable that policies will be approved since departments have not been able to certify current policies submitted to them. It further allows the department to have a bigger interest in schools, disabling the governing body of the school to accept responsibility. Solidarity further questions the implication of this amendment. Should no approval nor disapproval be received, would that imply that the school has no admission policy? At the very least, a time period should be stipulated within which the Department should respond.
10. Solidarity is of the opinion that all learners should have access to quality education without limitations or discrimination as stipulated in paragraph 9. The Trade Union does not agree that past discriminatory laws should be addressed by forcing schools to comply with quotas as per paragraph 9(b) and implies that race should simply not be considered as a prerequisite, in other words, children should neither be accepted nor disregarded because of their race. The building of more schools in providing quality education in various languages will automatically redress these inequalities empowering learners to be able to receive equal and quality education regardless of their race. Redressing past discriminatory laws must be done by expanding the offering with regard to the number of schools available, not forcing children into schools where they have to learn in a language foreign to them.
11. We note that certain amendments are aimed at reducing the responsibility and rights of parents with regard to the admission requirements of learners and straining already overloaded administration systems of schools and the Department with the responsibility to retrieve the correct documentation required to successfully enrol a learner.
 - 11.1. We accept the reality that home affairs may not always be able to deliver sufficient service but the responsibility of following up with parents to obtain birth certificates or transfer letters cannot become the responsibility of the school nor the head of department. Our concern is that not only does the department, nor the school have the capacity to follow up, but that schools must now accept learners on insufficient documentation which may be likely not be accurate in stating the birth date or previous education of the child in question as stated in paragraph 15.1 of the proposed amendment.



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- 11.2. Solidarity is of the opinion that par 15.3 as per the amendments would discourage parents to comply with standard admission policy and rather encourage parents to enrol learners without required documentation, thus placing strain on the school and department to source sufficient documentation for learners, yet still allowing them to be placed above learners that do submit the required documentation. It is evident that the department does not have the capacity to follow up with such parents, therefore there would be no consequences and a precedent would be created where it is acceptable to enrol learners without proper documentation.
12. We feel that the same process as described in paragraph 15 should not be deemed acceptable and incorporated into a policy with regard to admissions of learners that are transferred to a new school as per paragraph 17. A child should be accompanied by proper documentation such as a transfer card supplied by the previous school.
- 12.1. Solidarity is of the opinion that paragraph 18. (b) should not be omitted in the amendment policy but should be left intact as currently stipulated in the admissions policy, forcing parents and schools to adhere to regulations and provide and accept required documentation.
13. Solidarity is of the opinion that the interpretation of paragraph 29 as per the proposed amendment will cause conflict and should not form part of the new amendment policy. The proposed amendment would imply that a child only be allowed to be submitted for the following year if they turn 6 by June which would imply that children born in the same year but turning 6 after June will not be able to apply to attend grade 1 in the year they turn 7. This would result in grade one learners being 6 and turning 7 by June and other learners being 7 and turning 8 by the end of the academic year. School going age should be stipulated as the year that a child turns 7 for grade one and 6 for grade R.
14. We are of the opinion that paragraph 34 should not be considered with the regards to the amendments as proposed in paragraph 15, 17-20 should not be adjusted. The stain on school's admin should not be enlarged.
15. Solidarity is of the opinion that quality education should be available to all learners regardless of the financial position of their parents or guardians, however, does not agree that parents should be encouraged to not pay schools fees as stipulated in paragraph 42. This paragraph creates a climate for parents to not pay school fees instead of encouraging the payment of such fees and offering exemption as an alternative when all other options are exhausted.





16. Considering the comments mentioned by the Trade Union with regards to paragraph 15, 17 – 20, Solidarity is of the opinion that paragraph 43. b(ii) would not be applicable within the admission policy.

17. Any correspondence in relation to these submissions may be directed to:

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A handwritten signature in black ink, appearing to read "Dirk Hermann".

Dr Dirk Hermann

CEO: Solidarity Trade Union



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