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DBE REPORT ON BELA BILL AND ECD

In a briefing to the Parliamentary Portfolio Committee on Basic Education on 20 October 2020, the Ministry of Basic Education indicated that-

- the Basic Education Laws Amendment Bill (BELA Bill) could, in the near future, be presented to Cabinet for a decision to table it to Parliament; and
- progress has been made to give effect to the President's announcement in 2019, that as part of the reconfiguration of the State, the ECD function is to transfer from the Department of Social Development (DSD) to DBE.

According to the Ministry, the BELA Bill is currently under consideration by NEDLAC after the Department had reworked the Bill, following more than 5 000 submissions from stakeholders. NAPTOSA is one of the stakeholders that submitted comments to the DBE.

It was reported to the Portfolio Committee that at this stage the parties to NEDLAC have not been able to reach agreement on the following aspects of the Bill:

- Admission to public schools
- Code of conduct
- Random search and seizure and drug testing
- Merger of schools
- Withdrawal of functions of the governing body
- Dispute resolution
- Regulations

The report unfortunately leaves NAPTOSA none the wiser, because we have not been privy to the reworked Bill. We therefore do not know to what extent any of our comments have been accommodated in the Bill. The Ministry in the presentation to the Portfolio Committee only highlighted one of our concerns, and definitely not our main concern that the appointment of principals and deputy principals are to be entrenched in the exclusive power of education departments.

The same applies to our concerns that the Bill failed to deal with school safety, in respect of which we proposed the following inclusions in the Bill:

- The Head of a Provincial Education Department must provide safe schooling and working environments for learners and educators in all public schools.

- No person may attack, abuse or threaten an educator on school premises or during a school activity.
- A penalty clause for any person found guilty of not adhering to the provisions on school safety.
- The Minister, in consultation with organised labour, SGB associations and other interested parties, must, within X months after the commencement of the Bill, publish Regulations on minimum safety standards for all public schools. These standards must *inter alia* address the following:
 - ✓ Protection of property
 - ✓ Physical safety, including enclosure of schools and access control
 - ✓ Classroom safety
 - ✓ Psychological safety
 - ✓ Prohibition of bringing dangerous weapons onto school property

If it transpires that the Department has ignored our inputs, NAPTOSA will have no choice but to request to make submissions to the Portfolio Committee during the Parliamentary process.

In the recent NAPTOSA National Council meeting a motion was adopted, in support of the fight against SRGBV and GBV, that the Employment of Educators Act (EEA) should be amended to make it a dismissible offence if an educator is found guilty of having a sexual relationship with a learner (as opposed to the current provision that limits it to a relationship with a learner of the school where the educator is employed). The DBE will be requested to include this proposed amendment in the Bill, failing which we will request its inclusion during the Parliamentary process.

As far as the migration of the ECD function from DSD to DBE is concerned, the Department reported that the process has gained momentum after the lockdown period. It is envisaged that the policy transfer process will be completed in 2021, while the transfer of the programme is targeted for 2022.

Inter-departmental technical teams have been established to *inter alia* deal with issues of human resources and labour relations and finances and budgets. According to the Director-General of the DBE, the Department intends to provide a basket of services to ECD centres that consists of a range of posts with proper conditions of service attached and clear job descriptions which could mean that practitioners employed on a stipend could receive appropriate remuneration.

If ECD practitioners were to be appointed under the EEA it could have huge financial implications for the sector. No wonder that the Department shied away from budgets and the availability of funding in their presentation.

The ECD migration process is clearly a process requiring many issues to be resolved. At this stage there appears to be very little substance to report on. NAPTOSA members will be further informed once the DBE publishes its Diagnostic Report that will speak to all the resource issues related to the migration process.

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