



KWAZULU-NATAL PROVINCE

EDUCATION
REPUBLIC OF SOUTH AFRICA

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To: Deputy Director-Generals
Chief Directors District
District Directors
CES: Circuit Management
Principals of Schools
Chairperson of School Governing Bodies

HRM CIRCULAR NO: 26 OF 2021

STAFFING OF SCHOOLS IN TERMS OF HRM CIRCULAR NO 61 OF 2020

1. The implementation of HRM Circular No. 61 of 2020 has reference.

2. Non-Movement of Surplus Educators

2.1 It has come to the attention of the Department that educators declared additional to the establishment (surplus educators) in terms of the Post Provisioning Norms 2021 and have been placed to schools where vacancies exist, have not been accepted/rejected by Principals and School Governing Bodies (SGBs). This is an illegal practice in terms of the Employment of Educators Act, Act 98 of 1996.

Principals and SGB's are hereby informed that by preventing surplus educators from assuming duty is an infringement on the constitutional rights of learners to receive education.

2.2 It has also been alleged that certain teacher organisations have also requested their members not to move to schools that they have been redeployed to. This allegation if true and if surplus educators adhered to this request, they will be in breach of the employment contract between the Department and its employee. Further, this may disrupt labour peace within the Province. This has been discussed with all parties within the Provincial Education Labour Relations Council and Parties have agreed to stop such practices should it exist.

2.3 In view thereof, surplus educators that have be matched and placed by legitimate structures such as the Circuit Management Task Team (CMTT), District Task Team (DTT) and the Provincial Task Team (PTT) are compelled to move with immediate effect.



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2.4 It is imperative that the Circuit Managers ensure that all surplus educators have moved by 4 May 2021.

Upon assessing surplus educators that have not moved, circuit managers must issue notice to the District HR Office to suspend salaries of such educators with immediate effect.

2.5 District Directors are advised that the **duties of the CMTT and DTT has ended** as soon as the PTT commenced its duties. Consequently, any placements effected by the CMTT and DTT after the PTT has commenced its duties must be considered as null and void.

3. Post Reservation

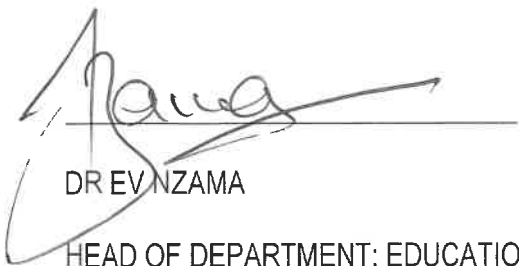
3.1 The Department is also alerted to the phenomenon of "post reservation" in this regard, no official or Principal is allowed to withhold any letter of temporary transfer or letter of appointment of a first time educator.

4. Budget Cut and Implication for Appointment of Educators

4.1 The Department has also undergone a severe budget cut and cannot afford its current pool of educators, however, the Department is endeavouring to retain its current workforce within its revised budget. The non-movement of surplus educators and those surplus educators that remain unplaced creates additional pressure on the existing budget. As such it is imperative that surplus educators be given preference for placement to all vacant posts prior to any other type of appointment. This directive will supersede any other directive previously communicated.

5. The Department will take immediate disciplinary action against any person in violation of directives reflected in this this circular.

6. District Directors are required to ensure the adherence of this directives by all concerned.


DR EV NZAMA
HEAD OF DEPARTMENT: EDUCATION
DATE: 03/05/2021