



education

Department:
Education

PROVINCE OF KWAZULU-NATAL

INDEPENDENT PANEL'S REPORT

INVESTIGATION INTO ALLEGATIONS OF FINANCIAL IRREGULARITIES AND RACISM AT GROSVENOR GIRLS HIGH SCHOOL

**COMMISSIONED BY THE HONOURABLE MEC, KWAZI MSHENGU
KWAZULU-NATAL DEPARTMENT OF EDUCATION**

Issued on 13 June 2022

Prepared by Adv. Vusi Khuzwayo SC; Adv. Makhosini Nkosi; Dr. Nana Buthelezi
(Educational Psychologist) and Attorney Mrs Jacqui Pretorius-Bishop

1. BACKGROUND

1.1 The Independent Panel was established in response to allegations of racism submitted by the Grosvenor Girls High School community (the school). These allegations are premised on a list of or series of claims that have rendered education impractical, if not intolerable. Central to these allegations is the role played by the school principal, Mrs LM Jorgensen (the principal). The schooling days are not being gainfully utilised, which leads to detrimental effect on the learners. The school has a history of allegations of racism and financial mismanagement or financial irregularities. The Department did not acquit itself by dealing decisively with the problems that kept raising a need for a repetitive investigation of the same issues. The KwaZulu Natal Department of Education (the department) appointed the panel with a mandate, *inter alia*;

- a) To investigate the validity or otherwise of racism and financial irregularities allegations.
- b) To determine the investigation process and provide the Honourable MEC of the department with a process and implementation setting out, amongst others, the proposed manner and mechanism of obtaining evidence, information and substance to the allegations and the nature and process of leading evidence.
- c) To interview the broader school community including the governing body, learners and/or learners' formations, school employees from all levels of staff, or their trade union participation and/or co-worker representation, and parents). The process should enable all affected learners, former students, employees, or officials an opportunity to be heard, participate and make representations about the issues reported through the terms of reference.

- 1.2 The panel of the investigators was led by the Advocate Vusi Khuzwayo SC, the Chairperson, Mrs Jacqui Pretorius, an Attorney, and Advocate Makhosini Nkosi and Dr Nontobeko Buthelezi Educational Psychologist. Ms Kamo Mofokeng from the law firm SD Moloi and Associates Incorporate provided technical and logistic support.

2. SCOPE OF WORK

- 2.1 The investigation report focuses on the historical accounts of unrest within the school from 2017 to 2019 relating to incidents of racial prejudice, discrimination and mismanagement. The report highlights the nature of acrimonious relationships and communication between the principal and the 2018/2020 School Governing Body (SGB) and the effect it had on the adherence and implementation of policies and regulations as well as staff morale.
- 2.2 The report presents allegations and findings of the panels' investigation and underscores mismanagement, nepotism harassment, victimisation and dehumanisation that affected the experiences of the school community.
- 2.3 It is imperative to define the racism and mismanagement particularly in a public-school environment. The definitions are discussed in the section below.
- 2.3.1 The Oxford English Dictionary¹ defines racism "*as the theory that distinctive human characteristics and abilities are determined by race*". This definition implies that race and racism are human constructions. Put another way, it is people who determine the characteristics and abilities used to discriminate against others. Still, certainly only one can tell where it manifests, as mentioned

¹ 2nd Edition 1989

above, by conduct, behaviour and in some instances by clear expression.

2.3.2 The Constitution of the Republic of South Africa Act 1996 (the Constitution) further says that equality includes the full and equal enjoyment of all rights and freedoms (RSA, 1996). Most importantly, the State may not unfairly discriminate directly or indirectly against anyone on one or more grounds including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth.

2.3.3 The United Nations Convention for the Elimination of All Forms of Racial Discrimination defines racial discrimination as *"any distinction, exclusion, restriction or preference based on race, colour, descent or national or ethnic origin which has the purpose of nullifying or impairing the recognition or enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic social, cultural and any other field of public life."*[Our Emphasis]

2.4 From the above definitions, it is clear that at the heart of racial discrimination is treating persons of one race (as it is known in SA) differently and unequally to others without justification. This treatment can be direct or indirect, deliberate or unintentional.²

2.5 Racism can take the form of racial discrimination or racial harassment. Racial discrimination is easier to discern from the various definitions we

² Harassment in the Workplace, Law, policies and processes. R. Le Roux *et al*, Lexis Nexis, 2010

have. Racial harassment exists in many forms, abusive language (racist language), racist name-calling and offensive behaviour.³

- 2.6 The legal background described above helps understand what conduct is acceptable when considering the allegations of racism. The background serves as a yardstick against which any conduct, behaviour or attitude may be measured to determine whether it amounts to a racial discrimination or racial harassment (racism) or dehumanization.
- 2.7 *“Dehumanization is a process through which we deprive others of full human status” (Murray, Durheim & Dixon, 2022, p.4).* The process of dehumanisation takes many forms, as illustrated below (Murray et al., 2022). **Animalistic dehumanisation** involves denying the uniquely human characteristics of others. **Mechanistic dehumanisation** involves treating others as objects, denying them qualities such as individuality, identity, warmth, fallibility, creativity, and the entire human capacity for suffering and fatigue. A subtler extension of these forms of dehumanisation is **infrahumanization** (Leyens et al., 2000), which is observed by depriving others of uniquely human emotions associated with civilisation and moral reasoning.
- 2.8 The report provides lived-experiences of school community who reported behaviour patterns, actions and utterances that aligned with racism, humiliation, and unfair and unjust practices that seek discrimination directly or indirectly against the grounds including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth.
- 2.9 Mismanagement is management that is careless or inefficient amounting to what the Oxford Dictionary considers to be bad management of a problem

³ Le Roux *et al.*, p 48 - 49

or situation. It applies in various situations such as (1) not being aware of the information required to do your job; (2) a significant failure to fulfil a duty to direct and control an organization or government; (3) unacceptable performance by a manager or management team (<https://dictionary.cambridge.org/dictionary/english/mismanagement>).

- 2.10 Mismanagement also involves maladministration as corrupt behaviour, dishonest use of funds for one's own use, disregarding processes, and lack of financial reporting to parents and other members of the SGB (Rangongo, 2016).
- 2.11 The reports present varied incidents of mismanagement of resources (either financial, human or assets), irregularities in the recruitment and appointment of staff, nepotism, failure to develop and implement policies as regulated, and failure to implement remedial actions.

3. METHODOLOGY

The assessment procedure combined various participatory methodologies that align with the terms of reference to investigate racism and financial irregularities allegations. Due to the sensitivity of the allegations, it was essential to employ methods that allow the broad participation of all stakeholders. The panel used the Participian method combined with STOP, START and CONTINUE methodology. The collaborative method extracted key issues on how racism, amongst other problems, is displayed and experienced by learners in various spaces. The panel also gathered individual statements from staff, learners, and parents. This was combined with focus group sessions and individual and group interviews as well as debriefing sessions for various stakeholders inclusive of the Umlazi district officials from the KwaZulu-Natal Department of Education. The methodology used aimed to address the symptoms and the root causes. The panel used a response form to gather school-wide learner responses to investigate racism and elicit in-depth

responses on how diverse behaviours manifest within the school system. The investigation allowed a retrospective and effective way for stakeholders to reflect on their recent experiences and decide on what things they should change as they move forward.

4. EXECUTIVE SUMMARY

The Executive Summary with findings and recommendations has been prepared on a point by point basis. It seeks to highlight the most critical things that the MEC need to know and what he may do. The Executive Summary is separate from the body of the panel's report and is attached as Part IV.

5. DETAILED REPORT

The panel deems it appropriate to set out the background history as per the terms of reference mainly because these are not new allegations. It would serve no purpose to ignore the various attempts or interventions that the officials of the Department had engaged in since 2017 to date. The report outlines the investigations of the 2022 Investigation and captures the allegations and salient findings relevant to the current Report. The panel presents a Comprehensive report on the latest allegations and findings. It also reiterates salient aspects of the previous events and reports at the school on issues of racism and mismanagement. The investigation elicited a wide range of responses and participation from the school resulting in broad range of data some of which are shared as Annexures for ease of reference. The information contained in the main report provides a focused discussion of critical allegations and findings which are contextualised in the attachments. Part 3 presents allegations of financial irregularities and racism.

6. REPORT STRUCTURE

The structure of the report seeks to present background history to the issues that the panel has investigated. The school has experienced disruptions as well as grievances that had to be investigated where after findings and recommendations were made. The report is divided into the following structure:

- 6.1 Part I, deals with the history of the school prior to the election into office of the 2018/2020 SGB.
- 6.2 Part II, deals with the era of the 2018/2020 SGB, placing emphasis on issues of policies, practices and general governance atmosphere.
- 6.3 Part III, is the report deals covering matters from financial irregularities.
- 6.4 Part IV, is the report deals with allegations of racism.
- 6.5 Part V is the panel's Executive Summary.

Part I

THE ERA PRECEDING THE 2018/2020 SGB

The educator staff grievance form

7. On 7 December 2017, the Principal wrote to KwaKhangela Circuit, Akton Road and addressed a communication to Mr Khumalo. This was a brief message and communicated that:

"The aggrieved group of educators from Grosvenor Girls High School who, together with NAPTOSA, initiated a DBE investigation into my leadership ability as a principal, have presented me with a further grievance form to be forwarded to Umlazi district.

I am in no way aligned to this further grievance but merely fulfilling my duty as a Principal to forward this form to Umlazi district for their attention."

8. The issue referred to above as a grievance was investigated and reported through Mr DN Mthethwa's letter to the Mr BH Ntuli, the District Director, Umlazi District on 19 March 2018. Mr Mthethwa summarised the report that we have subsequently dealt with in paragraphs 12 – 19.
9. The heading and contents of **Exhibit 01** read as follows:

"RE: REPORT ON ALLEGATIONS OF RACISM AND OTHER ISSUES AT GROSVENOR HIGH SCHOOL", made the following report:

- "1. The emails from your office and head office on the above subject refers.***
- 2. I hereby write to give the report on action taken to try to resolve the conflict emanating from the allegations of racism and a number of grievance and it says annexure "A".***

3. *The matter was reported to have started in March 2017 and the then Circuit Manager Mr TE Hlatshwayo had intervened. Educators submitted a very thick docile of grievance. It cannot be attached because the dossier is summarised – Annexure "B".*
4. *Naptosa brought the matter again expressing their dissatisfaction.*
5. *I intervened and left the school with the management plan to follow in addressing the grievances. I said if they failed to address the grievances by 31 August 2018, then the investigation would be conducted (sic).*
6. *There were allegations and counter allegations on around blocking process towards resolving the matter.*
7. *NAPTOSA reported the matter to the Director who instituted the investigation. Three investigators were appointed and they were Mr Shandu, Mr AM Du Plessis and Mr B Brijlall.*
8. *The investigation focused mostly on allegations of racism, dismissal of Ms De Vaal and non-payment of Mrs Singh. The aggrieved parties have been informed that as the Department of Education we have no capacity to investigate the allegations of racism.*
9. *Unfortunately, due to other competing programmes, the investigation report annexure "C" was only released this year. It recommended that the Principal be given a final written warning letter to desist from making utterances that have racial slung.*
10. *There were no other recommendations, the other issues as:-*
 - (a) *Mrs Singh was paid as per the intervention of the investigation team;*
 - (b) *Ms Duval's matter was with the CCMA at the time; and*
 - (c) *The recording device which was the new issue was found to be harmless hence there was no recording found in it.*
11. *I must report that we have learnt that Ms Duval and SGB paid the employee on her case against the SGB but was refused to assume back as her employer claimed to have challenged the outcome. But as the department we have no jurisdiction on the matter as it involves another employer.*
12. *Regarding 34 grievances the educators had raised, I intervened by meeting the aggrieved group and the SMT to mediate. The meeting was held on 3 February 2018 – annexure "F". In this meeting which was attended by the Union leaders from SADTU, NAPTOSA and SAOU and expressed their*

dissatisfaction on the way it was conducted and hoped moving forward, I did the following:-

- i. clarified the process to be followed which we all agreed on.*
 - ii. classified their grievances into categories which were:-*
 - (a) Governance issues;*
 - (b) Perceptions;*
 - (c) Work ethic; and*
 - (d) Professional conduct.*
 - iii. educators were allowed to talk on issues under each category and the SMT was allowed to respond with me making conclusions which gave both parties task moving forward (activity plan).*
 - iv. I took them through the grievance procedure, annexure "D" and issued the page E120 extracted from the policy handbook for educators as well as the Code of Good Practice, annexure "E", the disciplinary procedure as I identified that part of what could be the cause of conflict could be that the do not understanding processes.*
- 13. We learnt that on Friday learners protested and put some demands. In the video recording there are heard shouting Duval. The situation has been contained as on Monday the 19th March 2018. Learners were addressed in an assembly with their issues addressed. Amongst the complaints they raised were:-*
- i. Toilet paper – first quarter supply got finished in the toilet. The school claims it was due to wastage and learners raised it just before the supplier delivered the new stock. The new stock has been delivered and sorted.*
 - ii. Toilet problems – the school claims that some toilets had to be blocked because copper pipes were stolen and there were tons that had to be replaced due to water spill over. They were locked only for one week, some for 2 weeks. The Principal says males could not get into the toilets during teaching time when the girls were getting in and out of the toilets. The toilets were repaired and are now usable.*
 - iii. RCL v Prefect System – the Deputy Head Girl had apparently been informed that she was not in the SGB and raised the complaint. The school has the RCL and Prefect system. The school says they used to involve the RCL chairperson, RCL deputy chairperson and the head girl in the SGB. They would then co-opt the deputy head girl so that their senior leaders would participate there. Co-option can only be done once the whole SGB is properly constituted. They have any way conducted the elections on Monday at 10h00 and 3 girls were elected to serve there.*

- iv. *Sanitary towels/pads – not supplied. The school reports that in the past they would procure sanitary towels and sell them for R3.00 only for emergency cases. The department has however supplied them this year and distribution was delegated to the school secretary. Unaware they learnt when learners complained that they were not been distributed. They have since been distributed.*

14. *The school is normal, teaching and learning is taking place.*

15. *The Principal has also lodged her complaint against her alleged harassment by SADTU and NAPTOSA. She attached her response to SACE as well as correspondence from the media. Annexure G.*

Recommendations

1. *We monitor if there are more claims that indicate that the Principal continues with the conduct she had been warned on.*

2. *New claims are subjected to an investigation by a team from the district or head office, e.g. corruption and fraud, though there are no details on the form on such claims."*

10. Mr Mthethwa summarised and highlighted the interventions that he personally engaged on with the school. Of significance is the role he played when he tried to mediate the grievance between the educators and the SMT. In his wisdom, Mr Mthethwa concluded by highlighting the findings and recommendations of the 3 person team.
11. This document is on a letterhead from the **UMLAZI DISTRICT CLUSTER MANAGEMENT A CENTRE**. It is the report which Mr Mthethwa referred to in point 9 of **Exhibit 01**. We highlight **Exhibit 02** because of its recommendation that *"Mrs Jorgensen is issued with a written warning to refrain from utterances that are perceived offensive to other racial group"*.
12. Annexure **C** is **Exhibit 02** which sets out the scope of the investigation and the allegations it covered. The allegations are *inter alia* racism at the school; unfair dismissal of Ms Duval and non-payment of excursion money to Mrs P Singh – Visual Arts educator.

13. **Exhibit 02** dealt in greater detail with the nature of the findings and recommendations under the sub-heading racism. This should be read in the context of Mr Mthethwa's report to Mr Ntuli. The following is an extract from **Exhibit 02**.

"Racism:

The allegations of racism against Mrs Jorgensen stems from the following utterances that she is alleged to have made:-

- (a) Funny Coloured accent;***
- (b) Grosvenor Girls High School is not a township school and township behaviour would not be tolerated. The complainant is of a view that this statement implies that black people display violent behaviour.***
- (c) "Black" men that shouts.***
- (d) "Black" schools should be monitored more closely since they are poorly managed.***
- (e) Indian parents are whiners and always full of complaints.***
- (f) Drunkard Coloured accent.***
- (g) In morning briefings when behaviour of Black learners is discussed, the Principal says to the IsiZulu staff jokingly "take them to the back and deal with them in their way".***
- (h) Mrs Jorgensen put a stop to Black learner braiding their hair extension.***
- (i) If Grosvenor Girls wants the better White child then the educators need to up their game."***

14. The findings that are contained in **Exhibit 02** are significant due to the far reaching adverse consequences the panel arrive at. Noticeably, these findings precede the election of the 2018/2020 SGB and could be read as an admonition or foresight on the part of the 3 person team that conducted the investigation and issued **Exhibit 02**. Without derogating from the work of the 3 personinvestigators, the findings read:

14.1 *"When questioned about the utterances, Mrs Jorgensen denied having made these utterances. Mrs Jorgensen also did not realise that these utterances could be deemed to be offensive to some racial groups".*

14.2 *"Whilst Mrs Jorgensen is not directly racist in her dealing with the learners and staff, her comments, with racial slur are not welcome, and it is causing disharmony between the different racial groups in the school".*

15. The 3 person team recommended through **Exhibit 02** that:

"Mrs Jorgensen is issued with a written warning to refrain from utterances that are perceived offensive to other racial group".

16. It is remarkable that the conclusion of the 3 person team's report was detailed in material respects and further concluded that the principal was a task master who works extremely hard and spends long hours at the school. However her human relations, her behaviour towards her staff, her utterances with racial slant have caused unhappiness, distrust and disharmony at the school.

17. **Exhibit 02** recommended that should the principal repeat the conduct complained about against her, the department would assign a Mentor to help the principal and assist her with her shortcomings. **Exhibit 02** further recommended that the principal should be constantly monitored to ensure that she did not through her actions cause disruptions at the school. If the department implemented the recommendations of the 3 person team, the following step would have been a consequence management due to the fresh disruptions at the school. The fresh disruptions were at the instance of the principal. If not, the department would not have suspended her from the school.

18. Although the wisdom expressed through **Exhibit 02** of the 3 person team was issued late as explained by Mr Mthethwa through **Exhibit 01**, nevertheless it placed bare the shortcomings of the principal's management and leadership skills. The department had a recurrence issue before if it implemented the recommendations contained in **Exhibit 02** as early as 18 March 2018, the principal would have been monitored and competent for consequence management. The deterioration of the school management as well as the recent disruptions that occurred at the school at her instance may have presented alternative solutions.

Allegations of Harassment from SADTU and NAPTOSA

19. On 12 March 2018, the principal wrote a letter which was attached as annexure "C" to **Exhibit 02**. The contents of which reads as follows:

"I received this email from a reporter today. This is of great concern to me and the school to be in the public media without being informed of such allegations from the Department as official charges. I view this as harassment as I already have been subjected to an investigation in 2017 by the Department brought about by NAPTOSA. I was verbally informed that there were no grounds for racism as a result of this investigation. I await a written statement to this effect."

21. The principal remarked further that NAPTOSA had reported her to the SACE for racism in 2017 and she engaged an attorney and an advocate to respond to the SACE on her behalf. As of the date of the principal's letter, she had not yet received any further correspondence from SACE.
22. The email that the principal referred to was issued by a journalist from Independent Media Company. The email stated that *"I am doing an article on claims of racism made against you by NAPTOSA, SADTU and a few people at your school"*. The email invited the Principal to make a comment. The following day, on 13 March 2018 a Journalist, Se-Anne Koopman, who issued the following communication to the principal:

"Good day Principal

According to NAPTOSA and SADTU, they have been dealing with allegations of racism levelled against you by people at the school. This is the statement that was sent to us. The learners and educators of Grosvenor Girls High on the Bluff have been the victims of the Principal's misconduct for the past 3 years. She refers to learners as having a drunkard Coloured accent. She refers to the braids of Black girls as being dirty. She refers to district officials as the Black men that shouts. Indian parents are the worst to deal with. Former White schools (such as ours) are targeted unlike the Black schools which should be closely monitored. This is not a township school and township behaviour would not be tolerated. If we want White children we must up our game. NAPTOSA and SADTU has engaged with the Department of Education for the past 3 years hoping and remaining optimistic that this harassment will end. The Department has failed to protect the learners and the educators. There are no consequences for the Principal who continues her rampage on a daily basis. There is no urgency on the side of the Department to have this matter resolved. I await your reply".

23. Late in the afternoon at about 16h23, the principal responded and advised as following:

"Regrettable, I am unable to comment hereon as your address is for general nature. Please guide me in a specific section with regard to both allegations and the article so that I may be afforded the opportunity to apply my mind and comment thereon properly based on truthful facts".

24. The principal is familiar with the department's policies and practices. The mediation process that Mr Mthethwa had initiated sometime in 2017 enabled the principal to express herself openly and demonstrated the objective level of understanding the roles and responsibilities of the governing body and its committees. The principal fairly documented her own role and responsibilities and contrasted them with what are her expectations from the educators and the Bursar as a perfect example. Therefore, the panel persist with its view that the principal has to account for the funds she received from Photo Note, if not, the department would have itself to blame.
25. In the mediation meeting held in June 2017 whose contents are transcribed as Appendix 17 point 6 at the top of page 53 of the transcription attributes the

following statements to the principal.⁴ We observe that the principal fully appreciates the scope, functions and authority of the governing body. Therefore, when she acts or behaves contrary, she probably does so on her frolic and cannot hide behind lack of knowledge of the SASA and departmental policies. Her remarks are as follows:

"Certain things have changed, with members of the governing body, it is their job to manage the finances for the school. Mrs Gertze has got to report back to the Treasurer. It is mandated, it is law. She has to have the answers in the governing body or the FINCOM meeting and she has to be able to answer to where all the money in the school is. They are looking at the finances of our school very carefully. School fee money come in, it has dropped, it is phenomenon that all school are facing at the moment. The economic times are hitting the ordinary working person very hard.

So, the job of the Treasurer and the job of the FINCOM is to manage that very carefully. And they want to know where the money is going. They are not in the school. They do not know what projects we got on, we have to explain simple things, like when we talk about charity collections, we have to say, how, what is it all about, when do we do it and they ask, more or less how much money comes in and what are we doing with it. The same as I would ask Mrs Pillay if she takes fine money from the media centre. She is responsible for that money but is answerable to me. I have every right to say, Mrs Pillay show me your books, I want to see how much fine money come in, where is it and where is it going to?. Our policy is usually that fine money goes into buying more books or something for the media centre. But again, that is what the Treasurer wants to know.

They can ask for Mrs Cowie's books, the inventory and they will want to know what happened to the furniture that they bought 2 or 3 years ago. Why are we writing off so much?

Everything we have to account for if there isn't enough money, then we really cannot spend. Because, like, in any budget there is a priority. Electricity, we have to have. We have to pay the water bill and then settle we have to go down the line to where things become emergency. Sport has to have equipment. We cannot and legally we may not have children out onto a field if their masks are not there. So, if we are going to enter into sports of any description we have to make sure that those safety features are there.

So, we are constantly juggling funds around. It is public money and we have to be able to answer to what is happening. So, when Mrs Gertze asks you if we are running a project and she is reporting back from the governing body, they want to know answers and we have to supply those answers." (Sic)

⁴ Copy of the Appendix 17 marked **Exhibit 03**

Complaint of Inappropriate Language towards Colleague and Learners – Written Response To SACE Complaint

26. NAPTOSA complained about allegation of unprofessional conduct which may be in breach of the South African Council of Educators (SACE) code of professional ethics. The principal engaged a legal representative to assist her and respond to the NAPTOSA complaint.⁵In view of the nature of the issues and the language used in **Exhibit 04**, we highlight some specific remarks made by the principal towards the complaint from NAPTOSA. **Exhibit 04** is dated 7 September 2017 and fairly presented how the relations between the Principal and the members of staff were during the period preceding the arrival of the chairlady and the 2018/2020 SGB. The written submissions are structured in the form of a direct response as pleadings to a specific allegation. The panel's document was missing the NAPTOSA complaint under reply. However, this does not impact on the relevance of the principal's statements in **Exhibit 04**.
27. When dealing with the allegation of ***"discrimination of a learner with a funny accent"***, the principal *inter alia* explained that she had enrolled two new (White learners) who had problematic backgrounds and information was conveyed to the staff for their awareness and assistance as the school serves the community and they have therefore acknowledged that there will be different customs and believes in the community. She believed that by informing the staff about the learner's accent she was initiating a protective measure since the learner might be the target of the other learners because of her accent.
28. As confirmation of her understanding, the principal reported that her PA, Mrs Berkhouse had great difficulty in understanding what this learner was saying when helping her with her school uniform. Therefore, she based her assessment on a previous experience when a White learner joined the school. The said learner was fluent in isiZulu and it created problems with the other learners of all race groups.

⁵The Principal's response to SACE is attached and marked **Exhibit 04**

The said learner (the one who was fluent in isiZulu) often claimed to be the target of bullying. The principal concluded by explaining that she made the statement to create an awareness and as a protective measure against discrimination and bullying thereby ensuring that the school continued to promote the interest of the learner and the community as a whole and thus ensure that the community was respected.

29. As a parting shot, the Principal stated that:

"Conspicuous by its absence, Mrs Cowles failed to deal with the fundamental issue of whether the learner in fact did have the accent or not and furthermore deliberately refrained from mentioning for the purpose of the meeting; these being issues either she or her Union, ought to have been fully aware of". (Sic)

30. The principal then addressed the correctness of her statement that one learner was okay but did explained that she did not state that the other learner spoke in a funny Coloured accent. She then invited Mrs Gertze to explain what a Coloured accent is and what a funny Coloured accent is.

31. In her further elaboration, the principal stated:

"Notwithstanding the above, I further bring to the attention of the SACE the conduct of Mrs Khan in this matter and her behaviour at the institution and is unbecoming of an educator, which has not only caused rivalry but acrimony between colleagues but has also permeated into the daily function of the institution resulting in disruption and uncertainty; misconduct being expressly prohibited by the Code and by the Department of Education and for which I intend lodging the necessary complaint to the SACE and the steps taken by the Department of Education.

Further note within the above the statement alleged by Mrs Khan is a fabrication in that the statement "funny Coloured accent" was not made in the word "funny" is included to denote a derogatory context or emphasis upon which words Mrs Khan hinges to create the perception, the atmosphere of racism and discrimination; on this basis alone not only is the conduct in violation of the code but equally grounds for discipline either civil and criminal actions which I intend to take against her."

32. Dealing with what NAPTOSA had alleged in paragraph 2 of the complaint, the principal *inter alia*, made the following statement that *if there had been any intention of being racist or discriminatory, in any form, the public forum would not have been*

the least optimal venue to do so since it was a macrocosm of diversity. Therefore, the principal questioned Mrs Khan's logic for using a public venue.

33. The principal attacked the context of paragraph as a fabrication and clearly constructed to constitute a racial or prejudicial statement and that construction was disingenuous to say the least. The following is a further extract from **Exhibit 04** wherein the principal was addressing the NAPTOSA complaint. It reads:

"What is extremely decision as a possible step from lack of interest is Mrs Khan's ignoring that on several occasions the DBE makes reference to township schools and so does various Provincial Departments of Education; it would be safe to assume that these bodies accept that the institutions are firstly schools and secondly are in townships, ergo it following that the schools are termed township schools there being no difficulty in this concept. It is well publicised in the newspapers, on the internet and over television and therefore well within the public domain, and within the public forum if the words of Mrs Khan are to be hijacked, that many incidents of violence between students and educators occur at township schools; this being a fact as offensive as it may appear to Mrs Khan.

Clearly, all of the above have escaped Mrs Khan and she has since adopted the most bizarre interpretation possible, which is only possible by the disingenuous insertion of the words "township behaviour"; is being tantamount of false allegations of racism and constituting both a civil and criminal injury on her behalf and which I intend to pursue; and indeed it is correct that I did mention that such township school behaviour, as described above, would not be tolerated; the interpretation of what Mrs Khan may have does not alter what is public known and is a fact."

34. Finally, when dealing with the allegation in paragraph 6 of the complaint, the principal said that the incidence that Mrs Khan referred to was a hotchpotch of assumptions and hearsay.⁶ Further that the allegations which Mrs Khan related to and to which Mrs Khan apparently perceived with her own personal senses were contradictory and peppered with inconsistency to the extent that Mrs Khan's credibility that the NEPTOSA complaint had already weighed, measured and was found wanting.

⁶ The panel did not receive a copy of the NEPTOSA complaint referred to.

35. The principal contended that she was not in the habit nor was inclined to answer allegations of racism based on hearsay, save to say that *"these further allegations are formulated on the same basis supported with the same reasoning, then those allegations will prove to be as entertaining as the present."*
36. The principal concluded her response by registering a counter complaint against Mrs Khan which complaint is couched as follows:
- (a) *Notwithstanding the contents of this response and the blanket nature of the denial contained herein, if SACE is not satisfied with the response and elects to convene a disciplinary hearing then I would be happy to comply; if not for my own personal and professional indication as an educator and Principal but then to establish the fabrications contained in the complaints so that the proper disciplinary measures could be implemented against Mrs Khan.*
 - (b) *With reference to the content of paragraph 12 above, I trust that this response will serve as my complaint against Mrs Khan and request that the necessary complaint be investigated against her.*
 - (c) *I further bring to the attention of the SACE that if these continued attacks against my professional and personal credibility against Mrs Khan do not desist immediately, I intend to apply for the necessary relief against her, the costs of which will be for her account. I further bring to the attention of the SACE that the above actions of Mrs Khan is not only causing the disharmony within the institution but simultaneously between various staff which conduct now also brings the institution to disruptive and educators profession with it along with the DBE.*
 - (d) *I further bring to the attention of the SACE that despite the attempts to resolve this dispute with Mrs Khan along with other staff, have failed to use official channels and invitations to solve any grievances and persists in creating labour disputes, disharmony and division within the institution, something which will no longer be condoned or tolerate and which will have to be deal with legally irrespective of any Union involvement or representation."*
37. The principal failed to contain herself against the educator Mrs Khan. The complaint was issued by NAPTOSA and not by Mrs Khan. However, in the attempt of addressing the complaint, the principal unleashed and exposed her disgust for Mrs Khan. A shop steward of any union enjoys the same protection in

terms of the Labour Law of the country. Therefore, in order for a shop steward to adequately articulate the views and interests of his/her trade union members, employers are not entitled to target and victimise them for the role they play in their trade union activities. Similarly, a shop steward must conduct his/herself in a manner that is neither disruptive nor confrontational. In the event of a shop steward misbehaving or acting in conflict with the workplace policies and procedure, the law makes provision for addressing that individual.

38. Unlike in the principal's wisdom, the principal vented and attacked Mrs Khan instead of responding to the complaint lodged by NAPTOSA. There is a clear problem or lack of understanding how peace and stability is maintained at the workplace. Every employee has a right to belong to a trade union of his or her choice. There is no employer who, in the present democracy should be allowed to pierce through trade union veil and attack a shop steward. The principal went too far and levelled all kind of threats at Mrs Khan in some witch hunt by attacking Mrs Khan, unjustifiably. This had the effect of either weakening Mrs Khan's moral or ridicule her in the name of addressing a complaint lodged by NAPTOSA.
39. The issues reflected above were raised by organised labour. The background history exposed above seeks to place before the department that it probably is not true that the SGB was looking for faults against the Principal. Moreover the suggestion that the 2018/2020 SGB was instrumental in the chaos in the school by influencing divisions amongst the educators is also not true. The 2018/2020 SGB found the school already fragmented. All reports of investigations and interventions executed before March 2018 bear testimony to the state of the school.

Part II

THE ERA OF THE 2018/2020 SGB

Allegations of Financial Irregularities

40. We have observed that almost all of the issues that had attracted much attention from the district office, the circuit manager's office and the South African Council of Educators (SACE) took place prior to the introduction of the chairlady and the 2018/2020 SGB members. To premise all issues confronting the school as being issues between the chairlady and the principal is in our considered view incorrect.
41. Instead, an environment had been set through which various altercations between the principal and the staff members ensued and we did not see an intervention nor heard about whatever intervention was made by the 2015/2017 SGB. Therefore, when the 2018/2020 SGB took office the school was already in an internal turmoil.
42. The panel considered that it would be critical to observe the period preceding the 2018/2020 SGB elections. In this regard the panel was fully enlightened through an email report that was issued on 19 March 2018 by the principal of Brighton Beach School, Mrs Louis Hey. In terms of the elections of the public schools governing bodies, the department's protocol for running elections requires the appointment of an electoral officer from another school. Mrs Hey was the electoral officer when she issued the following report, which was addressed to Mrs Zondi from Governance and Management Component:

"Dear Mrs Zondi

This serves to advise that the second SGB election meeting at Grosvenor Girls High on Thursday 15 March at 18h00 was [inaudible] because of the following:-

- The parents did not want Mrs Jorgensen on the premises. Mrs Jorgensen had been outside the hall greeting and seeing that they had received a card allowing them entrance into the hall. Before the meeting started, she had gone to her office to wait for the meeting to elect office bearers. I went to her office with the demands of the parents and she left the school premises.*
- The parents complained that a reminder of the second SGB election meeting had not been sent out by the school, as I had promised at the first meeting. Even though there were far more parents at the second meeting, they declared that it would be unfair for the meeting to go ahead. I established that the school had not sent out the reminder and proposed that a meeting be adjourned.*
- I proposed that the next meeting be on Monday, 26 March at 18h00. This was agreed upon.*
- The notice of the RCL meeting on Monday, 19th and the SGB parents electoral meeting on Monday, 26th were to be sent out by the school on hard copy, D6 and SMS.*
- I closed the meeting.*

Some parents wanted the eight (8) completed nomination forms I had already been given, to be declared null and void. They wanted to know where those nominees got the nomination forms from. I explained that they were available from the school as indicated in the notice of SGB election meeting. Nomination forms were obviously available at the meeting and parents swamped to take them.

Some parents were not happy with the manner in which the RCL election had been run because they were already three (3) proposed names on the ballot sheet. Even though the girls were asked at the meeting for further nomination. One nomination was forthcoming, but the nominee was unwilling to stand. There were no further names put forward. The RCL election to SGB was redone today at 10h00 even though there was nothing out of order at the election meeting held on Thursday, 15 March.

The mood at the meeting of 15 March was militant and intimidating. It is clear that a group of parents want Mrs Jorgensen out of the school.

I appeal to you and/or Mr Ntanjana to be present at the meeting on the 26th March failing which, I am not happy having to deal with this type of behaviour and request that another electoral officer be appointed for Grosvenor Girls High School.

Regards"

43. Mrs Hey impressed upon the officials the level of militancy and intimidation that prevailed at the cancelled SGB election meeting. As a result, Mrs Hey contemplated further heightened militancy and intimidation during the forthcoming SGB elections; and then appealed that both Mr Zondi and/or Mr Ntanjana should attend the meeting scheduled for 26 March failing which she would not proceed with the elections.
44. The atmosphere that preceded the 2018 SGB elections and the results of the elections may have negatively impacted upon the principal's judgment on future working relationship with the 2018/2020 SGB under the leadership of the chairlady. The principal may have felt humiliated and justifiably so because she *de facto* is the principal of the school and a member of the SGB of any composition as the law provides.
45. Of further significance is the demand attributed to the parents by Mrs Hey that ***"it is clear that a group of parents want Mrs Jorgensen out of the school"***. These are the developments that would not settle well with anybody even in the position of the principal when any incoming structure in your school is attributed to have voiced a desire or having placed a demand that you should be out of the school and sets no procedure/process in motion which would inform you of why they wanted you out.
46. In defence of the SGB, there is no report that they personally participated or identified with such demands. However, they came from the parents' body and the demands were allegedly made by the parents. With hindsight, the SGB acts on the mandate and confidence of the parents' body, consequently, it may be academic to speculate whether they participated or identified themselves with such stern demands.

A tit-for-tat exchange of communication between the principal and the chairlady

47. On 20 June 2018, the principal issued the following communication the chairlady. The principal must have fully understood the consequences of the proposed forensic investigation was a stone wall thrown at the chairlady and the SGB. The panel observed the level of background consultation the principal had put through in an endeavour to frustrate the forensic investigation. The door was slammed as follows:

"We have been advised that the correct procedure to follow when requesting a forensic audit is the following:-

- 1. There must be written request to the FINCOM from the person who is claiming that there is financial mismanagement. This request must be accompanied with the factual evidence of such claim.*
 - 2. The FINCOM must then meet to discuss the merits of the request. The FINCOM makes the decision to accept or decline the request.*
 - 3. Should there be merits to the request then the Treasurer would present the request to the full SGB for their approval.*
 - 4. There must be three (3) written quotes from regional special forensic audit company. These companies must be registered with IRBA.*
- In light of the above, the proposed SGB meeting for 21 June 2018 would be out of order as due process has to be followed.*

King regards"

48. The chairlady received replied the following day, on 21 June 2018 under heading payment to service providers:

"Re: Payment to service providers

I have been advised by Dr Ngubane, the MEC representative, that as the SGB we have the right to stop payments being made to service providers and supervise this process following proper procedures. We are now stopping all payments as of the 22 June 2018. I am also recalling the Section 38 which I signed on the 19 June 2018. I will also not be signing the exemption forms as this was not done procedurally.
Thanking you"

49. A response was issued by the principal and this became apparent from a typed response that was given to the panel. The panel observed that the author chose to write on a clean page and avoided using a letterhead. The author could not be identified through, the content is a direct response to the chairlady's communication:

"Receipt of your message is hereby confirmed. While the position of Dr Ngubane is unknown, there has to be an understanding that SASA 84/1996 takes precedence. I therefore wish to refer you to Section 16(a) of the said Act, and more specifically to Section (a) to (f)...inform the governing body about policy and legislation...and (2)(h)...assist the governing body with the management of the school funds, which assistance must include...

(ii) the giving of advice to the governing body on the financial implications of decisions relating to the financial matters of the school; and

(2)(j)...be a member of the Finance Committee in order to manage any matter that has financial implications for the school;

The SASA overrides all suggestions by outsiders who might be regarded as being in a position of influence. I wish to bring to your attention that your message (instruction?) is outside of your authority and would have severe implications on the smooth running of Grosvenor Girls. You can unfortunately not make unilateral decisions. You don't chair FINCOM and even if you did, you still not be in a position to make any unilateral decisions, as FINCOM has no autonomy. The SGB as the mother body rectifies all proposals coming from FINCOM. FINCOM has no authority per se, and neither do you.

I suggest you table your suggestions at the next FINCOM meeting. The repercussions of what you propose will have to be discussed at both the FINCOM and the SGB meeting. Please be advised that a copy of this reply has been forwarded to both governance, Mr Ntanjana, Mrs Zwezwe and Mrs Jali and Mr Timothy."

50. An unexpected turn of events developed through an exchange of documents, one reads as a petition seeking a forensic investigation and the other appeared to counter the petition. The two documents were prepared and signed by individuals who were later identified as the SGB members and educators employed at the school. The petition document was prepared on 21 June 2018, addressed to the principal and was received by Ms Brijraj. The petition was signed inter alia by Mafuleka-Sibiya, Gumede, Janse, Karim, Mthembu, Joubert, Singh, Mthlane, and reads:

"The Parent and Teacher body of the SGB are requesting a Forensic Investigation due to the following allegations and failure to follow procedure or policies:

- The principal has mentioned that she has been accused by the teachers on her staff of stealing school fund monies.*
- The auditor's report has not been returned and the Principal has had difficulty in contacting the.*
- Our FINCOM has not had full access to original financial documents from the bank.*
- Service providers and staff of contracts with policies for procurement have also not been made available to the FINCOM.*
- The FINCOM have not been able to plan for the upcoming budget proposal the due of co-operation by you and your team.*
- Due to non-payment of school fees by parents because of their dissatisfaction with how the school fund is being utilised by the school.*
- To have a more accurate financial assessment of the school's position before we, as the new SGB, make decisions that would affected the school negatively (sic).*
- To receive financial advice from the exercise to impact the school in a positive way.*

Due to the above mentioned reasons we want to appoint a forensic investigator to carry out a much needed forensic audit as soon as possible."

51. A day after a further document surfaced on 22 June 2018, it was addressed to the principal under heading "To Whom It May Concern", its subject reads: **"RESPONSE TO ACCUSATIONS AGAINST MRS LM JORGENSEN AND A REQUEST FOR A FORENSIC AUDIT OF GROSVENOR GIRLS HIGH SCHOOL BY THE SCHOOL'S GOVERNING BODY.** The contents of which reads:

- "1. The demand for a forensic audit by members of the Grosvenor Girls' High School (GGHS) Governing Body (SGB), dated 21 June 2018 has reference.*
- 2. Included on the signatories on this letter are the GGHS' staff representatives. In light of the serious allegations made in this letter, we wish to draw all stakeholders' attention into the following:*
 - Such allegations in no way represent the views of the GGHS staff as a whole. We have no reason to doubt the financial integrity of the school.*

- *At no time was the staff as a whole consulted on these issues at any time. As such, we wish to place on record that we are not party to such allegations.*
 - *We take offence at the implication that the staff's views as a whole have been taken into consideration by way of the unilateral signatories of the school staff's representatives on the SGB.*
3. *As educators at Grosvenor Girls' High, we remain committed to the school and the efficient functioning thereof.*

Yours sincerely"

52. The second document was signed amongst others by Puymann; Blumfield; Arlow; S. Govender; C. Krowkamp; I Du Plessis; H Traut; S Sullivan; J Offer; J Chabant; and B Fitzpatrick. Due to the nature of the copy in our possession, the other names are illegible and not decipherable.

Recommendations for suspension and investigation by Mr Mthethwa

53. On 02 August 2018, a period of few months after the recommendations contained in **Exhibit 01** were issued, Mr Mthethwa had another occasion to report the principal to the Late PN Cele, the then Umlazi District Director.⁷ In this instance it appears that Mr Ntuli was no longer the District Director. The following extract is the contents of the recommendation for suspension and investigation against the principal.⁸

- "1. *The attached document which included the Principal's letter together with a copy of a grievance letter addressed to the MEC. The grievance from the parents and correspondence between the Principal and the SGB chairperson refers.*
2. *I hereby write to recommend the precautionary suspension of Mrs Jorgenson, the Principal of Grosvenor and the intensive investigation around claims of financial mismanagement of the school including R3.4 million alleged to have been given to the school for the purpose of buying off a certain company by the other.*

⁷ Mr PN Cele passed away when the panel was already conducting the investigations at the school. May his soul rest in peace.

⁸ The report dated 02 August 2018 is enclosed and marked **Exhibit 05**

3. *The school has been in the news since last year and interventions were made to try and resolve what at first appear to be a conflict among the staff, Principal and the aggrieved group. An investigation was conducted on claims of racism but was found not to be true, instead the Principal was found to have uttered unbecoming words and had to be warned for that.*
4. *Earlier this year we visited the school to intervene in a conflict involving the Principal and aggrieved group that was followed by a conflict resolution meeting held on 3 February 2018.*
5. *the learners boycotted the classes in March and new claims were made including the selling of sanitary towels, moving of teaching, resources and interference with the election of learner representative to the SGB. We went in there with the former District Director to verify the allegations.*
6. *last week we received a complaint from the Principal and subsequent telephone calls from the SGB person who had been referred to me by the officials from the MEC's office.*
7. *On Monday I and Mr Timothy visited the school to meet the SGB in the evening. The SGB made serious allegations of financial irregularity, include among other things a. verbal handover to the incoming SGB who claimed they were told they would not have access to financial records. b. the dispute reported to be in court around Photo Note whose contract is reported to be exorbitant and combined with that. c. allegations that the school was given R3.4 million to buy off Photo Note which we established was not for the purpose it was given for. The Principal responded to the question as where is the money by saying it was used for paying services like electricity. We learnt that the school was owing two companies where the instalment for one is estimated to be at R15 000 per month.*
8. *It became evident to us that relations between the Principal and the SGB are not good and not so conducive for the delivery of quality education.*
9. *I also found that the activity plan given to all Principals and SGB person or their representatives on the 6th June 2018 through which meant to put things right on all our schools in respect of proper financial management was never implemented. Her failure to ensure such implementation makes me doubt her willingness to carry out instructions meant to assist the school more forward.*
10. *I have attached the report initial interventions made at the schools earlier. Thank you.*

Thank you" (Sic)

54. This report was issued immediately after the meeting with the 2018/2020 SGB. The school minutes confirm that Mr Mthethwa attended a session with the Principal and the SGB members. The panel confirms that a further specific investigation that looked into the financial irregularities was conducted by Mr D Ntanjana and Mrs Jali. After the investigation, Mr Ntanjana and Mrs Jali issued a preliminary report.

Governance And Management Component's Preliminary Investigation Report

55. On 30 July 2019 Mr GD Ntanjana and Mrs GL Jali (the 2 person team), who are officials from the governance and management component issued a joint report under heading "***Investigation about the Grosvenor Girls High School financial mismanagement / irregularity***".⁹ Exhibit 06 recorded the details of the parties as "*Mrs L Mafuleka-Sibiya on behalf of the SGB as a Chairperson, Mrs LM Jorgensen the Principal and Mrs Gumede the Treasurer.*" A note alongside Mrs Gumede's name reads '*numerous efforts to meet with her were unsuccessful*'.
56. In terms of the background to **Exhibit 06** the 2 person team recorded that the issues to be investigated due to the non-co-operation between the SGB and principal (SMT) on issues of governance and then listed '*Financial mismanagement and poor working relationship between the SGB and the principal*'. The following further issues were recorded for the investigation:
- 56.1 Whether the school has a financial policy and whether it is adopted by the SGB;
 - 56.2 Whether the school utilise finances in line with the adopted budget and the involvement of necessary structures like the finance committee and the SGB;
 - 56.3 If the reports are given to the SGB component on school finances;

⁹ The copy of the report issued by Mr Ntanjana and Mrs Jali (2 person team) is attached and marked **Exhibit 06**

- 56.4 Whether tenders are done in line with the finance policy;
- 56.5 Receipt and control of school funds are payments deposited directly to the school account or paid in cash at school;
- 56.6 Claims of funds meant for buying out of a contract +/- R3.4 million but utilises elsewhere and ascertain the approval of the SGB on this matter.¹⁰

57. The 2 person team proceeded to capture their summaries of the submissions which they received from the respective parties and started with the chairlady. The following is the recorded summaries of the chairladies' submissions. The panel highlights only the submissions, findings and recommendations that impact upon its terms of reference. The investigation was concluded with preliminary findings, and recommendations on 30 July 2019:

57.1 **Mrs L Mafuleka-Sibiya**

Exhibit 06 records that the chairlady made the following comments against the issues listed in subparagraphs 40.1 – 40.6:

57.1.1 Issue in 40.1

She informed the investigating committee that:

- (a) The school had no policies and there had never been a handover from the previous SGB. Further that Mr Mthethwa at a school meeting provided time frame for the hand over by the outgoing SGB, however it never happened.
- (b) The 2018/2020 SGB developed a finance policy in August 2018.

¹⁰ The Panel follows the number of issues that are reported through **Exhibit 06** and not its mistake on the numbering of the issues. They are six in number.

57.1.2 Issues in 40.2

- (a) The FINCOM was in existence, however there was no proof that the SGB spent according to the current year's adopted budget because the FINCOM had no proof of the transactions.
- (b) The appointment of the SGB educators without any consultation resulting to a standoff between the principal and the SGB.
- (c) The Bursar received an amount of R40 000.00 as salary payments paid twice in May and August 2018 and this was done without the involvement of the SGB.
- (d) The Bursar's son was paid R2000.00 without consultation or involvement of the SGB.

57.1.2 Issues in 40.3

- (a) The school did not submit audited financial report for the school year 2016/2017, therefore when the SGB submitted the 2017/2018 financial statements, the school received a **qualified audit report**.

57.1.2 Issues in 40.4

- (a) The tenders were not done in line with the finance policy, and the school did not obtain three (3) quotations as directed by the finance policy.
- (b) The school bank account had only two signatories, the principal and the Bursar and had no parent nor a member of the signatories.
- (c) The school had no money in the bank.
- (d) The school had 5 SGB paid administrative clerks. The circuit manager proposed that the school contracts should be adjusted to meet the school's financial position. The said proposal was not implemented. However, the three groundsman were tasked with the administrative duties after the retrenchment of some of the

administrative staff because of limited funds. A garden services company was paid R11 000.00 a month for services rendered despite of the school's poor finances.

57.1.2 Issues in 40.5

- (a) The school has two bank accounts and continued to accept cash for payment of school fees, the practice that was in breach of the SGB's decision forbidding handling cash at school.

57.1.2 Issues in 40.6

- (a) Contractual standoff between Photo Note and the school. The school was paid R3.4 million by Fintech, to offset the Photo Note contract, however, the school paid for lights, water, salaries and other contractual obligations.
- (b) When questioned by the chairlady about the minutes where this decision was made, the principal did not respond. Subsequent enquiries from the previous SGB, a member of the erstwhile SGB claimed that he did not know anything about the Photo Note arrangement, the other members were similarly reportedly had no knowledge on Photo Note.
- (c) The Photo Note contract bears the principal's signature representing the school. Due to the lawyers' advice, the photocopying machines were not being used.

57.2 Mrs LM Jorgensen

Through **Exhibit 06**, the 2 person team recorded *inter alia* that the principal commented against the issues listed in subparagraphs 40.1 – 40.6 of **Exhibit 06**. The principal's comments are summarised hereunder:

57.2.1 All issue

The Principal responded very brief to some of the issues raised by the chairlady and informed the 2 person team, *inter alia* that:

- (a) The school had contractual obligations incurred by the 2015/2017 SGB and had to be honoured by the 2018/2020 SGB. The amount of R3.4 million was paid by Fintech as buyout of the Photo Note contract. The buyout decision was finalised during the period between May and October 2017 and involved the erstwhile Treasurer and the Chairperson as well as the seating Principal.
- (b) The Photo Note contract was *sub judice*, further Photo Note was being paid R40 000 a month. However, in 2019 due to depleted funds, Photo Note was not paid. The R3.4 million was depleted in 2018 when the 2018/2020 SGB was on board.
- (c) Some of the parents were discouraged by the 2018/2020 SGB from paying school fees. As a result the parents decided at one of their meeting that the fees should be reduced from R22 000 to R15 000.
- (d) For 2018/2019 there were no records of minutes of the SGB meetings available, only the notes of the principal and the deputy were available.
- (e) The 2018/2020 SGB members refused to participate in the handing over meeting.
- (f) The principal explained that a double payment was made to Mrs Gertze during her termination as advised by CCMA, and described it as "**constructive retirement**".

58. The 2 person team found that the principal, as the accounting officer, knew that the deviations were not permitted, however she failed to present a proper account of how the school spent R3.4 million meant for the buyout of Photo Note. In its wisdom, the 2 person team found that the principal mismanaged funds amounting to R1.7 million. The Principal made payment contrary to the budget and the finance policies. However, the 2 person team found no evidence of

embezzlement of school funds by the Principal. Instead, the Principal's conduct was not in compliance with treasury regulations on the use of school funds.

- 59.** The 2 person team recommended that the principal should be charged for non-compliance with policies and further that the principal had to do a full audit and account on the disbursement of school funds. Lastly, a Forensic Team should be tasked to conduct a full investigation on the school financial management in respect of the following:

59.1 Authorization and distribution of funds by the SGB

59.2 By the Bursar as the employee of the SGB

59.3 Signing powers between the principal and the Bursar

59.4 Inadequate records to substantiate payments made.

- 60.** The panel has observed that the 2 person team fully appreciated the seriousness of the Principal's conduct. This was not limited to knowingly used school funds against treasury regulations and financial management. A glaring failure to explain how and why the amount of R3.4 million was not spent for the purpose. Further that despite spending funds meant for a contract buyout, the principal failed to account for the expenditure incurred.

- 61.** The forensic team was not sent to probe further the financial irregularities despite the department's 2 person team recommendation. This does not auger well with the department's image faced with the Principal's persistent recalcitrant behaviour. The issues that have been raised with the panel are similar to what the chairlady raised with the 2 person team in 2019. The findings and recommendations were not implemented and this is concerning. More so, because the panel made a request for an additional resource to conduct a

financial review in order to facilitate a complete investigation on the financial irregularities and maladministration. However, the department opted not to afford the panel with the additional resource. Instead, the department advised that *"it was appointing an independent service provider"* such an approach amounted to an amendment of the terms of reference. Consequently, the panel's terms of reference were limited at the last moment of the investigation. The limitation was not warranted.

Governance and professional management of public schools

62. We have established that there is a major break down between the chairperson and the principal. The breakdown has adverse consequences to the values and principles conceived by the legislature when it established the governing bodies. To premise our observations and consequences of the breakdown, we deal hereunder with the relevant legislative provisions, which are clearly not heeded to. We deal with the applicable provisions in their legislative order.
63. In accordance with section 16 of the South African Schools Act No 84 of 1996 (Schools' Act), the governance of every public school vests in its governing body, which stands in a position of trust towards the school. The professional management of a public school must be undertaken by the principal under the authority of the Head of Department. [Our emphasis]

The constitution of the Governing Bodies

64. Subject to the provisions of section 18(1) of the Schools' Act and any applicable provincial law, the governing body of a public school must function in terms of a constitution which complies with the minimum requirements determined by the MEC by issuing a notice in the Provincial Gazette. A constitution contemplated in section 18(1) must provide for:-

- (a) Meetings of the governing body at least once every school term;
- (b) Meetings of the governing body with parents, learners, educators and other staff at the school, respectively, at least once a year;
- (c) Recording and keeping of minutes of governing body meetings;
- (d) Making available such minutes for inspection by the Head of Department; and
- (e) Rendering a report on its activities to parents, learners, educators and other staff of the school at least once a year.

[Underlining for emphasis]

65. Section 30 (3) the Schools Act provides that the governing body must submit a copy of its constitution to the Head of Department within 90 days of its election.

[Underlining for emphasis]

66. The enhancement of capacity of governing bodies is provided through section 19 of the Schools' Act, which provides *inter alia* that out of funds appropriated for the establishment of governing bodies, the provincial legislature and the Head of Department must establish a program that:-

- (a) Provides introductory training for newly elected governing bodies to enable them to perform their functions; and
- (b) Provides continuing training to governing bodies to promote the effective performance of their functions or to enable them to assume additional functions.

67. In terms of section 18(2), the Head of Department must ensure that principals and other officers of the education department render all necessary assistance to the school governing bodies in the performance of their functions in terms of the Schools Act.

Functions of the Governing Bodies

68. Subject to the provisions of section 20(1), of the Schools' Act the governing body of a public school must-

68.1 Promote the best interests of the school and strive to ensure its development through the provision of quality education for all learners at the school;

68.2 Adopt a constitution;

68.3 Develop the mission statement of the school;

68.4 Adopt a code of conduct for learners at the school;

68.5 Support the principal, educators and other staff of the school in the performance of their professional functions;

68.6 Determine the times of the school day consistent with any applicable conditions of employment of staff at the school;

68.7 Administer and control the school's property, and buildings and grounds that are occupied by the school. Including school hostels, if applicable;

68.8 Encourage parents, learners, educators and other staff at the school to render voluntary services to the school;

68.9 Recommend to the Head of Department the appointment of educators at the school, subject to the Educators Employment Act, 1994 (Proclamation No. 10 138 of 1994), and the Labour Relations Act, 1995 (Act No. 66 of 1995);

68.10 Recommend to the Head of Department (the appointment of non-educator staff at the school, subject to the Public Service Act, 1994 (Proclamation No. 103 of 1994), and the Labour Relations Act, 1995 (Act No. 66 of 1995);

- 68.11 At the request of the Head of Department, allow the reasonable use under fair conditions of the facilities of the school for educational programmes not conducted by the school;
- 68.12 Discharge all other functions imposed upon the governing body by or under this Act; and
- 68.13 Discharge other functions consistent with this Act as determined by the Minister by notice in the Government Gazette, or by the Member of the Executive Council by notice in the Provincial Gazette.

Additional functions of the governing bodies

- 69. Section 21(1) provides that subject to this Act, a governing body may apply to the Head of Department in writing to be allocated any of the following functions:-
 - 69.1 maintain and improve the school's property, and buildings and grounds occupied by the school, including school hostels, if applicable;
 - 69.2 determine the extra-mural curriculum of the school and the choice of subject options in terms of provincial curriculum policy;
 - 69.3 purchase textbooks, educational materials or equipment for the school;
 - 69.4 pay for services to the school; or
 - 69.5 other functions consistent with the Schools Act and any applicable provincial law.
- 70. Section 21(2) authorizes the Head of Department to refuse an application contemplated in section 21(1), if the applicant governing body does not have the capacity to perform such a function effectively. The Head of Department may

approve such application *inter alia* unconditionally or subject to conditions, which are not limited to the following-

70.1 The decision of the Head of Department on such application must be conveyed in writing to the governing body concerned, giving reasons for such.

70.2 Any person aggrieved by a decision of the Head of Department in terms of this section may appeal to the Member of the Executive Council.

70.3 The Member of the Executive Council may, by notice in the Provincial Gazette, determine that some governing bodies may exercise one or more functions without making an application contemplated in section 21(1), if:-

(a) he or she is satisfied that the governing bodies concerned have the capacity to perform such function effectively; and

(b) there is a reasonable and equitable basis for doing so.

The withdrawal of functions from a governing body

71. Section 22(l) provides that the Head of Department may, on reasonable grounds, withdraw a function of a governing body. The Head of Department may not take action under section 22(1) unless he or she has informed the governing body of his or her intention so to act and the reasons thereof. Further that if he or she has granted the governing body a reasonable opportunity to make representations relating to such intention; and given due consideration to any such representations received.

72. Section 22(3) deals with urgency and provides for urgent cases, whereupon the Head of Department may act in terms of section 22(1) without prior communication to such governing body, if the Head of Department thereafter; furnishes the governing body with reasons for his or her actions; gives the

governing body a reasonable opportunity to make representations relating to such actions; and lastly, he or she duly considers any such representations made and received.

- 73. Section 22(4) of the Schools Act, grants the Head of Department with the authority to reverse or suspend his or her action in terms of subsection (3) over the governing body, in that he or she may for sufficient reasons reverse or suspend his or her action in terms of subsection (3).
- 74. Section (8) of the Schools Act states that, any person aggrieved by a decision of the Head of Department in terms of this section may appeal against the decision to the Member of the Executive Council.

Membership of governing body of ordinary public school

- 75. Section 23(1) of the Schools Act provides for the membership or composition of a governing body. It states that; *subject to this Act, the membership of the governing body of an ordinary public school comprises of elected members; the principal, in his or her official capacity; and the co-opted members."*
- 76. In accordance with the provisions of section 23(2), the elected members of the governing body should comprise of a member or members of each of the following categories; parents of learners at the school; educators at the school; members of staff at the school who are not educators; and learners in the eighth grade or higher at the school.
- 77. Section 23(3) excludes a parent who is employed at the school from representing parents on the governing body in terms of section 23(2)(a). The representative council of learners (RCL) referred to in section 11(1) of the Schools Act elects the learner or learners who become members of the governing body as provided in

section 23(2)(d). A governing body may co-opt a member or members of the community to assist it to discharge any of its functions. In compliance with the Schools Act, co-opted members do not have voting rights on the governing body.

OBSERVATIONS

78. We inadvertently found support from the officials of the Governance and Management Component that the main reason or purpose for being in school is either being an educator, a learner or a parent of a learner. With the focus being the education of learners, which takes place in the classroom. Therefore, the component found support from its varied interventions and levelled some complaints at the SGB. The component suggested that the SGB was focused less on the classes to the detriment of the reasons why they were in the SGB structure.
79. Without making specific references to the department's intervention processes, there is an official who described the 2018/2020 SGB as *"people with no interest and causing instability in the school. The description further stated that the SGB is a challenge to the school. Teaching and learning is not the core of the problem in school but the SGB members' narrow interest. They have spread over the narrow interest of the school"*. The official further emphasised that *"the SGB is trusted by the parent body therefore, the SGB should be taking a posture that places the school needs as supreme. They knew how the money is used, they should be working with the SMT because it was the SGB that reduced the school fees. This is not serving the school interest, whether money was stolen, the question of the best interest of the learner must be maintained"*. The official concluded by saying *"the handing over was a failure of the 2018/2020 SGB as a result, a broken trust of parents gave rise to the weaknesses in the school"*.
80. The officials who undertake interventions should keep an open mind and try not to err on the caution side, lest they are party to the failure of the department to

decisively diagnose the real problems they are instructed to attend in a school. To use scapegoating protracts the diagnosis of the problem. As a result, the problems turned into a system that the department failed to contain. The problem has spread like cancer in the school. There is evidence of a toxic environment in the school.

81. The department failed to institute accountability through corrective steps against the principal and some of the SMT members. Consequently, the principal and some of the SMT may to their detriment unwisely assumed some form of vindication through lack of decisive steps from the department. Both the principal and Ms Brijraj have openly created disruptive channels wherein they communicate with the department at will. There is no need for Ms Brijraj to issue reports on any official SGB meetings. The panel found no logic for the Principal to write letters to the circuit managers and the district manager and criticising the SGB, whilst not making objective reports. The principal defied all possible proposals from the circuit office to render the school central to governance and management. However, the department failed to take action against the principal.
82. There are findings and recommendations made to the department, which the panel finds that if they were implemented or at best followed up the problem may have been arrested. However, the contrary prevailed and thus the department failed to stamp its authority. A glimpse of ill placed stamp of authority was only demonstrated against the SGB. On 14 January 2020, the department threatened to implement its section 22(1) powers.
83. To the contrary, the principal stamped her authority over the department by issuing an *ultimatum* to the department and demanded the dissolution of the SGB. The failure to address mismanagement and leadership challenges could be contrasting with the following perceptions; the first being that the department condones the principal's behaviours as well as infractions, and the second being

that the school is in good hands under the principal's management. Therefore all complaints are either baseless or distractions.

84. Unfortunately, the principal and Ms Brijraj had other ideas. They pressed on and ignored changing their attitude against issues that are historic complaints against the principal, Ms Brijraj and the SMT. The issues grew exponentially and have resulted in gross administrative practices. Illegal and irregular decisions were taken by the principal, Ms Brijraj and the SMT in the pretext that the SGB is ineffective and deserve to be disbanded.
85. The COVID-19 pandemic presented some opportunity to execute illegal and irregular decisions, which are costly to the meagre funds of the school. Whilst these costly decisions are implemented, the SGB is vilified for failing to either do its duties or pay and/or collect school fees from the parents. The principal leaned more on the management side and has mismanaged the finances of the school. The principal has signed *employment agreements*, purportedly as an SGB delegate. However, the Principal was not competent to act on behalf of the SGB she despises. Her conduct is contrary to good practices and governance.
86. The principal rejected the 2018 finance policy and runs the school outside the full implementation of the finance policy. Complications have arisen from the fact that the majority of these illegal and irregular decisions are usurpation of the SGB's powers, roles and responsibilities. We frown at the manner and level upon which the SGB is vilified for no substantive reasons, except to weaken the SGB as a governance structure.
87. The SGB members who are parents and who owe school fees are being handled in terms of the school policy and practices. However, we have observed concerted efforts to use the SGB parents as a scapegoat for the school's financial challenges. Some of which precedes the 2018/2020 SGB's term of office. The financial challenges are a sole reason for the school's financial

demise. The panel subscribes to the rule of law and supports the school's practices of engaging lawyers to attend to the school debtors. The panel is privy to the full legal steps undertaken against individual owing parent and says "Bravo" to the school and that it should not detract from the legal processes.

The school policies

88. There is an outcry from the Bursar and Ms Brijraj that the 2018/2020 SGB failed to issue policies for the school. A slight jab is constantly directed to the chairlady, who could only issue two (2) policies. However, the reality is that the finance policy and the admission policy were the policies that were developed and are both not endorsed through signature by the principal. The two policies were completed on 10 October 2018 and are yet to be endorsed by the principal. The famous excuse is that they were done in the absence of the principal. The panel does not condone the principal's lame excuse for failure to adopt and countersign the school policies that were developed and adopted during her absence.
89. The finance and admission policies were developed by the SGB, which consisted of the chairlady, the vice chairperson (Mr Jansen) and the treasurer (Mrs Gumede). The two were sought to be followed with further school policies, however, the panel fails to appreciate how the SGB could proceed and develop further policies at the risk of rejection by the principal.
90. Ms Brijraj contended that when the finance policy was drafted, she made suggestions however her suggestions were not accepted. According to her, the decision was already made long before the policy writing session she attended. When we asked from Ms Brijraj to share with the panel any specific contribution that was rejected. Ms Brijraj gave the example that *"the fees must only be handed over at the beginning of the following school year. The finance policy and practices are different."*

91. According to Ms Brijraj there should have been initiatives of the 2015/2017 SGB that ought to have been carried forward by the 2018/2020 SGB. Ms Brijraj contended that she did not know how the policies were developed, because she was not an SMT member when such policies were developed by the 2015/2017 SGB. Further according to Ms Brijraj the file that was handed over to the panel consists of policies that were in existence before the 2018/2020 SGB. When she was handed over the file with the school policies and invited to identify a signed policy, Ms Brijraj failed to identify a single signed policy. In her refuge, she blamed the 2018/2020 SGB and lack of cooperation from the chairlady.
92. The panel indicated that the 2018/2020 SGB seemed to be the scape goat for all non-compliances in the school. Ms Brijraj sought to justify such an allegation by suggesting that the school worked very well under the 2015/2017 SGB. This sought to attribute all current school ills to the SGBs that have taken over since the 2015/2017 SGB' term ended.
93. As a parting shot, the panel invited Ms Brijraj to produce the minutes and policies of the 2015/2017 SGB, the full recruitment records of the "**SGB employees**" who were employed between January 2020 and April 2021. Ms Brijraj was further invited to produce a list of the SGB members from 2015/2017 to the current 2020/2022 SGB.
94. The panel had reviewed the minutes of the 2018/2020 SGB meetings and made certain observations. The minute book had meetings that could not be convened due to lack of a quorum. Therefore, the panel requested information in order to understand the full complement of the SGB as they change their respective portfolios on an annual basis. To our disappointment, we received disheartening response from Ms Brijraj, the current acting principal. The attached response does not justify the vilification that the SGB has endured. The panel fails to appreciate where supervision and support from the department was. The position evinced through various interventions are an indictment to the department. It

remains to be explained why the mismanagement was allowed to continue under the eyes and noses of the relevant vigilant officials who supervises the school.

95. When we say the **centre did not hold** we base our observation from the department's inability to address the issues that are historic and are direct policy and management infractions. It is so bizarre that officials of the department concluded in one of its interventions that "**the department has no authority to investigate racism**". Therefore, in their wisdom or lack thereof did not make a recommendation that might have ameliorated the issues of racism.

96. The aforesaid recommendation was made a few months before Mr DN Mthethwa, who was the CES: Durban Circuit Management issued **CMC Circular NO. 2 of 2018** on 09 April 2018.¹¹ **Exhibit 07** provided as follows:

- "1. The recent spates of allegations of racism at our schools and the media statement by the Honourable MEC of Education in KwaZulu-Natal Mr M. Dlungwana on the same subject refers.*
- 2. I hereby write to warn all teachers in the CMC to desist from making utterances with racial connotations or calling learners and or educators as that is breach of the Constitution of the Republic of South Africa and has severe consequences.*
- 3. Some of our schools have experienced disruptions as a result of allegations of racism. Preliminary investigations have confirmed such claims.*
- 4. Section 1 (a) and (b) is very clear in that "The Republic of South Africa is one sovereign, democratic state founded on the following values:*
 - (a) Human dignity, the achievement of equality and the advancement of human rights and freedom.*
 - (b) Non-racialism and non-sexism*
- 5. So engaging in acts of racism or uttering racist comments or even calling others names with racial connotations is in breach of the quoted Section and Sections 9, 10 (a), (c), (d), (e), 24 (a) and pertaining specifically to Learners, 28 (l) k ((ii) and (2) as enshrined in the Bill of Rights, Chapter 2 of the Constitution of the Republic of South Africa.*

¹¹ CMC Circular No. 2 of 2018 is attached as **Exhibit 07**

6. *The Constitution is the Supreme law of the Republic as clear stated in Section 2 and should be respected and observed by all.*
 7. *The MEC was clear in his statement to the Media that anyone accused of racism will be suspended, therefore all employees of the Department are expected to uphold the prescripts of the Constitution of the Republic and desist from unbecoming utterances that offend others. We must embrace each other, be tolerant to each other and make our country our enjoyable place to live.*
97. After the issuing of **Exhibit 07** the department was in a position to guide its staff and the officials who deal with the racism issues. **Exhibit 07** was a clear indictment to the officials that had reported that the department had no capacity to investigate racism. Such a finding was in direct conflict with the Constitution, which expects of the State to take action and promote the provisions of the Constitution and eradicate racism in schools.

Lack of handover from the 2015/2017 SGB

98. The school has been ably exposed for failing to ensure handover to the 2018/2020 SGB. This failure, could have been a strategy to frustrate the newly appointed 2018/2020 SGB from accessing how the principal and the SMT failed to comply with governance and general management policies of the department.
99. The principal has persistently failed and/or alternatively refused to implement or follow guidance and resolutions of meetings convened by the officials of the department under whom the school supervision and support falls. The principal demonstrated protracted resistance either due to her disrespect or indignation towards the interventions that have been proposed towards the normalisation of the school. There is no doubt that between 2018 and early 2021 the department was micromanaging the school. However, all its interventions resulted in naught. If it was not the position, the panel would not have been instructed to attend to racism and financial mismanagement. These are not new allegations, there are

earlier investigations with preliminary and final recommendations which the department ignored or failed to implement.

INIQUITOUS RECRUITMENTS

100. There are serious allegations of nepotism at the school. Nepotism in the workplace refers to a form of unfair workplace procedure and/or discrimination when family members or friends of those in management are appointed into a vacant position, in some instances without basic qualifications or proper skills, experience or knowledge.

Ms Pavani Pather

101. Ms Brijraj brought her unqualified daughter to teach English at the school without there being an advertisement for the post. She did not meet the post requirements, consequently the principal offered her 30 days temporary employment whilst looking for a qualified English educator.
102. After the end of 30 days there is no official record of what process, if any that was followed to employ Ms Pather into a permanent position.
103. Ms Pather was neither a PGC nor a certified educator. Therefore, Ms Pather got into full employment without being identified through a transparent and justified process. Despite not being properly qualified as an educator to teach English, Ms Pather was appointed into a full-time position which Ms Brijraj had introduced her to the principal and brought her to school and she became an English teacher.

Ms Kavita Soomaroo

104. Ms Brijraj brought her sister to the school and she was appointed into a vacant administration secretary position. According to Ms Brijraj, her sister had relevant work experience which she acquired whilst working for Pick 'n Pay. To the

contrary, her meagre appointment records points a bleak picture to the accolades Ms Brijraj had about her sister's suitability for employment.

105. Ms Soomaroo was employed by the principal as an SGB employee and signed a contract of employment on full time basis effective from 13 January 2020. The employment contract signed with the principal makes provision for a 3 months' probation period.¹² However, almost 14 months later Ms Soomaroo's employment conditions as depicted in The service agreement is attached and marked **Exhibit 08** were changed through an addendum into a service agreement. On 01 March 2021 the service agreement was signed between "Kavita Soomaroo and the Principal". The provisions of **Exhibit 08** records, *inter alia* the following rates for Ms Soomaroo's services as well as frequency of payment.

"Rate:

Remuneration is to be at an hourly rate of R62.50 including VAT and paid monthly upon receipt of the invoices"

Conditions:

Mrs. Soomaroo has the duty to not reveal confidential client information indefinitely a written notice of 30 working days is required to end this contract by either party."

106. The changes into Ms Soomaroo's employment conditions are complicated in many respects. They seek to suggest that Ms Soomaroo is no longer employed on a full time basis, but is an independent contractor. However, she continues to earn R10 000.00 per month as provided through **Exhibit 08**.
107. Due to the changes into our TOR, we did not receive additional resources of an auditor who would have fully reviewed Ms Soomaroo's financial implications to the SGB. Thereby the panel would have been enabled to present a complete impact of the manipulation of Ms Soomaroo's employment and payment. It is troublesome that Ms Soomaroo' remuneration had no statutory deductions such as PAYE like some of the SGB employees from whom deductions are made.

¹² The employment documents for Ms Soomaroo are attached and marked **Exhibit 08**

However, we are limited through lack of additional resource we had requested from the department.

- 108.** All of the above examples of appointments were put to Ms Brijraj for comment and invited her to produce to the panel all employment records inclusive of advert, invitation for interviews, the interviews and who was in the interview panel for the period January 2020 and May 2021. Ms Brijraj reports on 26 May 2022 that the 2015/2017 SGB minutes cannot be found nor can 2015/2017 signed policy documents.
- 109.** On generally filled positions, Ms Brijraj explained that the Virtual Arts position, was not advertised, the application was conducted by word of mouth. The employment process done by principal and the SMT. The January 2021 first and second term employments involved the following individuals:-
- 109.1 Meth line 2021 was employed for Life Science;
 - 109.2 Nadasen was employed on 9 February 2021 for Mathematics;
 - 109.3 Ndimande was employed on 1 September 2021 for English, EMS and Life Orientation;
 - 109.4 Zakwe was employed on 1 May 2021 for Maths and Maths Lit; and
 - 109.5 Hodgskin was employed on 1 May 2021 for Arts.
- 110.** The last position advertised in a newspapers was filled by the principal and the SGB in 2018. There were two applicants who had responded, the late Ms Notha and another applicant. After the interview, Ms Notha was the successful applicant and was employed by the SGB.
- 111.** In response to the request for a full 2015/2017 SGB composition, Ms Brijraj replied that she cannot recall and find documents she mentioned during her interview with the panel. However, Ms Brijraj advised that for the 2015/2017 SGB Mr Ebert was the chairperson, Mr Lawrence the Treasurer and Mr Rust was the chairperson. Relating to the 2015/2018 SGB Ms Brijraj cannot find any minutes.

The SGB members for 2018/2020 were Mrs Mafuleka-Sibiya, as the chairperson, Mr Jansen was the vice-chairperson and Mrs Gumede was the Treasurer. That is all that she furnished pursuant to her undertaking to the panel.

112. It is without doubt that the principal and the SMT have engaged themselves in irregular appointments as it is demonstrated through the report given by Ms Brijraj. Whilst the school is expected to follow due processes, the principal and the SMT are not moved to do that.

The appointment of Mrs Gertze

113. Mrs Gertze was employed on 23 April 2001, as **Financial Secretary**. She signed an employment contract with the Chairperson of the SGB, on 13 May 2011. Her qualification folder contains a certificate issued by ARISTA TRAINING certifying that Mrs Gertze attended a workshop on **procurement** on 27 October 2015. There is no other qualification or at least CV document on file.
114. In terms of clause 1 of Mrs Gertze's contract of employment, it provides, *inter alia* employment as ...***[the school shall issue the employee ..., the school may require from time to time but it is also specifically noted that in addition to the teaching duties the employee is expected to participate fully in the life of the school, which includes tutoring, social duties and activities outside the classroom in sport, cultural activities and service projects***"
- [Our emphasis]
115. Clause 11 provides for the termination of employment upon giving 30(thirty) days' notice. And also when the employee reaches the **retirement age of 65**. Attached on the first contract are copies of the disciplinary code and job description. On 23 July 2018, the chairlady advised the principal that Mrs Gertze was not the right employee for the finance position. It appears that on 01 August 2018, Mrs Gertze wrote to the Principal and the SGB and gave notice that "***I hereby give notice of my retirement. My retirement date being 31/8/2018***".

116. On 01 August 2018, the principal completed the UI-19 in terms of the Unemployment Insurance Act 63 of 2001 (UIF) and disclosed the reason for Mrs Gertze's termination as a **code 3** (Retirement). The commencement date was captured as 19 March 2001, however, this date conflicted with the employment contract of 23 April 2001. Ms Brijraj confirmed receipt of the retirement notice on 08 August 2018.
117. On 20 August 2018, the chairlady appointed Mrs MD Van Den Berg as the Finance Officer for a 4 months period. On the even date, Mrs Van Den Berg requested retraining in lieu of the job requirements. The responsibilities determined proper training and handover. Mrs Van Den Berg recorded that Mrs Gertze gave her 10 minutes training.
118. Whilst purportedly serving notice, Mrs Gertze took 8 days normal sick leave under the approval of Ms. Brijraj. The first sick leave date was 21 August 2018 ending on 31 August 2018. Therefore, Mrs Gertze would have retired away from work or school. The sick leave was accompanied by the doctor's note.
119. On 07 September 2018, the SGB chairlady accepted Mrs Gertze's resignation and advised her to refrain from visiting the "bursar's office". The chairlady confirmed in writing that Mrs Gertze had served her 30 days' notice. On 01 October 2019, the principal completed a clearance certificate form and confirmed Mrs Gertze's employment and exiting status. The rank was reflected as the "**Bursar**"; further that Mrs Gertze submitted an application for retirement/resignation. In response to paragraph 7 to the clearance form, the Principal answered in the negative that ***she was not aware of any other matters having a bearing on the consideration of the employee's request for discharge from service on account of retirement/resignation.***
120. On 10 October 2018, Mrs Gertze completed an exit interview questionnaire. Of relevance, are the following remarks she endorsed:

120.1 The date of initial employment is 23 April 2001.

120.2 She marked her termination type as being retirement.

120.3 Reason for termination Job Dissatisfaction.

120.4 Degree of dissatisfaction ranking scale 2 attributed to Job security. She similarly gave 2 rating scales for Benefit package and Relationship with co-workers. Some of her responses are mutually destructive. See paragraphs 3.4 (a), (b) (d) and (h).

121. On 28 November 2018, Mrs Gertze referred a dispute to the CCMA and alleged that she was **constructively dismissed**. An arbitration was scheduled for 10 December 2018. Immediately on receipt of the arbitration referral form, the SGB sent a clear communication on its position and its witnesses. A request for subpoena was made with full details of each witness and relevance of the evidence the individual witness was going to present on behalf of the SGB.

122. The SGB clearly put up a challenge to Mrs Gertze' allegation of constructive dismissal and alleged that Mrs Gertze was paid twice in the month of August 2018, which coincided with her notice period. These allegations were not ventilated at the arbitration as the matter lost the impetus from Mrs Gertze' position. Therefore, when the principal re-employed Mrs Gertze the SGB adopted its position and not regarded her as its employee. The SGB had also sought the details of a contract for the services rendered by Mrs Gertze' son to the school and to which a payment was made out of the school funds without the SGB's knowledge.

Mrs Gertze's re-employment

123. There is no official record of how Mrs Gertze was re-employed by the school. The circumstances of her re-employment are documented in Mrs Gertze and Ms Brijraj's interview notes of the panel member. There is a clear documentation that

Mrs Gertze was only re-employed by the principal and Ms Brijraj. The said re-employment was without the SGB's authority or knowledge. The preamble to the employment contract expressly define the source of authority to bind the school as well as bases authority over the SGB. There is reference to the Schools Act.

124. A personal file folder contains the second copy of a signed employment contract. However, it is signed by the principal and not by the chairlady of the SGB and is dated 27 February 2020. The principal asserted that ***"for and on behalf of the school and duly authorized to enter into this agreement"***. We deal at length with the conduct of the principal who vilified and usurped the power and functions of the SGB whilst openly challenging its authority.
125. The said second employment contract describes Mrs Gertze's duties differently to those described in the first employment contract. It says *inter alia* ***"...but it is also specifically noted that in addition to the Reception and Secretarial duties the employee is expected to participate fully in the life of the school."***
126. Mrs Gertze is employed as a financial secretary, her starting date is 27 February 2020 and was subject to a three (3) months' probation period. In accordance with her job description, Mrs Gertze deals with finances of the school. And is the overall in charge on school financial matters – (collections, commitments, payments, debt collection liaison and also does banking).
127. Ms Brijraj was invited to comment about the allegation relating to re-employment of Mrs Gertze. She premised her response by saying "there was no formal training for Ms Notha to run school funds management and there had been no hand over or training as Mrs Gertze had left before she was engaged. Ms Brijraj reported a view that though Ms Notha had previous working experience and qualifications, the task proved difficult for her. Therefore, Ms Brijraj together with

the principal convened a meeting with Ms Notha and ascertained from her whether she needed any assistance.

128. According to Ms Brijraj, she (Ms Notha) replied in the affirmative. Therefore, the Principal invited Mrs Gertze to return to assist Ms Notha on a part-time basis. Soon after that, Ms Notha became ill and eventually passed away. In the circumstances, Mrs Gertze returned into full time employment and had to leave the other school she was doing part-time work for.
129. The panel sought clarity on the reason for Mrs Gertze's to leave her employment in 2018, Ms Brijraj responded that ***"In 2018 though she was not involved, she understood that for many reasons including lot of fighting, lot of absence from the SGB, there were no meetings in 2018. Mrs Gertze had taken early retirement and left the school."***
130. The manner in which Mrs Gertze had left the school is full of contradictions. Central to her leaving was the alleged "constructive dismissal" committed by the chairlady. Therefore, it was illogical of Ms Brijraj and the principal to engage in an unlawful and irregular engagement of Mrs Gertze. They neither had authority nor had power to employ Mrs Gertze on behalf of the SGB that Mrs Gertze had alleged had rendered her continued employment intolerable. Mrs Gertze's alleged constructive dismissal grievance was a dishonest complaint. If it was not the case, where did she find the strength or courage to return to the employment condition she had purportedly been unhappy to work under. The return of Mrs Gertze is a complicated and difficult saga.
131. The panel invited Ms Brijraj to comment and share with the panel on how she managed the school and filled positions during her acting stints as the school principal. Ms Brijraj first referred the panel to what she did between August and October 2018. Ms Brijraj described how she juggled some positions. Relating to the vacant positions from the administration and the Bursar, she used some of

the support and gardening or maintenance staff to do some administration work. Consequently, she did not fill any position.

132. Ms Brijraj then explained that as she is the SGB, she had recruited an educator and she was involved in the recruitment process. The panel invited her to share her understanding of the process of filling SGB positions. Ms Brijraj informed the panel that the SGB leads in the recruitment process because it is the employer. She explained how the process unfolds by stating that *"the post needs to be advertised, CV's received, evaluated and then do a shortlist thereafter the shortlisted candidates are invited for the interviews"*. Ms Brijraj informed the panel that a week ago (the week of 16-20 May 2022) the SGB followed the above outlined recruitment process and was satisfied with the employment of the successful candidate because the due process was followed.

Ms Hodgskin

133. Ms Brijraj gave a description of a process that led to the employment of Ms Hodgskin into the school as an educator. She attributes everything to COVID and lack of participation of the SGB which then gave rise to the employment of Ms Hodgskin without the involvement, knowledge or engagement with the SGB.

Ms Pavita Pather

134. The genesis of Ms Pavita Pather's employment leaves no doubt about the level of maladministration practices at the school. Ms Pather was employed on a *locum* basis for one (1) month. Ms Brijraj explained that Ms Pather was employed because of COVID and the circumstances that prevailed at the time. The school was without an English teacher due a resignation or retirement. Ms Brijraj then informed the principal that she had a daughter with academic qualifications, therefore, the Principal agreed that she should come and work for the school.

135. When Ms Brijraj was invited to comment about Ms Pather's lack of relevant qualifications, Ms Brijraj explained that Ms Pather, has teaching subjects. Further she (Ms Pather) had PGC qualifications. But when she was further invited to address that Ms Pather did not possess the requisite teaching requirements, Ms Brijraj explained that Ms Pather had majored in Psychology and had done some English and completed her PGC three weeks ago. This period has nothing to do with Ms Pather's employment as it relates to February 2022 when she was already employed.
136. Ms Brijraj was further asked about Ms Pather's failure to hold the South African Council of Educators (SACE) registration, Ms Brijraj's response was that she is now registered this year. She was further pressed on does it mean that her daughter was employed because she is the deputy principal in the school (which is nepotism). Ms Brijraj conceded that is nepotism or especially as she tried to explain that it was short notice that a teacher had left; the senior classes for English had no teacher. Therefore, her daughter was brought from home.
137. The panel brought to Ms Brijraj's attention a hand written manuscript note which she confirmed were in the principal's handwriting. The note recorded that Ms Pather was taken on a *locum* for one (1) month whilst looking for appropriately qualified English teacher. She conceded that it was indeed the position. However, she was unable to explain how and what led to her daughter to secure the SGB full-time employment without all relevant qualifications. The panel put to her that this is attributed to nepotism, and it should be rooted out, Ms Brijraj had no further comment. The SGB, the *de facto* employer was not involved nor advised about such employment.¹³

¹³ The employment documents for Ms Pather are attached and marked **Exhibit 09**

The Principal's comments

138. The principal was invited by the panel to respond to allegations on nepotism and unauthorized filling of SGB positions and procurement of maintenance service provider.

Mrs Gertze

139. With regard to the re-employment of Mrs Gertze, the principal explained that "she simply called Mrs Gertze to come and assume work after she had gone on early retirement. She did not ask for CV or for qualifications. She just appointed Mrs Gertze as a consultant to perform the Bursar work or duties. Although Mrs Gertze is SGB paid employee at R20 000 per month, the principal did this without the approval or knowledge of the SGB. The appointment of Mrs Gertze was done without following lawful and fair procedures.

Appointments of Mrs Brijraj's family members

140. The second allegation of nepotism relates to the principal and her deputy principal Ms Brijraj. It is alleged that they appointed Mrs Brijraj's sister Ms. Kavita Soomaroo who is a receptionist without following a fair procedure as laid down by the policy. The Principal admitted these appointments and they were done like the Mrs Gertze' appointment.

RT Electrical (Mr Krisen)

141. Another allegation is that the company that does school ground maintenance belongs to Mrs Brijraj's relative or friend. When it was appointed, no process was followed. In response the principal admitted that no process was followed. The company was appointed because it was introduced by Ms Brijraj on allegations that it was "*known to be doing good work*". The Principal did not dispute that the owner is a relative or acquaintance or friend of Ms Brijraj.

Allegations of appointment of Mrs Gertze's family or friends

142. There are allegations that Ms Genevieve Johnson, appointed as Head of Marketing, is Mrs Gertze's niece. She was appointed without following any fair procedure as dictated by the policy. Ms Shanon Stolls and Mr Wesley Stolls are siblings and are the relatives of Mrs Gertze. When they were appointed, no fair procedure was followed in terms of the policy. During the investigation session with the administration staff, Mrs Gertze reported that *"Ms Shannon Stolls was not an employee of either the SGB or the school. Ms Stolls was the employee of the Department of Public Works but seconded to the school at no charge."*
143. Mrs Gertze further informed the panel that Ms Stolls secondment was coming to end of its term as of 30 March 2022. Such a secondment terminated at the time of the investigation and seemed coincidental with the commencement of the panel's investigation. The panel requested files of all administration staff and received all file folders with the exception of Ms Stall's file folder. The assumption was that the school had no file because she was not the employee of the school.
144. The principal was invited to comment on the employment of the Stolls. In her response the principal admitted that no procedure was followed. She just appointed them because she knew them. The principal's explanation contradicted the explanation that was made by Mrs Gertze and Mrs Johnson during a session they attended with the panel. The panel was denied access to Ms Shannon Stolls file under the pretext that *"she was not the SGB's employee"*.
145. It is practices such as these that warrant's greater levels of suspicions about the school payroll. To complete our observation, the panel reports that it was advised by the school that *"there is no file for Mr. Michael"*. This report is alarmingly mischievous because Mr. Michael has been with the school prior to the assumption of the office by the 2018/2020 SGB. One of the suggestions in the minutes is that Mr Timothy advised the school to terminate the services of Mr.

Michael. Therefore, the panel is not surprised with the sudden un-availability of Mr Michael's file. The same employee has been described as short tempered and of unstable mind. Mr Michael abused one of his colleagues and called a Kaffir. When the incident was reported to the principal, she failed and alternatively refused to deal with the abuse through the department's policy.

VILIFICATION AND UNDERMINING OF THE SGB

146. Generally the school management presented a concerted effort to establish reasons for the rejection of the 2018/2020 SGB. In the process, irreconcilable relationship developed. The SMT manipulated the majority of the details the school documented against the 2018/2020 SGB. Immediately from the first few days of the SGB's appointment, the school reported and/or sent SOS to the department focused on malicious allegations against the SGB. The school accused the SGB for the collapse of the school's financial position. On the other, the SGB has been at pains to implore the department to intervene and impose its authority over various allegations of mismanagement of school finances and the general poor human relations between the SMT and its staff. To complicate matters, the educator staff broke into two unequal halves. The first group consists of educators, which the SMT refers to as "**aggrieved staff**". The second group is openly in support and in defence of the principal. This group consists of the SMT members and other educators. Therefore, the second group works with the principal and resent any allegation levelled at the principal.
147. In the process of sticking with the principal and Ms Brijraj, some of the SMT members are compromised in some of the principal and Ms Brijraj's irregular practices and we highlight the following as basis for our findings.
148. Ms Brijraj was appointed by the department to deputise the principal and acts in the principal's position when the principal is away either on sick leave, school

commitments or suspension. Ms Brijraj has thrown her hand into the hat and disputes the allegations levelled at the principal at all costs. However, Ms Brijraj is guilty of nepotism and irregular procurement services. Therefore, she has compromised and benefited from the principal's irregular and incoherent management practices. Some of the SMT members have participated during the employment of Ms Pavani Pather and Ms Soomaroo. Ms Brijraj may appear to have exploited the principal's poor management and leadership competencies. The panel, limited by the time allocated for the investigation discovered the following iniquitous recruitment processes.

149. We are mindful of the definition of the individual terms of reference which is the mandate of the investigation we undertook. During the investigation we were presented with submissions, statements and reports on allegations of financial mismanagement. We accept that financial mismanagement may manifest itself in-varied forms and levels. However, we are limiting our exposition of the term of reference dealing with financial mismanagement to the following forms and levels presented to the panel. We are further supported by earlier findings, conclusions and recommendations that had been made through the department's interventions through investigations and mediation sessions.
150. The school has the parents who are the source of its financial pool or revenue that the school execute its functions in relation to learning, teaching and ancillary services. The school collects these funds under legislative provisions, therefore; technically, school fees are public funds. They would not be spent without following due process in a transparent manner and must be accounted for.
151. The expenditure that was incurred by the school management is ordinarily expected to be taken from funds that are budgeted for and approved by the SGB, which has the sole responsibility of collecting school fees. If it was not its responsibility, it would not have been expected and required to convene the

FINCOM which in turn appoints a Finance Officer who, by law, has to be a qualified and competent person who is beyond any reproach.

152. The problems that this presented through the prevailing circumstances in the school are discontending. The scenarios that we deal with are in conflict with any prudent financial spending and related accounting for funds spent. Consequently, the agreed levels of resistance to either change or embrace change.
153. The principal is a member of the SGB and the principal is designated by the School's Act to create or empower SGB's such as enabling them to be informed by the employment conditions of the school he or she is in charge of. The difference that exists is that the school management and/or leadership comprises of full-time and permanent employees of the department.
154. The SGB members are parents who volunteer at no remuneration from serving in the SGB. To the contrary, the SGB members would incur expenses in the form of time, petrol and any symbolical support they render to the school. Therefore, it is our understanding that a parent who offers his or her time and/or services to serve as an SGB member fully appreciate the implications for volunteering to serve as an SGB member.
155. In terms of the government policies, accountability lies with the principal as its employee responsible for the day to day running and management of the school. In this regard, the principal should be guided through policies, which *inter alia* are the core responsibility of the SGB. Therefore, the principal, as a *de facto* member of the SGB is involved in the development, drafting, presentation and adoption of the school policies. Any missing link towards the execution of this responsibility of the SGB has an indictment on the principal.
156. The SGB membership lapses after three (3) years. It has further alternative termination provisions, some of which may occur when a member ceases to be a

parent in the school or when a member resigns or relocates. However, the Principal enjoys job security and is employed until she retires or exits the public service.

- 157.** When the SGB members exit, the Principal remains central to the reporting of these vacancies and their subsequent replacement or filling through the department's controlled processes. In the school we have observed the following incongruent processes:-

157.1 A consistent and resolute demand for the removal of the principal from her position. This may have been a conception through bad blood between the parent body, the staff of the school and perhaps the general community of the school.

157.2 A steadfast resistance by the principal to adopt the finance policy that was drafted and adopted in 2018/2020 SGB complicated matters. This policy was drafted during Ms Brijraj's acting stint as a principal which period is attributed to August to October 2018. Whilst there is no basis presented to the panel for the principal reasons not to acknowledge the finance policy, it remains a source of an impasse.

- 158.** In Ms Brijraj's explanation as to why the principal rejected the finance policy, she contended that *the policy was already a done deal between the SGB*, which comprising of the chairlady, her deputy – (Mr Jansen) and the treasurer, (Mrs Gumede). Therefore, with the principal's resistance to acknowledge the finance policy the panel wonder how the school continues receiving, committing and spending the school fees received since the 2018/2020 SGB took office. With the discovery that there are no policies and minutes of the meetings during the tenure of the 2015/2017 SGB, this may *inter alia* cast serious doubts about the accountability for funds received from the service provider Photo Note for the benefit of a new service provider who took over from Photo Note.

159. We contrasted Ms Brijraj's explanations on the finance policy with the explanation made by Mrs Gertze on the school fees. Mrs Gertze explained that applies the finance policy which the principal has refused to accept or recognise. The finance policy *inter alia*, provides for a quotation. However, Ms Brijraj introduced Mr Krisen of RT electrical CC who renders maintenance services. Ms Brijraj explained that Mr Krisen was introduced to her by a certain principal of a certain school known to her. However, the said principal had since retired.
160. Ms Brijraj complained that her input into the drafting of the 2018 finance policy were rejected by the SGB Committee that wrote the finance policy. She gave this explanation to portray the SGB Committee as authoritarian and had a preconceived finance policy. However, Ms Brijraj has faulted to produce a better acceptable policy that was in place during the 2015/2017 SGB. Therefore, it begs the question what is it that Ms Brijraj and subsequently the principal contended was wrong with the 2018 finance policy.

The centre does not hold

161. The school is sieged by a mutually repulsion between the SGB and the principalsupported by the SMT. The approach adopted by the SGB is synonymous with a desireof ensuring that the school adheres to policy and recognise the SGB as responsible members of governance of the school. It appears that there exist a scenario of us and them, resembling the governing body on the one hand and the principalon the other hand. The principal being stronger due an allianceshe has formed with the SMT. Unfortunately, such a situation is untenable because the principal is *de facto* a member of the SGB. Therefore, for the principal to find refuge on the SMT compromises the governance of the school. This persistent conduct draws parallel with the general toxic atmosphere at the school and the results that the panel has addressed under Racism.

- 162.** The constant complains and vilification of the SGB has developed through the split allegiances we have referred to hereinabove. It is without doubt that the majority of the SMT members' have unwittingly compromised themselves in many respects. Consequently, the compromised SMT members have stuck their heads into the sand and are wholly bent on fighting the SGB at all costs.
- 163.** Unfortunately, the approach adopted is not in the best interest of the school. It is not a solution to complain in perpetuity about the SGB when the SMT does not adhere to policy nor recognise processes and systems that are in place if there are to properly manage and lead the school. We have established that the manipulation of facts is rife at the school and is enabled through the principal's divide and rule practices.
- 164.** As early as throughour initial investigations, we observed the educators and non-educator staff constant reporting of the divisive leadership style at the instance of the principal aided by Ms Brijraj. We received confirmation when Ms Brijraj informed the panel that "*we are a tag team*". She was describing how she and the principal shared the management and/or leadership of the school. It sounded as though they have this alliance either holly or un-holly, but they have this alliance. It unfortunately has manifested itself into disruptive misinformation processes and manipulation of both management and administration processes and procedures.
- 165.** The SGB on the other hand, has been a body which must have found it hard to be accepted by the principal and the SMT and perhaps the other educators who subscribed to the principal's leadership, management and general behaviour against diverse cultural and race groups. We have intimated that some of the SMT members have exposed themselves into illegal, irregular and unauthorised decisions.
- 166.** They probably are not aware of their roles as they might be playing in the hands of the principal and her deputy as the school expenditure is overly bloated. The

employment of all educators and/or administration support personnel to which is contrary to public service recruitment processes remains illegal irrespective who the beneficiaries are.

- 167.** All illegal recruitments are further compromised through Ms Pavani's employment contract she signed with the principal engaging her on a full-time basis. The sudden employment into full time employment, was contrary to the commitment the principal had previously entertained when she engaged Ms Pather for one (1) month. The principal recorded that the school will be looking for a qualified English teacher. Immediately after Ms Pather's employment on full-time basis, Ms Pather was given a job description, which she signed with R Singh in their respective positions. R Singh is the departmental head whilst Ms Pather was being employed as an educator. The earlier job description which Ms Pather had signed with the principal confirmed that Ms Pather was employed as a locum on 16 January 2020. In that job description, Mrs Jorgensen signed as departmental Head on 24 January 2020. The job description document and employment contracts demonstrate an avid participation of the SMT member in the official recruitment of Ms Pather.
- 168.** As indicated earlier on, the SMT members who are stuck with the principal would have themselves to blame when these irregularities are placed before them for accountability. Ms Kavita Soomaroo has a valid employment contract signed on 13 January 2020 between her and the principal. In terms of the employment contract, Ms Kavita had to undergo a probationary period of three (3) months. It is a straight forward employment contract similar to the one signed by Ms Pather and all others. However, in Ms Kavita's employment contract specified that she was on a monthly remuneration package with a basic salary of R10 000.00 effective from 13 January 2020.
- 169.** During the review of Ms Kavita's personal file, we observed that Ms Kavita's conditions of employment were altered to the effect that she is a service provider

to the school. This is confirmed by the terms and service agreement between Ms Kavita and the school where she seems to be providing Receptionist services to the school at a rate of R62.50 including VAT and paid monthly upon receipt of the invoices. A very clear condition of employment says ***“Mrs Kavita Soomaroo has the duty to not reveal confidential client information indefinitely; a written notice of thirty (30) working days is required to end this contrary by either party.”*** This service agreement was witnessed by Mr B Blumfield and GA Park. As already indicated above, it is these kind of irregular appointments and/or engagements of service providers to which the SMT appears to be in support of the principal and Ms Brijraj. The latter manipulated the process for the benefit of her family members.

170. We followed up the status of Ms Kavita's services and established that Ms Kavita issues invoices to the school on monthly basis. For an example; on 28 February 2022 Ms Kavita invoiced the school for an amount of R10 000.00 which was processed and paid by the Bursar. The principal authorised and the Bursar paid. Whilst the approval requires the treasurer's signature, there is none on this payment document. The table that follows deals with the invoices and the payments processed between January and April 2022 (in the past 4 months).

Table 1:

Ms Kavita Soomaroo invoices:

Item	Description of item	Comments
1.	20/01/2022 invoice under reference 3700/040	<p>a) The invoice was prepared for payment on 20/01/2022.</p> <p>b) The Principal authorised the invoice for payment.</p> <p>c) The Treasurer did not participate despite being provided for participating on the approval process.</p> <p>d) The invoice amount is R10 000.00.</p> <p>e) The services purportedly rendered were Reception and Administration.</p> <p>f) There is no reflection of hours worked as well as the VAT amount as provided in the agreement.</p>
2.	28/02/2022 invoice under reference 3700/040	<p>g) The invoice amount is R10 000.00.</p> <p>h) The Principal authorised the invoice for payment.</p> <p>i) The Treasurer did not participate despite being provided for participating on the approval process.</p> <p>j) The other comments detailed under item 1</p>

		above also applies.
3.	23/03/2022 invoice under reference 3700/040	k) The invoice amount is R10 000.00. l) The payment was neither authorised by the Principal or the Treasurer. m) The other comments detailed under item 1 above also applies.
4.	21/04/2022 invoice under reference 3700/040	n) The payment was neither authorised by the Principal or the Treasurer. o) The other comments detailed under item 1 above also applies.

171. Ms Pather's employment contract was signed on 11 February 2021 with one of the witnesses being Ms Brijraj, who is Ms Pather's mother. Similarly, the witnesses in the Ms Kavita's employment contract of 13 January 2020 are Mr Blumfield who witnessed on behalf of the principal. In the interest of time, the panel could not establish all of the other signatories they are not easily decipherable.

Whether the current school leadership serves the best interest of the school and the learners

172. Ms Brijraj joined the school in 2010 as a level 2 educator and HOD for Commerce subjects and teaches Accounting, and other Commerce subjects. Ms Brijraj is currently teaching Accounting in grade 11 and 12. In terms of her timetable, she teaches 10 periods per week, therefore out of 7 periods a day, she has 2 periods in class.

- 173.** The panel invited Ms Brijraj to comment about how she does all the principal duties which coincides with her full time daily as she runs the school in the principal's absence. She responded that "all other things are limited". This she addressed the question that she probably is not in a position to be in class for 2 periods for 5 days in a week. She attempted to justify her position by suggesting that there is always a teacher in class when she is away and she would have given the learners tasks to do. Therefore, the other senior accounting learners do chip in to assist the others.
- 174.** The various conduct and actions in which Ms Brijraj has participated contributed in rendering the SGB powerless under constant vilification. The SGB failed to stamp its authority as the impasse developed immediately after the 2018/2020 SGB took office and continued to date of the panel's investigation. The persistent failure of the SGB to institute a policy driven school governance is partly attributable to Ms Brijraj and the SMT's steadfast position to support the principal at all cost. The resulting impasse has given rise to the general toxic relationships in the school.
- 175.** The benefits which Ms Brijraj directed to her daughter and sister do not auger well with corporate governance and the department's policies. The challenge to the finance policy rendered the regulation and management of the school finances vulnerable to manipulation. To further complicate the poor and non-existent financial controls, Ms Brijraj introduced a service provider Mr Krisen of RT Electrical who continue to enjoy unparalleled monopoly as a preferred "service provider" to the school.
- 176.** Whilst Mrs Gertze was challenging changes proposed through the 2018 finance policy and subsequently at the direction of Mr Mngadi (Treasurer), Mrs Gertze ably presented the school's "procurement" strategy. The strategy as practiced,

benefits Mr Krisen, who was brought to the school by Ms Brijraj. The following exposition cast doubt on the school's fair procurement practices.

- 177.** According to the school budget, there is money allocated for repairs and maintenance. It is meant for the day to day fixing minor repairs and is kept under the minimum of R5000.00 which they are authorised to spend under the finance policy.
- 178.** Whenever there is a need for minor repair, the school calls Mr Krisen of RT and Electrical, who would come and after inspecting the issue and then send a quote. Both the principal and deputy principal will consult over the quotation and give a go-ahead or decide otherwise. The policy provided that expenditure under R5 000.00 does not need the SGB's approval. However, Mrs Gertze appreciates that the policy she refers to requires the school to obtain 3 quotations, which the school does not invite.
- 179.** Mrs Gertze is very critical of Mr Mngadi' arrival to the SGBbecause, according to Mrs Gertze Mr Mngadi wants the school to ask for his permission whenever, it purchases an item even up to a paper clip. Mr Mngadi is allegedly demanding that requests should be either through email or WhatsApp. However, the principal complied and sent list of written requests but in turn received no responses and the school would go ahead and work within the R5 000.00 limit.
- 180.** Mrs Gertze share the following historical ofthe school. They used to budget for an estate manager and/or maintenance salaries. The repairs and maintenance were under materials budget; but the SGB got rid of the estate manager (Mr Tony de Olivier). When Mrs Gertze returned to the school in 2020, sheadvised the principal and the deputy that*"we should be clever now, we do not have a salary that we use to pay for the estate manager and it is a saving. Let us be careful when we budget and make provision equivalent to the estate maintenance salaries, which we can use the R20 000.00 per month to do the school repairs. That is how we work with*

this man (Mr Krisen). Roughly, most of his invoices are covered with the R20 000.00 that we used to pay the salary of the estate manager. If it costs more, we would then consult the SGB then go on a 3 quotation system of the procurement steps."

- 181.** According to Mrs Gertze, there is problem with Mr Mngadi because the school has been predominantly buying from SB Marketing and have been the school's service provider for years and suppliesthem with good quality products. Just before the school closed for the first term, 25 March 2022, Mr Mngadi instructed the school to obtain 3 quotations for the second terms' consumables that the school normally buys before the beginning of a term. They approached SB Marketing, SaniTech Hygiene and Mr Mngadi provided a third quotation.
- 182.** As at the date of the interview with the panel member, on 08 April 2022 the school was reportedly running short of toilet paper. However, on the day of the interview a scheduled Finance Committee meeting was convened at 15:30. Mrs Gertze handed the documents which she alleged that they demonstrate how Mr Mngadi proposed the school should do its procurement. It is noticeable that in Mr Mngadi's endeavours to introduce a 3 quotation system, the school can follow a 3 quotation system. The challenge for the school is its persistent refusal to adhere to transparent procurement policy and follow best practices. The following table presents quotations received for consumables.

Table 2:

Quotations for consumables:

Quote	Description	Amount
1.	SaniTech Hygiene, Durban for the following items: The items listed herein, are the following: 5 x 5lt white wipe 7 x 5lt aqua premium 8 x 5lt concentrated bleach 12 x furniture polish 1 x 5kg Deo blocks 2x refuse bags (20 – black) 25 x 1 ply toilet paper (per bail) 10 x folded towel boxes (12 x 200s) 20 x auto towels laminate paper (25m) <u>Quotation amount</u>	R205.00 R630.00 R296.00 R492.00 R380.00 R60.00 R4 125.00 R3 000.00 R1 177.00 <u>R11 919.98</u>
2.	SB Marketing Wholesalers CC for the following items: 5 x 5lt handy andy cleaner 5 x 7 pine fresh disinfectant 5 x 8 lavender multipurpose cleaner 5 x 1 bleach 1 x 5kg of deo blocks 5 x 25lt of floor polish 15% 2 x pockets of refuse bags – 30 microns 12 x Mr Min original 30ml large 20 x box of 2400 hand towels interfolded premiums x Tidy wipes – eco 30 x 500s sheets version x 25 box – SBM interleaf toilet tissue <u>Quotation amount</u>	R175.00 R245.00 R280.00 R256.00 R240. R3 975.00 R198.00 R406.80 R2 990.00 R1 980.00 R8 975.00 <u>R22 678392</u>

3.	The MZAK Group for the following items:	
	5 x 5lt handy andy	R425.00
	7 X 5lt pine disinfectant	R665.00
	8 x 5lt of genitol	R760.00
	8 x 6lt bleach	R520.00
	1 bucket of deo blocks	R365.00
	24 x 48 toilet paper	R4 750.00
	5 x 25lt liquid floor polish	R4 950.00
	12x floor polish	R576.00
	2 x 12 refuse bags	R60.00
	2 x 2lt tile cleaner	R90.00
	<u>Quotation amount</u>	<u>R15 123.65</u>

183. According to Mrs Gertze the school had experienced a challenge with Mr Mngadi's instructions of following a 3 quotation system. The school received unsatisfactory quotations from unknown service providers, especially when the school sourced quotations for the repairs on a wooden floor. Mrs Gertze was of the view that some of the quotations appeared suspect. They appeared purportedly targeting a particular amount which sought to beat the initial quotations the school had sourced. Despite the explanation offered by Mrs Gertze, there is no other explanation on the decision not to proceed with the procurement process and award the job to whoever was suitable. Instead, RT Electrical was invited on a different scope and executed the repairs. The two tables that follow hereunder depict the procurement conducted.

Table 3:

Quotation for wooden floor:

ITEM	DATE	DESCRIPTION	AMOUNT
1.	29 July 2021	Prestige floor CC: To send and see classroom with 4 quotes for timber gleam high gloss sealer and additional costs supply 82 metres of Oregon pine 83mm wide	R38 651.73 incl. VAT
2.	28 July 2021	Prestige Floors CC: Costs supply and lay saligna TNG timber in classroom (80 square meters) and to send and seal classrooms with 4 quotes of timber gleam high gloss sealer.	R97 154.07
		Arnold Priors Project (Pty) Ltd: Classroom for wood floor. Labour – 4 times quantity @ R300	R123 000.00 R1 200.00
		Ngubo's Construction (Pty) Ltd Floor with plung quantity 01 Labour – quantity 04 @ R11 800.00	R137 000.00 R148 000.00
		Mamichae Trading 4wood floor 200 square metres wood floor and quantity is 10 x 20	R119 000.00
3.	04/08/2021	Isizwesakhe Business Development Services CC 1 removal of the existing timber which is badly damaged wooden floor, area 80 square metres. To supply super solid wood also to supply and fitting of saligna timber noted grey super solid wood to be supplied. Apply a quote of polutherine paint to smooth the entire floor.	R83 500.00
4.	22 July 2021	RTN Electrical and Building Services	

		<p>To supply approximately 85 square metres of saligna wood flooring to take off existing damaged flooring. To assess the support structure for the flooring, installation of new saligna flooring to send new flooring. Duration of work undertaken approximately 8 days, allowance of 5 working days for procurement of material once order is given, one year guarantee on all workmanship</p> <p>Labour R41 250</p> <p>Total: R122 750. 00</p>	R81 500.00
--	--	--	------------

184. Despite the school having invited and subsequently received quotations, RTN Electrical was engaged by the school to do the wooden floor repairs at Lab 22 on a different scope of work. The RTN Electrical invoice describe the repairs as depicted in the following table.

Table 4:

RTN Electrical invoice:

1.	Repaired flooring where timber had broken
2.	Cut pieces of galvanised metal sheet, drilled mounting wholes
3.	Mounted metal sheets over damaged flooring;
4.	Grinded of ends to ensure no tripping hazards

185. The cost of labour was R1200.00. This invoice was issued on 19 August 2021 and processed for payment on 20 August 2021 for the full invoice amount of R1200.00. It was approved by the principal and the counter-signer by the Bursar. The treasurer's approval is blank, perhaps as an indication that he was excluded from the procurement as well as payment process.

- 186.** In its short sighted wisdom, the school document record consists of a copy of an invoice from RTN Electrical and records that *"this was repairs and maintenance budget item which costed less than R5 000.00."*
- 187.** It is clear that there is no consistency or rational that the school follows when procuring goods and/or services. It is illogical that the school will obtain quotations for repairs on the wooden floors and once they are all on hand, the school then engages one of the service providers who had made a quotation which is far in excess of the lowest quote. When the chosen service provider is given an opportunity to vary the scope of work he had tendered for, and then effect the repairs which are totally different from what they had obtained quotations for. It is things like these which may give credence to either a mismanagement and/or a manipulation of procurement processes.
- 188.** If the school has a clear procurement policy or if the school has clearly understood a procedure of effecting repairs and/or maintenance to its facilities; surely it should have established a seamless approach in an instance like the repairs at its Lab 22 studio. Repairing the laboratory would have been a critical thing to do. However, the manner that has been followed suggest an irrational way of spending the school funds.
- 189.** It smacks of irregular procurement processes and with an eye to favour RTN Electricals. One does not need to speculate on RTN Electrical's core business as this may take the matter too far. If we had an opportunity to engage fully on the financial review, one could have explored the frequency of RTN Electrical engagements, the nature and type of engagements undertaken, the aggregated amounts paid in the last 5 year school years. We leave the matter at the hands of the department. These practices should stop.
- 190.** We observe that if the school followed a transparent and cost effective procurement process, it would save itself valuable and scarce financial

resources. However, according to Mrs Gertze, the school buys from its "*reliable*" suppliers.

191. Consequently, all attempts made by Mr Mngadi to introduce a quotation system attracts negative insinuations as though Mr Mngadi is feeding his own pocket. Mrs Gertze is not fair on her supposed vigilance. If Mrs Gertze fully appreciated fairness, she would have advised or disclosed everything about RTN Electrical. The later enjoys illegal and unfair advantage over other service providers. We repeat the remarks attributed to this behaviour made in paragraphs 39 to 41 above.
192. As a further demonstration of the absurdity of the school's procurement processes, the panel repeats the circumstances surrounding Ms Kavita Soomaroo' employment and subsequent **conversion** into a service provider. If the school is prudent in its management of resources (human and financial) Ms Kavita Soomarro would not have had to migrate from an employee status into an independent contractor status.
194. A complication that resonate with manipulation and illegal practices is demonstrated through Ms Kavita Soomaroo's service agreement. Ms Kavita retired from Pick n Pay after giving them 35 years' service and joins the school on full time employment. A mere period of 12 months went by and Ms Kavita migrated into an independent contractor. She invoices the school for the same amount she earned on her full time basis. Her contract attracts VAT, but she is not registered for VAT and does not indicate whether the R10 000.00 is VAT inclusive or not.
195. As an independent contractor, Ms Kavita ought to issue an invoice and justifies the amount she invoices the school for. The school has had disruptions and it

closed for either vacation or COVID-19 and/or floods, therefore, Ms Kavita is not entitled to invoice for the hours she did not work. Her payments have more problems than solutions. It is one of the reasons why the panel sought additional resource of an auditor who would, with speed had quantified these financial implications. There are other financial implications that we could not conclude on due to such a limitation.

Part III

ALLEGATIONS OF RACISM AND FACTORS AFFECTING LEARNERS AND STAFF

DEFINITION OF THE PROBLEM AFFECTING THE SCHOOL

- 196.** The report integrates various methods to gather information on racism and financial irregularities allegations. The main question posed to staff, including educators, support staff, and learners, was the following: What do you think needs to STOP happening in your school to improve it? Think about what the school managers, teachers, support staff, learners, parents, community, and government must STOP doing that negatively affect learners and staff members at school.
- 197.** The panel aimed to solicit response without priming the learners to talk specifically about the phenomena under investigation. The aim was to gather unsolicited responses framed from their point of reference and not unduly influenced by biased questions from the panel. The section below provides the participants' framing of the school's problems.
- 198.** The captures salient aspects captured during the Participian activities with RCL and teachers, learners from grades 8-12, and focused group interviews conducted with support staff and parent volunteers. Some of the extracts are quoted verbatim, and others were translated from isiZulu to English for ease of reference.
- 199.** The spelling and grammatical errors that appeared in the discussion are reproduced in direct quotations from direct narratives of the learners and educators.

Practices considered problematic and harming the school community

200. Based on the reflections of the recent experiences, the stakeholders agreed that the following practices, which are considered problematic and harming the school community, must **STOP**¹⁴:

201. Racism

- 201.2.1 The thing that needs to stop in my school is racism
- 201.2.2 Stop having racist teachers and principal.
- 201.2.3 Left-right and centre I always hear children talking about teachers being racist.
- 201.2.4 This school is racist and oppressive, and this needs to stop. They should stop racism because it is hurting other children.
- 201.2.5 They need to make us all equal and don't judge others by how they speak, walk or colour, race, or how our hair looks because we are here to study and get an education, not for attention.
- 201.2.6 The hair policy. I feel as if the school hair policy specifically targets African girls. Mrs Arlow told me to cut my plastic hair, but she didn't tell the coloured [learner] to cut it. She called me a slut.
- 201.2.7 I don't like some teachers being racist to black children, especially Mrs Arlow
- 201.2.8 We must not be criticised for or about our hair. It is our pride and who we are.
- 201.2.9 The hair policy should be fair to all races. It should not suppress any racial group.
- 201.2.10 On some occasions, our nature has been called untidy and bushy. The fact that we have to get our braids done shoulder length. What does the length of our braids have to do with neatness and school work? Our culture defines who we are and also helps maintain our hair.

¹⁴The spelling and grammatical errors that appeared in the discussion are reproduced in direct quotations from direct narratives of the learners and educators.

- 201.2.11 What must stop is that white children are dying their hair, but black people must cut their natural hair.
- 201.2.12 The thing that has to stop is one black people have an extension on their hair and we *bopha amabuns*, they say we must not *bopha amabuns* because children [learners] want to see. Still, when it is the white people that have buns, they don't say anything. They even told me *ukuthi* I must unplat my hair.
- 201.2.13 Other races can dye their hair, but black people aren't allowed.
- 201.2.14 Dreadlocks are not allowed.
- 201.2.15 Being mistreated and getting called names.
- 201.2.16 For example, monkeys and taxi Queens and stop saying that our brains are too long. (learner contributions).
- 201.2.17 We should stop being called sluts and taxi Queens because we use public transport.
- 201.2.18 Being judged because of where we come from and our skin colour.
- 201.2.19 The school should stop having rules that only apply to black learners.
- 201.2.20 Ukubukelaphansi isiko / isintusethu [our culture] as black people.
- 201.2.21 We must stop being judged from where we live.
- 201.2.22 Stop saying that black people must stop wearing their traditional bangles and Indian (not being racist) wearing the red bangles and mehndi.
- 201.2.23 Other races are allowed to have makeup and nails, but it's a big issue when we black people do it. They say we have blessers, and they say we are dating taxi drivers.
- 201.2.24 Stop telling us we don't belong to this school Educators should stop being *micro aggressive* and saying things like if you don't like this school go to one in Umlazi. You are being told to "go to a school in your township" just because you came late.
- 201.2.25 Being told to go to local schools cause our parents are failing to pay school fees.

201.2.26 The principal, deputy principal and our head of grade 10 tell us to study in the closest schools there are close to home because of coming late, but they don't say such things to for example coloured or whites when they arrive late and sometimes when they are late as us as the same time as us.

201.2.27 *Ubungoma* should not be looked down on. Black people (cultural rituals) should not be questioned or looked down at.

202. Dehumanizing practices

202.1 They paint the children [learners] in a bad light and bring down their self-esteem

202.2 They also need to stop name-calling and embarrassing learners with their marks. For example, if a learner performs poorly in their exams and the teacher embarrasses them in front of their other classmates.

202.3 Unfair and equal treatment must stop

202.4 Favouritism needs to stop at school, especially the teachers.

202.5 Another thing that needs to stop is that teachers avoid helping other learners if they need help or are going through something. Instead of making them feel bad, they must show support

202.6 Teachers should stop judging us by how we dress and how we should make our hair.

202.6.1 Discrimination toward black learners needs to stop.

202.6.2 The discrimination of black and Coloured learners.

202.6.3 Stop humiliation [of learners].

202.6.4 Learners shouldn't have to find out their marks from other learners.

202.6.5 The school must stop making us feel small and unwanted, especially being called names by teachers.

202.6.5.1 Stop telling learners to drop out of subjects when they have the potential to do better.

- 202.7 Teachers should stop discouraging us by saying we chose the subject instead of pushing us to do better.
- 202.8 Teachers address learners in Zulu when other learners don't understand the language.
- 202.9 Stop comparing grades and behaviour between classes.
- 202.10 Making us [learners] feel as if we are not enough.
- 202.11 Staff must stop abusing their POWERS.
- 202.12 Stop not having our concerns/opinions ignored.
- 202.13 Stop not taking action. 2019 investigation did not add value but left many victimised and more fearful.
- 202.14 Stop punishing all of us when specific learners are at fault, but everyone is being punished. For instance, grades 10-12 were kicked out of the hall because a few learners were misbehaving. That is unfair to those who were not misbehaving.
- 202.15 The school receptionist needs to stop disrespecting us; she has no manners or respect for the school, parents and learners.
- 202.16 Office staff should stop treating learners differently.
- 202.17 Learners should stop being disruptive and disrespectful towards teachers and each other.
- 202.18 Disrespecting learners and making them feel insecure about themselves. Both teachers and students do this.
- 202.19 Girls make noise and can't stop talking in class assemblies and meetings. There's no discipline. Just noise. Fights and chaos.
- 202.20 Bullying needs to stop.
- 202.21 Cyberbullying lying amongst each other should absolutely stop.
- 202.22 Many of our sisters die (commit suicides) because of body shaming and bullying, so it must be taken seriously.
- 202.23 Discrimination [based on the] financial crisis.
- 202.24 Learners need to stop stealing from each other.
- 202.25 Stop being loud and disruptive at school whilst people are trying to learn.
- 202.26 Seniors, stop looking down on juniors.

- 202.27 Learner stop looking down on teachers.
- 202.28 [Stop] drugs that are taken at school.
- 202.29 Main detention needs to stop and be shorter.
- 202.30 Community members must stop making negative or destructive comments about our school on all social media platforms. I suggest the school turn off the comment section on social media platforms.
- 202.31 The community should stop making terrible comments about the school, and the school should turn its comments off on Facebook.
- 202.32 The poor use of resources in the school. They need to put the school's resources to good use.
- 202.33 The school must stop cancelling sports and extramural activities and say that it is due to loitering. This disadvantages pupils as they are unable to do activities and are deprived of learning a new skill. With this being said, it feels like they do not want to fund the activities, and children are unable to apply for a scholarship at the University of their choice. [Failure of the school to develop the talent of learners' limits opportunities for them to apply for sports and other extra-curricular].
- 202.34 The intercom going off every few minutes
- 202.35 Not having a tuck-shop.
- 202.36 Stop having unhygienic bathrooms.
- 202.37 Not having equipment in the lab (science lab).
- 202.38 Stop learning Afrikaans
- 202.39 The school also has some corruption, and that needs to stop.
- 202.40 Stop being told to pay for school award bags and forced to buy stockings in the school. Wear tracksuits during cold days because, honestly, our skirts are way too revealing for winter as stockings don't help at all. [Learners wish to tracksuit in winter].
- 202.41 Printing should not have to be paid for.
- 202.42 Don't hire unskilled teachers [educators who lack qualifications].
- 202.43 Stop teachers not coming to class.

202.44 Teachers don't know how to teach correctly [the learners complain about incompetent educators].

202.45 Reading time needs to stop and should be used for academic purposes like subjects' students struggle with.

203. What that does, it paints and portrays a full picture of systemic racism at the school. The problem has always been there. New learners come day in and day out, yet racial oppression continues unabated.

RECOMMENDED PRACTICES FOR IMPLEMENTATION

204. Based on the reflections of the recent experiences, the stakeholders agreed that the following practices, which are considered practices, **START** happening in the school community:

205. Extracurricular activities

205.1 Bring back sports full-time.

205.2 Bring back sports days. Sports again to keep the brain energised. Sports back as this stops children from loitering.

205.3 Competing with different schools will positively impact the school and its image.

205.4 We need clubs to be open, like the homework club and debating club.

205.5 This school needs to bring back events club fundraisers.

205.6 This school should bring back sports and professional coaches.

205.7 Bring [physical education] PE educators like the other schools in Bluff.
The school also needs to have dedicated PE teachers.

205.8 They should bring back trips and excursions.

205.9 Sports activities (can't live without soccer).

205.10 Bring back swimming. Swimming gala day should be brought back.
Swimming should be open to everyone.

205.11 Bring back activities that the school were doing when we came -
sometimes we get punished by other learners. It is truly unfair that we

don't have to participate in things we are good at. [Learners feel deprived and punished when the school suspended the sports and other curricular activities].

205.12 They need to start a fundraising program organised by children so we can enter competitions (academic) and make our school have a positive light.

205.13 We need sports and the excursion that we were promised in grade eight.

205.14 Include a wide variety of sports hockey, netball, and soccer.

205.15 Do extra lessons -the school must be creative and copy from other schools like Canaan College private school. See what they do and what the school must also do.

205.16 We need camps trips and [education] excursions.

205.17 Allowed learners to do something for pride month.

205.18 Start school plays.

205.19 Music instrument class should be offered!

205.20 Offer computer Class.

205.21 Allow learners to be entrepreneurs [the should promote entrepreneurial education]

205.22 RCL meetings must be scheduled.

206. Cultural activities

206.1 Dress up for Valentine's Day [on the 14th of Feb] period on the 24th of September

sifunaukugqokasibungazeamasikoethu.Kumelesicazeukuthisingobani.

Kumelesiyaziimvelaphiyethu.

206.2 They need to start giving learners a chance to let them embrace their culture/religion and accept them. Start celebrating public holidays, for example, Heritage Day.

206.3 Embracing different cultures.

206.4 They should let us wear civvies on holidays

206.5 We need dress-up days and fundraisers.

- 206.6 Fundraising, the market day for grade 10 learners.
- 206.7 Fundraising for matric dance.
- 206.8 Bring back the clubs, such as debate clubs and Ubuntu clubs.
- 206.9 Informative clubs should start to reduce teenage pregnancy.

207. [Re-introduce] project baby.

- 207.1 We should have a morning prayer every day at school.
- 207.2 Bring back 40 days of pranking for matrics.
- 207.3 Having something to celebrate [such as] pride month.
- 207.4 Fun days like [beauty] pageants.
- 207.5 A woman's Hall of Fame should be placed in the Hall that shows a variety of race groups and cultures.
- 207.6 We should have a day when cultures swap and girls do things from other cultures.
- 207.7 Mother and daughter, they should be brought back.
- 207.8 Start students' bake sales.
- 207.9 Start letting the learners get involved in the community! Charity events!
- 207.10 Start clubs such as a reading club or chess club.
- 207.11 Sleepovers should be brought back.
- 207.12 Start movie night and movie days.
- 207.13 Mix with GBHS [Grosvenor Boys High School]
- 207.14 Awards ceremony should be a highlight on a calendar day, whereby we invite all parents and ministers to see our achievements
- 207.15 Girl's night out helps out how to behave yourself as a girl.
- 207.16 Matric should stand out not only with badges but uniform-wise [matrics wants to stand out from other learners by wearing different uniform]
- 207.17 Recognition and respect of different cultures.
- 207.18 Start talent shows.

208. School fees

- 208.1 School fees must be reduced.
- 208.2 Full school fees exemption.
- 208.3 Making lockers cheaper.
- 208.4 Scholarship must be provided to help uplift the students.
- 208.5 They need to start putting our school fees to better use, like getting toilet paper in the bathrooms instead of serviettes.
- 208.6 Allow ear piercing and rings.

209. Food security

- 209.1 Tuck shop needs to open!
- 209.2 Tuck shop with better food. Bring back the tuck shop because the vending machine usually has problems.
- 209.3 Sometimes learners don't have time to make lunch, and they starve because the school tuck shop is closed.
- 209.4 More vending machines.
- 209.5 Feeding scheme. We should have a feeding scheme at the school because we get hungry and can't think in class. We get sleepy and can't concentrate because we are hungry.
- 209.6 Sandwich for those who don't have lunch.

210. Co-curricular issues

- 210.1 The school should start having after school extra lessons to improve our school marks.
- 210.2 This school needs to employ teachers that can make children understand the work.
- 210.3 This school should add more subjects to have better choices in our job opportunities.
- 210.4 Add more subjects; example, tourism/CAT/ EGD.
- 210.5 We need an agricultural subject.
- 210.6 Do practical's for complicated subjects.

- 210.7 Lower the textbook prices.
- 210.8 We need new science equipment so we can do our practical's properly.
- 210.9 Extra lessons (primarily for maths, physics, and Afrikaans).
- 210.10 They should do better things about the school *because* parents pay many school fees, yet we do not have computers.
- 210.11 Start music classes and art classes after school.
- 210.12 The government must observe teachers [screen educators for competence] before hiring them because they need to think for the children.
- 210.13 Better English teacher.
- 210.14 [Provide] Teaching equipment, e.g. projectors.
- 210.15 Electronic devices instead of textbooks.
- 210.16 Discipline learners are stricter so that learning can be productive.
- 210.17 More books in the library.
- 210.18 The school needs to hire educated teachers, not hire family members who cannot teach.
- 210.19 Monitor students' participation and performance

211. School policies

- 211.1 Review hair policy. We must be able to do any type of hairstyle with the length of our choice and put on extensions. Braid length should not really matter, provided that it is neat. White students are never told to cut their hair short; Black students should get the same treatment.
- 211.2 They should bring back tracksuits for winter and cold days. The school needs to start letting us wear tracksuits. Some of us are not comfortable in winter uniforms because of our sexualities. We need to start wearing tracksuits because we are not comfortable in skirts.
- 211.3 There should be a warmer winter uniform. We ask to be treated fairly. We need tracksuits as part of our school uniform.
- 211.4 They should change the school's code of conduct regarding hair policy and makeup policy.

- 211.5 Allow us to wear jerseys in summer.
- 211.6 Extended break periods.
- 211.7 Start school at 8 am [currently the school starts at 07:30].
- 211.8 Cell phones should be allowed.
- 211.9 [Start] bullying prohibition policy
- 211.10 Random bag search for drugs and weapons
- 211.11 [Install] suggestion box
- 211.12 Review Code of Conduct
- 211.13 Allow piercing.
- 211.14 Allow our parents to bring us things to school.

212. Hygiene

- 212.1 Improved hygiene.
- 212.2 We need hand soap in the toilets! (repeated many times).
- 212.3 Pads in the toilet for emergencies.
- 212.4 Toilet paper should always be available.
- 212.5 Better tissue quality.
- 212.6 Sanitary products need to be placed in bathrooms.
- 212.7 Clean toilets and showers after PE and sports.

213. Infrastructure and resources

- 213.1 Decent desks and chairs in classrooms.
- 213.2 Proper gym equipment.
- 213.3 Cheaper and bigger lockers.
- 213.4 Adding benches for learners to set on during the break.
- 213.5 The opening of the school library.
- 213.6 More fans if the school cannot afford air-cons.
- 213.7 Offer Free WIFI

214. Improve communication

- 214.1 Learners' feelings, emotions, and thoughts must be put into consideration.
Whatever happens in our school, we must all be told as it affects all of us as a family. It mustn't be the case of hearing some important from teachers or seniors, but we must instead be told what happens or the events unfolding from the assembly¹⁵.
- 214.2 They [teachers] need to start operating and engaging with learners.
Suppose we arrive late with valid reasons; they need to understand.
- 214.3 A school newspaper is needed.
- 214.4 More parent meetings and more interactions and keep parents updated.

215. Boosting morale

- 215.1 Teachers must help to make learners better versions of tomorrow.
- 215.2 Psychosocial support
- 215.3 At school [onsite] counsellors for those going through the most challenging period.
- 215.4 Interventions for learners dealing with trauma.
- 215.5 Everyone should be treated equally.
- 215.6 Have therapy sessions for troubled children.
- 215.7 Can we please be allowed to voice our opinions to our teachers without feeling like it is not in our place?
- 215.8 Stereotyping must stop!
- 215.9 We ask our teachers to consider our feelings when they are about to comment.
- 215.10 Staff should do registers for children who signed on the spot - they choose to start and chase the ones not included in the list.
- 215.11 Start abuse counselling or support group.
- 215.12 LGBTQ plus support group.

¹⁵Such ideas cannot be taken at face value. The school system is one of the key institutions in society with rules deemed to be oppressive. The learners have their own contradictions as shown in some of the narratives and these should be viewed in a balanced manner.

- 215.13 An environment where we are all treated the same despite our skin colour (no favouritism).
- 215.14 Learners/teacher confidentiality. Teachers should start being nice.
- 215.15 Teachers and staff of school need to treat learners fairly and not discriminate. They need to start treating people equally.
- 215.16 Students must be rewarded, for example, provide badges.
- 215.17 Teachers must be enthusiastic about teaching.
- 215.18 Teachers must learn to love and be patient about their jobs.
- 215.19 The school need a professional nurse.
- 215.20 Open Sick Room.
- 215.21 Teachers should be a bit 'politer'.
- 215.22 Teachers should learn how to speak to children.
- 215.23 The school must provide an equal environment for all learners.
- 215.24 The school must provide] professional therapist, not a teacher.
- 215.25 There should be equality amongst learners
- 215.26 The GGHS must be loving each other.
- 215.27 Address issues around mental health.
- 215.28 Learners need to start taking pride in their uniforms.
- 215.29 Learners and Teachers have to respect each other.
- 215.30 Not being body shamed!
- 215.31 Bring back class captains.
- 215.32 Start mentorships and bring back SISTAHOOD PROGRAM – [it] cancels out racial differences!
- 215.33 Miss Jorgenson should retire because she has hurt too many students and is failing us as a principal; we come to school to learn, not to be criticised.
- 215.34 New principal.
- 215.35 Front office lady to show respect
- 215.36 Government must play its oversight role
- 215.37 Offer leadership skills development for RCL.
- 215.38 Upholding of core values of the school

LEARNER NARRATIVES ON RACISM AND DEHUMANISATION

217. The following extract are a sample of written submission by learners on specific incidents that make their lives difficult at school. The names of learners are excluded for their protection from further victimisation."

217.1 *Last year, when I came late to school our principal Ms Jorgensen was standing by the front office. As I walked in she gave me a very nasty look but I decided to ignore that and greeted her. She then responded by asking me why I was late and I explained to her. She then said that if I have transport problems I must leave the school because I don't have any evidence to prove that my transport came late and that I may have been sleeping with my taxi driver.*

217.2 *I had once come to afterschool parents meeting with my mother, wearing a ponytail with my naturally curly hair. I then was approached by Miss Arlow, being called 'wild' and being told I looked like a 'bush baby'. My mother and I were shocked!*

217.3 *Actually, there were and are many incidents with this specific teacher. But I will name 1 or 2 or all if there's space, so this has been going on for 2 and a half years. A teacher named Miss L. Arlow told me what am I doing in her Afrikaans class and said I must go to Zulu. She likes to make me look like a clown in front of my Afrikaans classmates which just drops my self-esteem. She always picks on me and she adds stuff about me in front of the class. She told me I have a Mentha dyslectic problem in front of my friends I immediately felt like I'm not enough. I went home and cried. There is more stuff but there's not enough time, she was sheng to us about teenage pregnancies and said '[SIC] I, don't want to be a grandmother and people started laughing. I would have explained more but there's no time. Personally, I feel very low about myself because of Mrs L. Arlow.*

217.4 Teachers sometimes don't make sure that we truly understand the work; they are working at a fast pace. Sometimes you can't focus because a teacher sometimes calls you 'dumb' or 'stupid' when you ask her to explain something you don't understand.

217.5 The school principal constantly picks on me because I'm from another school. She is very racist and even said to me that I'm loud because I am Khoisan and I'm not fit to be in her school because of my skin colour.

217.6 Racism affected me badly as the principal is a racial person and very choosy. We did a peaceful, silent protest. Our principal needs to be out because she doesn't listen to us as black kids. She favours white kids. Racism is a big issue in this school.

217.7 I was called a black rat by my H.O.D just because I went to my locker after the break and I asked her why she was letting her student go to the locker then she called me a black rat. My Vart teacher said that I am a drug slave and I am a piece of shit.

217.8 A teacher was being very unfair and mean to my friend. She said very mean things to her, my friend is a dark skin girl and the teacher was white it is Miss Arlow our Afrikaans teacher. She has been like this towards my friend since grade 8 so it has been about 2 years. She told her she should go to Zulu. She makes the whole class laugh at her, and I can see this hurts her. This has to stop.

217.9 The bullying I feel like they don't take bullying serious in this school it just passes on as if nothing happened.

217.10 Racism makes it hard to focus as I don't know if someone will come after me because of my race. I feel unsafe as some comments were made toward Indians.

217.11 The rioting our school has had regarding degrading or racist comments that the teachers made against learners. I felt unsafe as they told us to lock doors and close windows. Some of us were shaking with fear. I have also been looking for a new school because of this issue.

217.12 The amount of drama about racism because it affects us all. Teachers tell us it shouldn't affect us and focus on our school work but it actually does, as a black child it could've gone worse. The transport problem which leads to lateness. We as learners can't control such situations, using public transport I can't, tell the taxi driver or bus driver to hurry up or come early to my neighbourhood.

217.13 On my first day of school I was late Mrs Jorgenson was already standing outside waiting for the late comers. She asked me why was I late, I tried explaining to her, and she said I must shut up she didn't even hear my explanation for why I was late. She said I was busy wasting time doing my hair so that boys could see me and I was walking slowly on the road, which is not true my transport driver leaves me at the school gate. The reason why I was late was that there was traffic.

217.14 It was 2020, my first time in high school, and wanted to be in the choir because I was in a choir at my previous school. So, when I was auditioning, the judges' teachers laughed at me, which enabled everyone else in the hall to laugh at me. I felt so embarrassed and I told myself never again I'll perform that day my dream was crushed.

217.15 *Miss Jorgenson should retire because she has hurt too many students and is failing us as a principal; we come to school to learn, not to be criticised.*

217.16 *Every time my parents came to the school, they were treated disrespectfully by the receptionist and the principal.*

217.17 *This has affected me as I get afraid to ask a question in class when I'm confused. Every time I would try to raise my hand, I would get some type of anxiety attack. I'm just afraid to say anything to you guys in person or by phone so I am good without the teletherapy.*

EDUCATORS' EXPERIENCES AND PERCEPTIONS

218. The issue of racism when referenced singularly is not very apparent; however, when one went through consultation after consultation, numerous documents and previous statements brought forward one gathered that the issue of racism is reflected through cases classified as abuse of power, mismanagement, victimisation, and dictatorial style of governance as reflected in the Tables 5-7 below.

Table: 5

Educator responses to practices that should STOP happening at school

STOP	STOP	STOP
<ul style="list-style-type: none"> o No staff unity. o Miscommunication. o No teamwork. o Devious acts (secretly recording staff during meetings.) o Undermining each other. Divide and rule. o Division between staff members and management. o Not enough co-operations. o Not speaking as one voice. o Favoritism. o Lack of motivation o Stop being inconsiderate. o Blatant rudeness and irrespective o Obvious and subtle racial prejudice. o Disrespect x 2 o Racial Bias. o Racist remarks-principal. 	<ul style="list-style-type: none"> o Reference to braided African hair being dirty. o Preference is shown to white learners. o Stop the divided hair policy. o Illogical hair rules o Dictator tells you what to do but doesn't practice themselves. o Criticism of different ethnic accents. o Different policies for different race groups. o Reference to "don't" bring your township ways to my school-principal. o Manipulating and influencing learners 	<ul style="list-style-type: none"> o Not being sincere (kid gloves) o Undermining o Misuse of School Funds. o Management enabling Principal o Not giving chances. o Complaining about everything. o Lack of consultation on matters concerning us. o Autocratic Management. o Stop Dictating. o Stop shutting down ideas from Management. o Low staff morale. o PPL decide for you. o Unhappy staff o Crucifying people. o Continually finding fault. o Stop looking down

<ul style="list-style-type: none"> ○ Victimization. ○ Screaming of staff on the intercom in front of students. ○ Unrealistic ethnic hair policy. ○ Principal making racial remarks to staff and learners. 	<ul style="list-style-type: none"> ○ Not meeting deadlines. ○ Deliberately bunking the system ○ Poor discipline of learners and following discipline issues ○ Nepotism ○ Insubordination. ○ Undermining Post Level 1 Authority ○ Dishonesty- Management. ○ Lack of accountability when mistakes are made. ○ Unfair hair policy. 	<ul style="list-style-type: none"> on each other. ○ Hanging on to the past. ○ Singling people out when they speak out. ○ Stop work overload. ○ Spreading false information. ○ Mismanagement of staff. ○ Not accepting cultural differences.
---	--	--

Table: 6

Educator responses to practices that should START happening at school

START	START	START
<ul style="list-style-type: none"> ○ Start listening to all sides of a story, not one! ○ If you are unsure, ask instead of making assumptions. ○ Start positive reinforcement. ○ Start supporting educators. ○ No secret meetings. ○ Start communicating-management. ○ Allowing staff input. ○ Work together to instil discipline. ○ Bring back important school traditions. E.g. Celebrating Heritage Day. ○ Start disciplining learners for issues at hand, not race. 	<ul style="list-style-type: none"> ○ Have regular staff meetings (where post level 1 is allowed to speak.) ○ Regular communication from management. ○ Staff involvement in making decisions that affect post level 1 staff. ○ Make the management account. ○ Developing a positive attitude. ○ Appreciate each other. ○ Taking Responsibility. ○ Be courteous to one another. ○ Showing unity in diversity ○ Value and appreciate each 	<ul style="list-style-type: none"> ○ Meet deadlines. ○ Be on time. ○ More staff involvement. ○ Try to find the solution to staff's issues instead of brushing them off. ○ Start respecting learners and educators ○ All teachers to be consistent with learner discipline ○ Team Building Events. ○ Work as a team ○ Treat people as professionals. ○ Start focusing on motivating. ○ Have activities like dance for the different cultural groups ○ Please communicate with

<ul style="list-style-type: none"> ○ Be heard! ○ Computers and printers, please. ○ Acknowledging that we have a problem. ○ Have sport again for learners. ○ We should start having a tuck shop lady! ○ Open sickrooms then rather children returning home. ○ Provide Medical Care. ○ Take pride in your Uniform. ○ Enviro Club (Start) ○ Grade 8 - Sleepover. ○ Bring back Prefects' Room. ○ Computer Classes. ○ Academic Awards. ○ Bring all the sports. ○ Having trips as Grade ○ More uniform (tracksuits & jackets 	<ul style="list-style-type: none"> ○ other. ○ Let go of old grudges. ○ More help for students' mental health. ○ <i>Mele Sihloniphane!!</i> ○ School Counselor. ○ Learners must start working. ○ Learners must not be on social media. ○ Teachers need to start listening to what learners have to say/ how learners feel ○ Music lessons. E.G Guitar, Piano, Violin etc. ○ Allow teachers and learners to practice their cultural practices listening and following rules and regulations. ○ Matrics must have a different uniform. ○ Hair length policy should be nothing 	<ul style="list-style-type: none"> ○ staff and involve them in decisions, especially when they are the ones who have to execute. ○ Complete transparency re: decision making. ○ Counselling – a person that learners can talk to if they have problems. ○ Random bag searches because kids bring Drugs and Weapons to School. ○ Extra Murals, Environment Club and Debating etc. ○ Have a Year Book ○ Start Fundraising for middle school. ○ Music lessons. e.g. Guitar, Piano, Violin etc. ○ Allow teachers and learners to practice their cultural
--	--	---

<ul style="list-style-type: none"> ○ Fundraising (involve learners) / for school excursions to occur ○ E.g. market sale and bake sale. ○ Civvies ○ Swimming Gala. 	<p>below your bum.</p> <ul style="list-style-type: none"> ○ Ubuntu / Humanity amongst the learners. ○ School toilets need to have sanitary pads! ○ Renovations of School toilets. 	<p>practices</p> <ul style="list-style-type: none"> ○ Distribution of SANITARY Pads regularly. ○ Extra lessons. maths/ (all) ○ Braided hair allowed to be styled/ more diverse hairstyles that promote different Hair hairstyles
---	--	---

Table: 7

Educator responses to practices that should CONTINUE happening at school

CONTINUE	CONTINUE	CONTINUE
<ul style="list-style-type: none"> ○ ... Delivering a good quality of education. ○ Upholding standards of education. ○ Clean and well organised. ○ Well maintained environment. ○ Building human relations as friends. 	<ul style="list-style-type: none"> ○ Good vision and mission of the school ○ Academic excellence. ○ Neat Uniform ○ Sharing resources and knowledge. ○ How the school operates. ○ Good staff relations. Continue to motivate learners. 	<ul style="list-style-type: none"> ○ Hard working staff ○ count on peers for help/ support ○ TADA ○ Continue teaching as I love my job. ○ Continue helping learners with problems. ○ Continue being a good role model.

EDUCATORS' NARRATIVES ON RACISM AND DEHUMANISATION

- 219.** For one to follow through with an in-depth analysis and understanding of the core principles of how racism can be used in more areas either than saying certain words, or phrase that are racist or have racial undertones used to control and undermine the African identity or identity of people of colour and their hair. Extracts from teacher statements and interviewed present explicit and implicit experiences of racism directed to staff and educators within the school."

219.1 The principal speaks disparagingly of "township schools". She has done this in assembly with the entire school body present and in the staff room with the whole teaching and support staff present. She has

passed comments to learners saying, "Don't behave like that; this is not a township school".

219.2 The children are constantly shouted at and told this is not a township school; go to schools near you—hair policy against braids.

219.3 Referring to coloured learners' accents as "drunken coloured accents".

219.4 Teachers are being told to recruit more white learners.

219.5 Discriminatory treatment of majority-white SGB and majority African SGB, the latter being treated inferior with no special treatment from the principal.

219.6 Maintenance staff is not reflected as Mr OR Ms but by the first name on the register.

219.7 Commented Indian parents are whiners and irritating.

219.8 There is a clear distinction between discrimination between how black learners are treated oppressively compared to white learners; Such came from the Principal and her deputy.

219.9 On another occasion, the principal told staff during a staff meeting that "if you want the white kids to come to this school, you better be more professional". This offended a lot of staff members as it was a racist comment.

219.10 The Principal and her Deputy are so racist that it makes teaching my learners so hard as they are depressed, lose a sense of worth, and affect their academics.

219.11 One day during assembly, the principal made all hair extensions and braids, etc., forbidden on the spur of the moment. The principal gave several reasons for their decision. They said hair extensions, braids etc.: were dirty (that the girls that had them did not wash their hair); - which is not true as girls have stated hair maintenance is essential to maintain their hair growth and length, referring to them as protective styles. Hair extensions were clogging up the school's pool pump, which was not true as it was compulsory to wear swimming caps, making it

completely impossible. They were expensive and irrelevant as it is no concern about the school cost of styling long as hair neat and tidy.

219.12The principal would even walk around and threaten to cut the girls' braids off in full view of other learners and or staff.

*219.13In another incident about 12 or 13 years ago, the principal flew into a rage during Heritage Day civvies day at the girls' noisy behaviour (they were out in the quad doing Zulu dancing and using the green bin as a drum). She ranted and raved and screamed at the learners and staff. I was subsequently told that she said to her secretary (who is no longer at the school), "this is the last time we celebrate national k**** day again!". Several of us as staff who found out about what she had said and were upset by it wanted to take it up with high authorities but at that time were so afraid because of the severe victimisation.*

219.14The one year, an African learner, Andile Mkutyukelwa, was dux of the school and top achiever and naturally was to become voted in as the head girl of the School. Still, she never was nominated during the interview; the principal made it clear that she was not fit to be a head girl because of her background and race. This was published on Facebook by the learner. After that, a white learner was head

219.15The Last year 2021, the top learner was a black girl during the prize-giving. The principal had nothing positive to say to the said matric learners but made a very nasty comment in front of the entire student body, parents and educators that "she will be happy to see the back of her and other matrices when they leave".

219.16Together with other teachers and learners, I feel so sad and emotional. We are ignored through the years of fighting against plain sight mismanagement, misuse of resources, and racism. The Principal, Deputy Principal and their management make them seem all-powerful and a law unto themselves.

219.17 *We have lost so many good teachers due to the unbearable victimisation and abuse they endure if they are against the LAW of the Principal, Deputy Principal, admin and management.*

219.18 *Union member experiences: Mrs Jorgensen's discrimination towards teachers in the unions. Her experience was that prior to being employed in the school since 2017, she had never received any reprimands until two days after becoming a Neptosa representative. Thereafter the principal removed her membership from Neptosa and joined SAOU. She began receiving numerous reprimands from Brijraj and Ms R Singh. Principal waved her finger in the face of Ms Khan in a staff meeting.*

219.19 *Aggressive and abusive manner of governing. Leaner reprimands are race-based, not infringement based. Lies about Ms Khan to submit leave form, whether to attend CCMA proceeding, unions training functions, or sick leave. SAOU members received special treatment in that they were allowed meet during school times, and if break times ended before meeting finalised, break should be extended. Other unions are not allowed to meet at school. The administrative staff wielded such power that cleaners were made to serve them, making tea etc. Mrs Gertz's power was such that she was given carte blanche to scold teachers in front of Mrs Jorgensen. Two of the management staff, namely Mrs Brijraj and Mrs R Singh, are actively involved in the victimisation and bullying of which Mrs Jorgensen herself is guilty of.*

219.20 *The principal, together with deputy have a dictatorship style of governance. EFor example, there is WhatsApp group and all staff are muted and are not allowed to make comments or suggestions. Ms Duval was dismissed unfairly, won CCMA case but he principal, deputy and Bursar refused to let her into school and she was turned away at the despite there being given the order from the CCMA to return to school. The Deputy and Gertz comment aggrieved staff that this was to teach us a lesson.*

- 219.21 *The SGB, ever since it became predominantly black, the principal became very undermining of the SG, shouted during meeting, does not answer questions about finances*
- 219.22 *The meetings were fruitless, and the amount of abuse and torment was unbearable.*
- 219.23 *The Deputy usually talks without thinking and talks down to people belittling people, mainly the teachers of colour.*
- 219.24 *An educator expressed the view that the teachers and learners have no voice and are not heard by the principal and M.EC and D.O.E their complaints are ignored and "nothing" has ever happened, but she would participate as she believed in the cause for justice.*
- 219.25 *On opening her salary advice in July 2020, she [the educators] had LWP (leave without pay), and she approached the office for her file. The principal did not recommend Diwali leave. The Principal's comment on the leave form states..." leave form handed in late hence it disrupted the examination invigilation timetable". [The educator had] ... her leave form to the office days before. She [the principal] did not recommend it for all. When she inquired about LWP and how they were not advised accordingly, the principal ignored them.*
- 219.26 *There is a clear distinction as to how union members are treated that do not belong to the union the principal is affiliated with, SAOU. Their unions SADTU and Neptosa is not allowed to convene any meeting at school but. Still, there union that the principal is part of is allowed to meet on the school premises, and even break times get extended to accommodate their meetings.*
- 219.27 *There has been countless report to the Department and the M.E.C regarding issues of racism, financial mismanagement, victimisation, bullying and misuse of power that have been report and investigations done but not outcome that changed the school or the governance of the school all at the hands of the same principal and her management.*

219.28 *Working as a teacher here has taken a toll on me mentally and emotionally, being depressed always ready to fight and defend oneself has taken a toll. But I stay for the girls as I have so many dreams and hopes for them. It is so disheartening to see learners be bullied about their hair by the Principal, Deputy Principal and management."*

ALLEGATIONS OF RACISM BY NON-TEACHING STAFF

220. There is a general feeling among the black support staff that they are not treated with respect, dignity and courtesy by the school management because of their race. That they are African blacks. This discriminatory treatment comes from both White and Indian management.

221. Incident involving Michael and Patric Sibisi

221.1 Patrick complains that one particular day, just after lunch, a fellow white employee, Michael referred to him as a "kaffir". He then reported the incident to his immediate supervisor, Mr Mkhize. Mr Mkhize escalated the matter to Ms Jorgenson. Nothing happened thereafter. Mr Sibisi was deeply offended by Michael's conduct. He decided to stop talking to him then.

221.2 Mrs Jorgenson admits that the matter was reported to her. She claimed to have called Michael and reprimanded him verbally. She never addressed the issue with Sibisi.

221.3 She justified Michael's conduct as Michael is a mentally disabled person.

222. Incident involving Ms Hlengiwe Mqadi

222.1 During the lunch break, a white learner knocked on another black child carrying a cake, and the cake fell onto the ground. Ms Hlengiwe Mqadi, one of the c staff, stopped the white learner and told her to apologise to the black learner. The white learner refused. The following day the

parents of the white learner came to the school apparently to complain about what Ms Mqadi had done.

222.2 Ms Mqadi was called to the principal's office and reprimanded for instructing the white learner to apologise for causing the cake of the white learner to fall off her hands. She was told her duties were to do the cleaning chores and nothing else.

222.3 Ms Mqadi felt that had the learner not been white, the matter would have been dealt with differently by the principal.

223. Incident of black cleaners making tea for white administrative staff

223.1 The cleaning staff, which is only black ladies, were made to make tea and coffee for the white administrative staff, despite this not being part of their duties. They were also made to clean the utensils for coffee and tea making. They were treated as house helpers (maids) to the non-black administrative staff.

223.2 This practice did not sit well with the black ladies until it was escalated to the department. The department directed that this practice be stopped immediately as it was unlawful. No steps were taken against management for this indignity. This happened under the principal's watch.

224. Harassment based on race

224.1 Mr Sibisi had a family bereavement. He was entitled to a 5-day paid leave period per year. For the first time in the year, he took family responsibility leave. He completed the leave form for 5 days. Together with Mrs Gertze, the principal disallowed him 2 days of the 5 days. He was told now that it is the principal he is only entitled to 3 days. He was not paid for the 2 days to date. The Leave Policy allows for 5 days per year.

224.2 The principal cannot explain why this was done.

225. Lunchtime on the employment contract

225.1 The employment contract that the cleaning staff have refused to sign does not stipulate lunchtime. It states that it is at the discretion of the principal. There are reasons to believe that she wants to use this to frustrate and control the staff to get the staff indebted to her. She wants to be seen as superior. The African employees believe that what it does is nothing but too entrenched white supremacy.

226. Reduction of cleaning staff salary when taken over by the school

226.1 Cleaning services were outsourced, and the school took them over. Employees were taken over as SGB employees. The principal, without any consultation with the staff, unilaterally reduced their salaries. Out of desperation, the staff accepted that. There were no annual increments affected the following years. The treatment given to the staff by the principal made the staff concluded.

226.2 When a service is taken over, as the school did, the labour law dictates that the benefits cannot be reduced for whatever reason. In this instance, there was no consultation to give credence to the view expressed by the affected employees.

227. Incidents involving Ms Brijraj and Solelani Zindela

227.1 The conduct and attitude of Ms Brijraj have consistently made the employees feel that she is racially discriminatory.

227.2 Each time Ms Brijraj (receptionist) uses a toilet, she will call Ms. Solelani Zindela, a cleaning staff, to come and clean the mess she has left in the toilet. It is a common courtesy to use a brush to clean the toilet if it is dirty. Even if there is a smell, she will insist on Ms Zindela spraying the toilet

until the smell diminishes. The employee finds this conduct of Ms Brijraj demeaning, disgusting and disgraceful.

227.3 The other indignity perpetrated by Ms Brijraj would be each time the educator Ms. Gwala had used a toilet, called upon Ms Zindela to come and clean the bathroom when the toilet was clean, and there was nothing wrong with it. It was clear that she did not like Ms. Gwala to use the restroom that she was using.

227.4 The general conduct of the principal, the deputy principal and Mrs Gertze has resulted in the affected employees concluding that there is a concerted and accepted practice amongst the three that the black staff deserve to be treated with disdain. There is a general lack of recognition as adults, lack of respect and displayed resentment.

OBSERVATIONS

228. The learners appeared well-groomed and appropriately dressed.

Staff and learners' interactions with the facilitators were polite and respectful.

The participants demonstrated insight into the reason for the interview or group sessions. Some staff members broke down in tears as they relieved their lived experiences.

228.1 The sessions were tense at times, but solid emotional reactions were accommodated and managed to allow fair and meaningful participation. The staff and students interjected appropriately and sought corroborative information where necessary.

228.2 There was evidence of willingness to share valid information and corroboration of details.

- 228.3 The participants provided a secondary narrative account of traumatic incidents they had personally observed within the Grosvenor.
- 228.4 Most of the learners and educators interviewed individually broke down during the interview sessions.
- 228.5 Other participants, particularly the support staff who participated in the group's sessions, spoke with bowed heads, indicating respect, the difficulty facing others when reliving the experience, or evidence of shame and suffering.
- 228.6 During the statements capturing with some teachers, they were very agitated and showed feeling frustrated about not being heard and undertaking the same investigative process without receiving feedback.
- 228.7 The allegations of mismanagement against the principal in relation to the treatment of the employment contract of the cleaning staff are substantiated
- 228.8 Generally, the school management presented a concerted effort to establish reasons for the rejection of the 2018/2020 SGB. In the process, an irreconcilable relationship developed. The SMT manipulated the majority of the details the school documented against the 2018/20/20 SGB. Immediately from the first few days of the SGB's appointment, the school reported and/or sent SOS to the Department focused on malicious allegations against the SGB.
- 228.9 The school accused the SGB of the collapse of the school's financial position. On the other, the SGB has been at pains to implore the Department to intervene and impose its authority over various allegations of mismanagement of school finances and the general poor human relations between the SMT and its staff. To complicate matters, the

educator staff broke into two unequal halves. The first group consists of educators, which the SMT refers to as "aggrieved staff". The second group is openly in support and in defence of the Principal. This group consists of SMT members. Therefore, the second group works with the Principal and resents any allegation levelled at the Principal.

228.10 Ms Brijraj was appointed by the department to deputise the principal and acts in the principal's position when the principal is away from either on sick leave, school commitments or on suspension. Ms Brijraj disputes the allegations levelled at the principal at all costs. However, Ms Brijraj is guilty of nepotism and irregular procurement services. Therefore, she has compromised and benefited from the principal's irregular and incoherent management practices. Some of the SMT members have participated during the employment of Ms Pavani Pather and Soomaroo. Ms Brijraj may appear to have exploited the Principal's poor management and leadership competencies and lack of regard for policies and procedures.

229. The expenditure that was incurred by the school management is ordinarily expected to be taken from funds that are budgeted for and approved by the SGB, which has the sole responsibility of collecting school fees. If it was not its responsibility, it would not have been expected and required to convene the Finance Committee which in turn appoints a Finance Officer who, by law, has to be a qualified and competent person who is beyond any reproach.

230. The principal is a member of the SGB and the principal is designated by the School's Act to create or empower SGB such as enabling them to be informed of the employment conditions of the school he or she is in charge of. The difference that exists is that the school management and/or leadership comprises of full-time and permanent employees of the department.

- 231.** In terms of the government policies, accountability lies with the principal as the employee responsible for the day-to-day running and management of the school. In this regard, the principal should be guided through policies, which inter alia are the core responsibility of the SGB. Therefore, the principal, as a de facto member of the SGB is involved in the development, drafting, presentation and adoption of the school policies. Any missing link towards the execution of this responsibility of the SGB has an indictment on the principal.
- 232.** When the SGB members exit, the principal remains central to the reporting of these vacancies and their subsequent replacement or filling through the department's controlled processes. In the school we have observed the following incongruent processes:
- 232.1 A consistent and resolute demand for the removal of the principal from her position. This may have been a conception through the bad blood between the parent body, the staff of the school and perhaps the general community of the school.
- 233.2 A steadfast resistance by the principal to adopt the finance policy that was drafted and adopted in 2018/2020 SGB complicated matters. This policy was drafted during Ms Brijraj's acting stint as a principal which period is attributed from August to October 2018. Whilst there is no basis presented to the panel for the principal reasons not to acknowledge the finance policy, it remains a source of an impasse.
- 233.** In Ms Brijraj's explanation as to why the principal rejected the finance policy, she contended that *the policy was already a done deal between the SGB*, which comprised of the Chairlady, her deputy – (Mr Jansen) and the Treasurer, (Mrs Gumede). Therefore, with the principal's resistance to acknowledging the finance policy, the panel wonder how the school continues receiving, committing and spending the school fees received since 2018/2020 SGB took office. With

the discovery that there are no policies and minutes of the meetings during the tenure of the 2015/2017 SGB, this may *inter alia* cast serious doubts about the accountability for funds received from the service provider Photo Note for the benefit of a new service provider who took over from Photo Note.

- 234.** We contrasted Ms Brijraj's explanations on the finance policy with the explanation made by the Bursar on the school fees. Mrs Gertze explained that this applies to the finance policy which the principal has refused to accept or recognise. The finance policy *inter alia*, provides for a quotation. However, Ms Brijraj introduced Mr Krisen of RT electrical CC who renders maintenance services. Ms Brijraj explained that Mr Krisen was introduced to her by a certain principal of a certain school known to her. However, the said principal had since retired.
- 235.** Ms Brijraj complained that her input into the drafting of the 2018 finance policy was rejected by the SGB Committee that wrote the finance policy. She gave this explanation to portray the SGB Committee as authoritarian and had a preconceived finance policy. However, Ms Brijraj has been faulted to produce a better acceptable policy that was in place during the 2015/2017 SGB. Therefore, it begs the question what is it that Ms Brijraj and subsequently the Principal contended was wrong with the 2018 finance policy.
- 236.** The principal's disregard for rules and regulations has a human and financial cost to the department and the GGHS community. The 2018 SGB and RCL electoral meeting had to be adjourned and rescheduled twice due to the failure of the school to follow the prescribed policy and send out the reminders of the meetings.
- 237.** The acrimonious relationship between the 2018 SGB members and the principal aggravated the division of staff, SGB and school management. The exchange of

correspondence is defensive and adversarial. The labelling of staff members as an 'aggrieved group' further alienated other staff members from their position of influence resulting in the marginalisation and victimisation of the black staff members.

238. The panel requested an additional resource to conduct a financial review to facilitate a complete investigation of the financial irregularities and maladministration. However, the department opted not to afford the panel with the additional resource. Instead, the department advised that "it was appointing an independent service provider" such an approach amounted to an amendment of the terms of reference. Consequently, the panel's terms of reference were limited at the last moment of the investigation. The limitation was not warranted.

The continuous conflict between SGB and Management

239. The SGB together with the Principal and the SMT are incompatible. The approach adopted by the SGB is a stance which simply says we want to ensure that the school adheres to policy and recognises us 'the SGB' as existing members of the governance of the school. It appears that there existed a **scenario of us and them**, meaning the governing body on the one hand and the principal on the other hand. The principal being stronger due to an alliance aligns herself with the SMT on the other hand. Unfortunately, such a situation is untenable because the principal is *de facto* a member of the SGB. Therefore, for the principal to find refuge more in the SMT compromises the governance of the school. This persistent conduct draws a parallel with the general atmosphere the panel has addressed in terms of the allegations of racism.
240. The constant complaints and vilification of the SGB have developed through the split allegiances we have referred to hereinabove. It is, without doubt, that the majority of SMT members have unwittingly compromised themselves in many

respects. By so doing, the compromised SMT members have stuck their heads into the sand and are wholly burnt to fight the SGB at all costs.

241. Unfortunately, the approach adopted is not in the best interests of the school. It is not a solution to complain in perpetuity about the SGB when the SMT does not adhere to policy nor recognise processes and systems that are in place if they are to properly manage and lead the school. It is without a doubt that there is a divide and rule being practised by the principal.
242. Our initial investigations had observed educators and non-educator staff constantly reporting the divisive leadership style at the instance of the principal and Ms Brijraj. We received confirmation when Ms Brijraj informed the panel that "*we are a tacked team*". She was describing how she and the principal shared the management and/or leadership of the school. It sounded as though they have this alliance either holly or un-holly, but they have this alliance. It unfortunately has manifested itself into disruptive misinformation processes and manipulation of both management and administration processes and procedures.

Direct effects of racism

243. Black learners and staff narrated experiences of dehumanisation at the school.

243.1 Some have been in service at the school for more than a decade and have attempted to address racism issues but feared victimisation and dehumanisation. The dehumanisation is implicit or subtle within everyday contexts, making some stakeholders feel less human.

243.2 Dehumanisation is based on race, gender, class, citizenship, and sexuality.

243.3 Research highlights that negative contact experiences may evoke a powerful sense of individual and collective humiliation (McCauley, 2017). The feelings of shame invoked by dehumanisation (see also Bastion & Haslam, 2011) are marked by a sense of debasement and lowered self-worth.

243.4 The utterances of some teachers, particularly the principal, deprive others of human nature and dehumanise them

After consulting with all stakeholders that came forward, the panel concluded that racism is present and has affected all spheres of Grosvenor and the running of the school.

243.5 The analysis revealed several factors or facets that psychologically and socially influence an individual negatively at GGHS. Such factors describe individuals about their social environment and how it puts the learners and staff at risk of physical and mental illnesses.

243.6 The Maslow Hierarchy of needs demonstrates deficits in the higher level, self-actualisation and cognitive needs. The narratives of some of the affected community members show stifled progression to the realisation of a person's potential, self-fulfilment, seeking personal growth and peak experiences.

243.7 There is strong evidence of racial ideologies, racism, discrimination, and social exclusion, which negatively affect mental well-being and cause distress for all stakeholders.

243.8 Racism in the school is further exacerbated by other contributing factors such as low socioeconomic disparities and other psychosocial conditions contributing to poor outcomes.

243.9 The school community, particularly the principal and those in authority, is perceived by staff and learners to use racial biases in interpreting and applying the school policy, resulting in discriminatory and unfair treatment of learners and staff.

243.10 There is evidence of the interface between culture, and race, and, juxtaposed with economic inequities resulting in further discrimination of learners living in townships and using public transport. The perceptions of the racially prejudiced staff members' discriminatory view of learners who lives at Umlazi township, in particular, are considered a misfit and unworthy of attending Grosvenor Girls. Consequently, they experience constant verbal shaming and abuse and are called names such as Taxi Queens and slut when they arrive late at school.

243.11 The institutionalisation of racism and sexual objectification of students has a long-term effect on how they view themselves and others.

243.12 Learners from the local townships and rural areas surrounding the school are seen as inherently dirty and unworthy of attending GGHS. Such utterances bring a sense of worthless indignation and dehumanisation. Such demeaning everyday contact aggravates psychological distress and the importance of disconnect from the school, loss of human dignity, and a sense of shame and injustice.

243.13 African learners, in particular, are seen as a potential source of contamination and stripped of value based on their geographic location and the mode of transport they used to come to the school.

243.14 It seems as if some learners feel trapped and incapable of expressing themselves to their parents and their fellow learners and teachers and are now often silenced to believe that the adverse treatment they are a

consequence of their actions. As a result, there is much infighting between students for recognition through social media.

- 243.15 This dialogical repression of maintaining the status quo seems to be racialised. Learners also complain about being silenced by their parents when they try to express their ill-treatment at school. Parents often listen to the principals' perspective about learners as ill-disciplined and subhuman.
- 243.16 The observations indicate that some learners use internalising and externalising coping mechanisms. More than 15 learners were referred to the department due to severe emotional distress. Some received debriefing from the psychologists in the investigation panel due to the situation's urgency.
- 243.17 The post of the counsellor has not been filled despite clear indications of a need for psychosocial and learners who have threatened to commit suicide over time.
- 243.18 Learners are taught to forget about negative experiences by their parents to cope with the difficulties but this forced amnesia results in tension and psychological distress.
- 243.19 There is evidence of a lack of structure and positive contact in the school except for Teenagers Against Drug Abuse (TADA).
- 243.20 TADA provides an outlet for learners to socialise meaningfully and constructively.
- 243.21 There is a general lack of optimal contact devoid of harmful contact. This is reflected in the school entrance hall, indicating a lack of active

sports and cultural awards. The teachers' and learners' various sport offering declined since 2018, and the school closure further exacerbated the problem due to the COVID-19 pandemic.

- 243.22 How the school principal addresses black learners' problems and labels them has somehow filtered down to some of the educators resulting in normative identification of African learners in particular as inadequate and unwanted, and not conforming to the standards expected at this school.
- 243.23 There were specific utterances from educators denying prejudice against learners, citing an incidence where one of the 'White' educators rushed a 'Black' learner to a hospital, contradicting the overwhelming presentations of racism within the school. It is a significant issue that reveals that racism is rationalised at the school.
- 243.24 The differences in backgrounds or normative expectations are primarily based on superficial physical traits attributed to some hypothetical intrinsic, biological characteristics such as skin colour, the texture of hair, and other things.
- 243.25 The school hair policy presents a culturally constructed category of identity that seeks to discriminate against black African learners and staff on the arbitrary basis of texture and length of hair.
- 243.26 Some participants' narratives demonstrated inadequate life satisfaction concerning meaningful participation and decision making, as indicated in the following citations: *"Our thoughts about certain things should be heard and recognised"* (grade10 learner).

- 243.27 There is evidence of discrimination, victimisation and prejudice based on geographic location, language, and religion which permeates all school levels and results in disrespect and emotional distress for learners, staff, parents and the community.
- 243.28 There is disorganisation in harnessing the social capital and cohesion due to differential treatment of students and staff.
- 243.29 The narrative demonstrates that some affected community members suffered traumatic events that compromised their mental wellbeing
- 243.30 There was consensus that some members experienced helplessness, hostility and violation of human rights at school.
- 243.31 The cultural and religious practices fostered a sense of security and demand for the affected community members to a certain extent. However, the school undermined this social capital and was not used as a protective factor to nurture spiritual growth and foster tolerance.
- 243.32 The affected community members expressed a sense of belonging demonstrated by the human emotional need and existence for interpersonal relationships, affiliating, connectedness, and being part of a group. Hence the term 'the aggrieved group' emerged. Yet, many learners and staff feel alienated and excluded, and their opinions are disregarded.
- 244.** Racism exhibited in the school revealed the power and control over beliefs, thoughts and actions based on the idea that one race is innately superior to another. Many of the events that played out in the school can be classified as implicit racism. That's because racism at the school very often emanates from

broader structural and institutional racism. This is less easy to recognise from the outside than instances of racist language or behaviour.

- 245.** The SGB members reported routine discrimination and being subjected to humiliation and dehumanising comments. The hierarchical relationship is evident in all school sectors, from management to learners and the support staff.
- 246.** Racist utterances and discrimination against African learners, in particular, have been present for many years, not just through this investigation, but spanning over 5 years or more since being brought to the attention of the MEC, the department and the Human Rights Commission.
- 247.** The claims of racism at GGHS are also closely linked to structures of power. For example, the principal, Deputy, Ms Arlow often hold more power – either directly inscribed in policies or codes or indirectly exercised through education practices. The management uses the hair policy to subject black learners to the biased hair policy and enforce arbitrary rules inconsistently resulting in suppression of identity of black learners and entrench feelings of shame and humiliation when derogatory comments are made about the hair or being threatened by managers to cut their hair.
- 248.** When confronted with this allegation the principal and Mrs Arlow claimed that they made practical jokes but had no intention to cut the girls' hair. There seem to be no acknowledgement on how this affected the mental well-being of learners who feel harassed and shamed by such threats and utterances.
- 249.** Dehumanising, discriminatory and racist actions and utterances by the management staff serve as the breeding ground for which serious insults and demeaning and humiliating comments could be normalised in the school. Learners and educators raised learner-to-learner incidents of bullying and shaming and classroom based negative remarks of African learners commenting about the hairstyle of another learner in derogatory manner. During the

investigation a learner reported an incident of racial discrimination by another learner revealing that race and racism issue are serious challenge at the school.

- 250. Dehumanisation practices are implicit and subtle in everyday contexts. At times they are explicitly enacted in daily interactions.
- 251. Learners and educators alike are concerned about learner behaviour. However, there is minimal recognition of how humiliating and degrading comments and treatment and continued injustice contribute to low morale and a sense of resentment.
- 252. The humiliation and dehumanising tendencies affect the mental and physical well-being of learners and staff in the school. Numerous learners who had written suicide notes were submitted individually by concerned learners, and in most instances, during the interview sessions, they expressed the rejection of being silenced and unrecognised. Similarly, most staff interviewed broke down during the interview sessions, and others requested psychological interventions during the investigation.
- 253. Learners feel objectified and made to feel shame and anger, which lower their self-esteem and sense of self-worth.
- 254. The discriminatory and dehumanising practices lower learners' self-esteem or self-confidence and create a hostile or intimidating environment for staff and learners as indicated in the extracts below.

This has affected me as I get afraid to ask a question in class when I'm confused. Every time I would try to raise my hand, I would get some type of anxiety attack. I'm just afraid to say anything to you guys in person or by phone so I am good without the teletherapy.

According to the statement made by the educator the principal stated:

*"...this is the last time we celebrate national k**** day again!". Several of us as staff who found out about what she had said and we were upset by it and wanted to take it up with high authorities but at the same time we were so afraid because of the severe victimisation.*

- 255.** Some of the educators and learners are induced by submission or by actual or threatened adverse consequences to accept the status quo.
- 256.** The abuse of coercive power by the principal and the deputy principal was noted. The dictatorship style of ruling encourages hostility and chaos which provide a fertile ground to ignore policies and procedures and has led to irregularities and nepotism at the school.
- 257.** The analysis revealed several factors or facets that psychologically and socially influence an individual negatively at the school. Such factors describe individuals about their social environment and how it puts the learners and staff at risk of physical and mental illnesses.
- 258.** The South African Human Rights Commission says that schools in the country are obliged to adopt reasonable measures to avoid painful psychological and sometimes traumatic impact on minor learners. Such is inclusive of the impact the teachers have suffered as evidenced by the plethora of information gathered in the teachers' statements and supporting documentation.

Part IV

259. FINDINGS AND RECOMMENDATIONS

On allegations of racism

259.1 Various allegations of discrimination, racism and dehumanisation were made by all levels of the school community - (educators, the learners and support staff) against the principal and various teachers. The panel makes the following examples on the executive summary and advises that more details of these allegations are contained in the panel' report.

259.2 The principal speaks disparagingly of "township schools". She has done this in the assembly with the entire school body present. She repeats these disparaging remarks in the staff room with the whole teaching and support staff present. She has passed comments to learners saying, "Don't behave like that; this is not a township school".

259.3 Despite the existence of CMC Circular 2 of 2018, the principal has failed to desist from making remarks and statements, which have racial connotations.

259.3.1 The children are constantly shouted at and told this is not a township school; go to schools near you—hair policy against braids.

259.3.2 Referring to coloured learners' accents as "drunken coloured accents".

259.3.3 Educators are told to recruit more white learners.

259.3.4 Constant vilification of the predominantly and criticism of the predominantly African SGB for no justification, but for the race of the SGB member.

259.3.5 There is a general feeling among the Africa support staff that they are not treated with respect, dignity and courtesy by the school management because of their race. This discriminatory and inhumane treatment comes from both White and Indian management. In the light of these experiences, the Coloured administration staff have followed suit.

259.3.6 The principal does not deny her prejudice towards the township schools. She is on record addressing SACE on grievances and is unapologetic about her inclination towards learners from the township schools. The Constitution and the SASA implores all public servants, including the principal to do whatever they can to break the chains of prejudice and class marginalisation

259.3.9 Despite earlier investigations recommending that the principal should be issued with a written warning to refrain from utterances that are perceived offensive to other racial groupings. Further that the principal should be given a final written warning in order to desist from making utterances that have racial slurs.

259.3.10 The panel has also found on numerous instances where the principal has used derogatory, discriminatory and dehumanising language when dealing with race related issues.

259.3.11 The principal failed to discipline Michael after the latter referred to an African co-worker a Kaffir. Instead of implementing policy, the principal ignored the complaint.

259.3.12 A learner discriminated against an African educator who teaches English at the school. Instead of calling the learner and the educator, the principal adopted her non-committal approach and the educator left out of the picture. Thus the principal is criticized for failing to address ill-discipline involving white members of the

school (learners and worker) when it involves African worker and educator.

259.3.13 The principal has acted in conflict with Circular ..., which was issued in 2018 in order to arrest racism issues in the public schools.

259.3.14 The panel underscores the claims made by the Human Rights Commission that the school has a clear obligation to adopt reasonable measures to avoid painful psychological and sometimes traumatic impacts on minor learners. In an open and democratic society based on human dignity, equality, and freedom, special pains must be taken by all actors in the education sector to ensure these values and rights are protected.

259.3.15 The panel endorses the recommendations of the commission that it is incumbent on principals, educators, School Governing Bodies, and parents to provide leadership in developing a culture of respect for basic rights and values at schools.

259.3.16 Psychotherapy is strongly recommended for all affected individuals to cope with the post-traumatic stress due to the incidents of racial discrimination and dehumanisation and subjugation.

259.3.17 The KZN Department of Education should provide a psychologist and a social worker to provide counselling and psychological relief, particularly for learners, staff and affected parents. The psychosocial support would give emotional support to stakeholders who are processing the affective response of the investigation. The investigation triggers past unpleasant experiences and requires short to long-term interventions depending on the person's circumstances and experiences.

259.3.18 The therapist and social worker should provide onsite services that will make them accessible to academic and support staff and learners who do not wish to get their parents involved in the counselling.

259.3.19 Amend the hair code of conduct to accommodate African learners, because their hair also matter.

260. On allegations of financial irregularities

260.1 On 02 August 2018, Mr. Mthethwa reported the principal to the District Director, Umlazi that the principal should be placed on precautionary suspension, and further that an intensive investigation for financial mismanagement of R3.4 million be instituted.

260.2 Again on 30 July 2019, Mr Ntanjana and Mrs Jali reported on their investigation and issued a preliminary report on findings of improper use of school funds. They found non-compliance with policies and recommendation a forensic investigation into the school finances.

260.3 Ntanjana and Jali investigation unearthed high levels of lack of cooperation between the SGB and the principal and the SMT on issues of governance. Ntanjana and Jali found that the principal had committed financial mismanagement.

260.4 The investigators further recommended that the principal be charged for non-compliance with policies and that the principal had to conduct a full audit and account for disbursement of school funds

260.5 In the light of their findings, Ntanjana and Jali recommended a forensic investigation. This is remarkable because it is the same

recommendation that was initiated by the 2018/2020 SGB, for dubious reasons, the principal advised against.

260.6 The panel uncovered recent maladministration, which the principal and Ms Brijraj are accountable for.

- (a) The school has incurred irregular procurement processes in conflict with the 2018/2020 SGB finance policy.
- (b) The school employed SGB employees without knowledge, permission or authority of the SGB. In doing so, the principal and Ms Brijraj usurped the functions and power of the SGB.
- (c) The principal and Ms Brijraj committed misconduct by employing Ms Brijraj's family members without following policy. Moreover, the employees did not meet the requirements for which they were employed for.
- (d) The principal and Ms Brijraj have promoted irregular procurement of the services of Ms Brijraj's sister, Ms Kavita Soomaroo. The latter was illegally in conflict with recruitment policy and practices. A year later, Ms Soomaroo's employment was un-lawfully converted into an independent contractor. The said conduct has the following consequences, Ms Soomaroo:
 - (aa) was engaged at an hourly rate of R84.00 exclusive of VAT, as though she is VAT registered;
 - (bb) issues invoices which are of the same amount as the monthly salary she earned on the full time employment;
 - (cc) has claimed and subsequently been paid for hours she did not work for.

- (e) The principal and Ms Brijraj has compromised the finances of the school in that; they continued authorizing the engagement and subsequent approved payments of invoices for Mr Krisen, a service provider who is an acquaintance alternatively a friend of Ms Brijraj. The said continued engagement of Mr Krisen is in direct conflict with the 2018/2020 finance policy of the SGB.
- (f) The principal and Ms Brijraj re-employed Mrs Gertze, who had misled the CCMA when she alleged that the chairlady alternatively the SGB as her employer constructively dismissed her. By doing so, Mrs Gertze brought the school and the SGB into disrepute.
- (g) The principal and Ms Brijraj did not inform the SGB when they re-employed Mrs Gertze, instead, they behaved as though they had the mandate or the permission to re-employ Mrs Gertze. On her return, Mrs Gertze has misconducted herself in one or more of the following respects, Mrs Gertze:
 - (i) prepared employment contracts on behalf of the SGB without its authority and knowledge;
 - (ii) continuously process and pay the invoices of Ms Soomaroo without proper authorization of the treasurer or the SGB.
 - (iii) continuously communicate and engage Mr Krizen for maintenance and/or repairs when she knew that the practice was against the 2018/2020 finance policy. As a result, Mr Krizen enjoys unfettered competition and singularly quote and execute maintenance and repairs for the school.

261. RECOMMENDATIONS

The panel makes the following recommendations.

261.1 Corrective Measures:

- (a) The department immediately intervenes and review all appointments made by the principal as well as the contracts she signed with the affected employees.
- (b) In the instance of all employees who are found to have been employed without meeting basic requirements and any other specific requirements for the post, their services should be considered for immediate termination.
- (c) Any other employee though illegally employed, should be considered for regularization of his or her employment; subject to meeting all the requirements for the position, he or she was employed for.
- (d) The service agreement between the SGB and Ms. Soomaroo should be terminated with immediate effect consequent thereto, Ms. Soomaroo leaves the school with immediate effect.
- (e) Similarly, the irregular re-employment of Mrs. Gertze should be terminated with immediate effect on the ground that she brought the school into disrepute as she misled the CCMA on the reasons for leaving employment. Secondly, Mrs. Gertze's re-employment was without knowledge, permission or authority of the SGB. The principal and Mrs. Brijraj had illegally usurped the functions and authority of the SGB. Further that a Forensic Team should be tasked to conduct a full investigation of the school financial management. Sadly, this was not done.

261.2 **Remedial Measures:**

- (a) The principal and Mrs. Brijraj should be held accountable alternatively liable for all funds paid to any employee who would be found to have been employed into a position without meeting the basic requirements.
- (b) The services as well as monies paid to Mr. Krisen should be reviewed with a view of ascertaining whether the school received value thereof.
- (c) In the event that discrepancies are established the department should consider holding Mr. Krisen, the Principal and Ms. Brijraj jointly and severally liable for any liability that might be established.

261.3 **Consequence Management:**

The Principal

The Principal should be charged with misconduct, *inter alia* for:

- (a) all infractions relating to racism insofar as they are in breach of CMC Circular No 2 of 2018, issued on 09 April 2018.
- (b) irregular appointments of all employees she employed without permission or authority of the SGB from the period January 2020 to May 2021. All such employments incurred irregular expenditure because the Principal usurped the power, function and authority of the SGB.

261.4 In the light of the panel's inability to obtain services of a finance resource, its evaluation of the principal's conduct was limited and is unable to make definite recommendations on financial irregularities and impact.

261.5 In the event that the department conducts a proper forensic investigation the panel would recommend that such investigation findings be read together with this report.

Ms Brijraj

Ms. Brijraj should be charged with misconduct, *inter alia* for:

- (a) the role she played in the recruitment and employment of any employee in the period between January 2020 to May 2021; and which employees did not meet basic requirements for the position.
- (b) practicing nepotism, thereby, bringing the school into disrepute by employing her family members knowing that they did not meet the basic requirements for the positions.
- (c) introducing and subsequent irregular utilization of services from Mr. Krisen, who, was not identified through a transparent procurement process. Ms. Brijraj failed to recuse herself whenever a quotation was sourced from Mr. Krisen. Ms. Brijraj continued to approve quotations from Mr. Krisen and did not disclose her relationship with Mr. Krisen thereby causing the school to incur irregular expenditure.

Other SMT members

- (a) All SMT members who played a role in any of the irregular appointments of employees on behalf of the SGB without the knowledge and authority of the SGB, should be given final written warnings by the department, their employer.
- (b) Any SMT members who has acted in breach of the department's Exhibit should be called to account for his or her conduct.

VALUE ADD STATEMENT:

262. On management and administration:

The school and its administration setting lacks diversity as it is skewed in favour of White, Indian and Coloured Officials. As a result all front office, reception and school management office do not have a single African in these respective areas. Anyone who steps into the premises of the school, experiences or encounters and African as a working class and this is a bad practice that should stop with immediate effect. Few Africans who work in the Administration are housed on the top level, away from the school entrance, reception and Administration Offices. This might not have been a design, however, it is bad for the demographics of the school which is part of South Africa, a country that celebrates diversity. It is generally a bad taste that flies in the face of the Constitution and the South African Schools Act.

263. Governance:

The SGB is exclusively African, whilst the school community is multiracial, and this does not auger well with normal race relations and diversity. The SGB is at the core of governance of the school, therefore, it ought to be representative of the school community if it were to aspire to have a harmonious race relations in the school. Democracy that seeks to promote one race over other races requires a sane and sensitive representation in the SGB, lest, the school management and its administrative component adopts a disruptive approach and does not embrace diversity. This is an indictment for the forthcoming SGB to be elected in 2022.

264. Detailed recommendations

264.1 The panel underscores the claims made by the Human Rights Commission that the school has a clear obligation to adopt reasonable measures to avoid painful psychological and sometimes traumatic impacts on minor learners. In an open and democratic society based on human

dignity, equality, and freedom, special pains must be taken by all actors in the education sector to ensure these values and rights are protected.

264.2 The panel endorses the recommendations of the commission that it is incumbent on principals, educators, School Governing Bodies, and parents to provide leadership in developing a culture of respect for basic rights and values at schools.

264.3 Psychotherapy is strongly recommended for all affected individuals to cope with the post-traumatic stress due to the incidents of racial discrimination and dehumanisation and sub-judication.

264.4 The department should provide a psychologist and a social worker to provide counselling and psychological relief, particularly for learners, staff and affected parents. The psychosocial support would give emotional support to stakeholders who are processing the affective response of the investigation. The investigation triggers past unpleasant experiences and requires short to long-term interventions depending on the person's circumstances and experiences.

264.5 The therapist and social worker should provide onsite services that will make them accessible to academic and support staff and learners who do not wish to get their parents involved in the counselling.

264.6 Amend the hair code of conduct to accommodate African learners, because their hair also matter.

Part V.

EXECUTIVE SUMMARY

BACKGROUND

1. The Independent Panel (panel) was established by the MEC for KwaZulu-Natal Department of Education, the Honourable Mr K. Mshengu. The investigation is a response to the allegations of racism and financial irregularities submitted to the MEC by the school community. The allegations had developed and compromised the environment of teaching and learning at Grosvenor Girls High School (the school).
2. The panel was comprised as follows: Adv. V. Khuzwayo SC (Chairperson), Adv. M. Nkosi (member), Dr. N. Buthelezi (Educational Psychologist) and Attorney Jacqui Pretorius-Bishop. Secretarial Services provided through the S. D. Moloi and Associates Incorporated.

SCOPE OF WORK

3. The panel investigated received historical accounts of disruptions within the school from 2017 to 2022. These incidence were due to allegations of racial prejudice, discrimination and financial irregularities.

METHODOLOGY

4. Due to the varied nature of allegations, as well as the life span of the allegations, it became essential to employ methods that allow the broad participation of all stakeholders. The allegations were maintaining at a setting, therefore, certain

sensitivities impacted upon the learners' experiences and was an indictment to the panel. The panel embarked on a collaborative approach and extracted key issues on how racism, amongst other problems, is displayed and experienced by learners, educators and parents. This was combined with focus group sessions and individuals, group interviews as well as debriefing sessions for various stakeholders

FINDINGS AND RECOMMENDATIONS

5. Allegations of discrimination, racism and dehumanisation

5.1 Various allegations of discrimination, racism and dehumanisation were made by all levels of the school community - (educators, the learners and support staff) against the principal and various teachers. The panel makes the following examples on the executive summary and advises that more details of these allegations are contained in the panel's report:

5.1.1 The principal speaks disparagingly of "township schools". She has done this in the assembly with the entire school body present. She repeats these disparaging remarks in the staff room with the whole teaching and support staff present. She has passed comments to learners saying, "Don't behave like that; this is not a township school".

5.1.2 The children are constantly shouted at and told this is not a township school; go to schools near you—hair policy against braids.

- 5.1.3 Referring to coloured learners' accents as "drunken coloured accents".
- 5.1.4 Educators are told to recruit more white learners.
- 5.1.5 Constant vilification of the predominantly and criticism of the predominantly African SGB for no justification, but for the race of the SGB member.
- 5.2 There is a general feeling among the Africa support staff that they are not treated with respect, dignity and courtesy by the school management because of their race. This discriminatory and inhumane treatment comes from both White and Indian management. In the light of these experiences, the Coloured administration staff have followed suit.
- 5.3 The principal does not deny her prejudice towards the township school. She is on record addressing SACE on grievances and is unapologetic about her inclination towards learners from the township schools. The Constitution and the SASA implores all public servants, including the principal to do whatever they can to break the chains of prejudice and class marginalisation
- 5.4 Previous investigations recommended that the principal should be issued with a written warning to refrain from utterances that are perceived offensive to other racial groupings. Further that the principal should be given a final written warning in order to desist from making utterances that have racial slurs.

5.5 The panel has also found on numerous instances where the principal has used derogatory, discriminatory and dehumanising language when dealing with race related issues.

5.5.1 The principal failed to discipline Mr. Michael after the latter referred to an African co-worker a Kaffir. Instead of implementing policy, the principal ignored the complaint.

5.5.2 A learner discriminated against an African educator who teaches English at the school. Instead of calling the learner and the educator, the principal adopted her non-committal approach and the educator left out of the picture. Thus the principal is criticized for failing to address ill-discipline involving white members of the school (learners and worker) when it involves African worker and educator.

5.6 The principal has acted in conflict with Circular ..., which was issued in 2018 in order to arrest racism issues in the public schools.

6. Allegations of financial irregularities

6.1 On 02 August 2018, Mr. Mthethwa reported the principal to the District Director, Umlazi that the principal be put on a precautionary suspension, and further that an intensive investigation for financial mismanagement of R3.4 million be instituted.

6.2 Again on 30 July 2019, Mr Ntanjana and Mrs Jali reported on their investigation and issued a preliminary report on findings of improper use

of school funds. They found non-compliance with policies and recommendation a forensic investigation into the school finances.

- 6.3 Ntanjana and Jali investigation unearthed high levels of lack of cooperation between the SGB and the principal and the SMT on issues of governance. Ntanjana and Jali found that the principal had committed financial mismanagement.
- 6.4 The investigators further recommended that the principal be charged for non-compliance with policies and that the principal had to conduct a full audit and account for disbursement of school funds
- 6.5 In the light of their findings, Ntanjana and Jali recommended a forensic investigation. This is remarkable because it is the same recommendation that was initiated by the 2018/2020 SGB, for dubious reasons, the principal advised against.
- 6.6 The panel uncovered recent maladministration, which the principal and Ms Brijraj are accountable for.
 - 6.6.1 The school has incurred irregular procurement processes in conflict with the 2018/2020 SGB finance policy.
 - 6.6.2 The school employed SGB employees without knowledge, permission or authority of the SGB. In doing so, the principal and Ms Brijraj usurped the functions and power of the SGB.

6.6.3 The principal and Ms Brijraj committed misconduct by employing Ms Brijraj's family members without following policy. Moreover, the employees did not meet the requirements for which they were employed for.

6.6.4 The principal and Ms Brijraj have promoted irregular procurement of the services of Ms Brijraj's sister, Ms Kavita Soomaroo. The latter was illegally in conflict with recruitment policy and practices. A year later, Ms Soomaroo's employment was un-lawfully converted into an independent contractor. The said conduct has the following consequences, Ms Soomaroo:

- (a) was engaged at an hourly rate of R84.00 exclusive of VAT, as though she is VAT registered;
- (b) issues invoices which are of the same amount as the monthly salary she earned on the full time employment;
- (c) has claimed and subsequently been paid for hours she did not work for.

6.6.5 The principal and Ms Brijraj has compromised the finances of the school in that; they continued authorizing the engagement and subsequent payment of invoices for Mr Krisen, a service provider who is an acquaintance alternatively a friend of Ms Brijraj. The said continued engagement of Mr Krisen is in direct conflict with the 2018/2020 finance policy issued by the SGB.

6.6.6 The principal and Ms Brijraj re-employed Mrs Getze, who had misled the CCMA when she alleged that the chairlady alternatively

the SGB as her employer constructively dismissed her. By doing so, Mrs Gertze brought the school and the SGB into disrepute.

6.6.7 The principal and Ms Brijraj did not inform the SGB when they re-employed Mrs Gertze, instead, they behaved as though they had the mandate or the permission to re-employ Mrs Gertze. On her return, Mrs Gertze has misconducted herself in one or more of the following respects, Mrs Gertze:

- (a) Prepared employment contracts on behalf of the SGB without its authority and knowledge;
- (b) Continuously process and pay the invoices of Ms Soomarroo without proper authorization of the treasurer or the SGB.
- (c) Continuously communicate and engage Mr Krisen for maintenance and/or repairs when she knew that the practice was against the 2018/2020 finance policy. As a result, Mr Krisen enjoys unfettered competition and singularly quote and execute maintenance and repairs for the school.

RECOMMENDATIONS

7. The panel makes the following recommendations.

7.1 Corrective measures:

7.1.1 The department immediately intervenes and review all appointments made by the principal as well as the contracts she signed with the affected employees.

- 7.1.2 In the instance of all employees who are found to have been employed without meeting basic requirements and any other specific requirements for the post, their services should be considered for immediate termination.
- 7.1.3 Any other employee though illegally employed, should be considered for regularization of his or her employment; subject to meeting all the requirements for the position, he or she was employed for.
- 7.1.4 The service agreement between the SGB and Ms. Soomaroo should be terminated with immediate effect consequent thereto, Ms. Soomaroo leaves the school with immediate effect.
- 7.1.5 Similarly, the irregular re-employment of Mrs. Gertze should be terminated with immediate effect on the ground that she brought the school into disrepute as she misled the CCMA on the reasons for leaving employment. Secondly, Mrs. Gertze's re-employment was without knowledge, permission or authority of the SGB. The principal and Mrs. Brijraj had illegally usurped the functions and authority of the SGB. Further that a Forensic Team should be tasked to conduct a full investigation of the school financial management. Sadly, this was not done.

7.2 Remedial measures:

7.2.1 The principal and Mrs. Brijraj should be held liable for all funds paid to any employee who would be found to have been employed into a position without meeting basic requirements.

7.2.2 The services as well as monies paid to Mr. Krisen should be reviewed with a view of ascertaining whether the school received value thereof. In the event that discrepancies are established the department should consider holding Mr. Krisen, the Principal and Ms. Brijraj jointly and severally liable for any liability that might be established.

7.3 Consequence management:

7.3.1 The Principal should be charged with misconduct:

- (a) for all infractions relating to racism insofar as they are in breach of Circular No. ... of 2018
- (b) for irregular appointments of all employees she employed without permission or authority of the SGB from the period January 2020 to May 2021. All such employments incurred irregular expenditure because the Principal usurped the power, function and authority of the SGB.
- (c) in the light of the panel's inability to obtain services of a Finance Resource, it recommends that a proper forensic investigation is executed where after, any misconduct on the part of the Principal relating to the management or lack thereof of the school finances the department should consider misconduct charges.

7.3.2 Ms Brijraj Ms. Brijraj should be charged with misconduct:

- (a) for the role she played in the recruitment and employment of any employee who did not meet basic requirements for the position.
- (b) with practicing nepotism, thereby, bringing the school into disrepute by employing her family members knowing that they did not meet the basic requirements for the positions.
- (c) by introducing and subsequent irregular utilization of services from Mr. Krisen, who, was not identified through a transparent procurement process. Ms. Brijraj failed to recuse herself whenever a quotation was sourced from Mr. Krisen. Ms. Brijraj continued to approve quotations from Mr. Krisen and did not disclose her relationship her relationship with Mr. Krisen thereby causing the school to incur irregular expenditure.

7.3.3 Other SMT members

All SMT members who played a role in any of the irregular appointments of employees on behalf of the SGB without the knowledge and authority of the SGB should be given final written warnings by the Department, their employer.

Any SMT members who infringed Racism circular issued on 09 April 2018, should be held accountable.

VALUE ADD STATEMENT:

8. Management and Administration:

The School and its Administration setting lacks diversity as it is skewed in favour of White, Indian and Coloured Officials. As a result all front office, reception and school management office do not have a single African in these respective areas. Anyone who steps into the premises of the school, experiences or encounters and African as a working class and this is a bad practice that should stop with immediate effect. Few Africans who work in the Administration are housed on the top level, away from the school entrance, reception and Administration Offices. This might not have been a design, however, it is bad for the demographics of the school which is part of South Africa, a country that celebrates diversity. It is generally a bad taste that flies in the face of the Constitution and the South African Schools Act.

9. Governance:

The SGB is exclusively African, whilst the school community is multiracial, and this does not auger well with normal race relations and diversity. The SGB is at the core of governance of the school, therefore, it ought to be representative of the school community if it were to aspire to have a harmonious race relations in the school. Democracy that seeks to promote one race over other races requires a sane and sensitive representation in the SGB, lest, the school management and its administrative component adopts a disruptive approach and does not embrace diversity. This is an indictment for the forthcoming SGB to be elected in 2022.

Prepared by Adv. Vusi Khuzwayo SC; Adv. Makhosini Nkosi; Dr. Nana Buthelezi (Educational Psychologist) and Attorney Mrs Jacqui Pretorius-Bishop.



education

Department:
Education
PROVINCE OF KWAZULU-NATAL

Exhibit 01

DURBAN CENTRAL CMC

Enquiries: Mr DN Mthethwa

Ref. Grosvenor Girls Report

Date :19 March 2018

To: Mr BH Ntuli
The District Director
Umlazi District

Dear Sir

**RE- REPORT ON ALLEGATIONS OF RACISM AND OTHER ISSUES AT GROSVNOR
GIRLS HIGH SCHOOL**

1. The e mails from your Office and Head Office on the above subject refer.
2. I hereby write to give the report on action taken to try to resolve the conflict emanating from the allegations of racism and a number of Grievances **Annexure A**.
3. The matter was reported to have started in March 2017 and the then Circuit manager Mr TE Hlatshwayo intervened. Educators submitted a very thick dossier of grievances. **Cannot be attached but the Dossier is summarized - Annexure B**
4. Naptosa brought the matter again expressing their dissatisfaction.
5. I intervened and left the school with the management plan to follow in addressing the Grievances. I said if they failed to address the grievances by 31 August 2018, then an investigation would be conducted.
6. There were allegations and counter allegations on around blocking the process towards resolving the matter.
7. Naptosa reported the matter to the District Director who instituted the investigation. Three Investigators were appointed and they were Mr Shandu, Mr AM Du Plessis and Mr B Brijlal.
8. The investigation focused mostly on allegations of racism, dismissal of Ms Duval and Non payment of Mrs Singh. The Aggrieved parties had been informed that as the Department of Education we have no capacity to investigate allegations of racism.
9. Unfortunately due to other competing programmes the investigation report **Annexure C** was only released this year. It recommended that the Principal be given a final written warning letter so that she desists from making utterances that have racial slant.
10. There were no other recommendations the other issues as a. Mrs Singh was paid as per the intervention of the Investigation Team b. Miss Duval's matter was with the CCMA at the time and c. The recording device which was the new issue was found to be harmless hence there was no recording found in it.

...Championing Quality Education-Creating and Securing a Brighter Future



education

Department:
Education
PROVINCE OF KWAZULU-NATAL

DURBAN CENTRAL C/MC

11. I must report that we have learnt that Miss Duval, an SGB paid employee won her case against her employer the SGB but was refused to assume back as her employer claimed to have challenged the outcome. But as the Department we have no jurisdiction on the matter as it involves another employer.
12. Regarding 34 Grievances Educators had raised; I intervened by meeting the Aggrieved Group and the SMT to mediate. The meeting was held on the 3rd of February 2018 **Annexure F**. In this meeting which was attended by Union Leaders from SADTU, Naptosa and SAOU who in the end expressed their satisfaction on the way it was conducted and hope moving forward, I did the following:
- i. Clarified the process to be followed which we all agreed on.
 - ii. Classified their grievances into 4 categories which were a. Governance issues b. Perceptions c. Work Ethic and d. Professional conduct
 - iii. Educators were allowed to talk on issues under each category and the SMT was allowed to respond with me making conclusions which gave both parties tasks moving forward (activity plan).
 - iv. I took them through the Grievance Procedure **Annexure D** and issued the page C120 extracted from the Policy Handbook for Educators as well as the Code of Good Practice **Annexure E**, the disciplinary procedure as I identified that part of what could be the cause of conflict could be not understanding processes.
13. We learnt that on Friday Learners protested and put some demands. In the video recording they are heard shouting 'fighting for Duval'. The situation has been contained as on Monday the 19th of March 2018 Learners were addressed in an assembly with their issues addressed. Among the complaints they raised were:
- i. Toilet Paper- 1st Quarter supply had got finished in the toilets. The school claims it was due to abuse and Learners raised it just before the supplier delivered the new stock.
 - ii. Toilets problem - some toilets had to be locked because copper pipes were stolen
 - iii. RCL vs. Prefect system - Head Girls want to sit in the SGB meetings as against the RCL Reps as per policy.

...Championing Quality Education-Creating and Securing a Brighter Future



education

Department:
Education
PROVINCE OF KWAZULU-NATAL

DURBAN CENTRAL CME

- iv. Sanitary towels/pads - not supplied and in the past Learners had to pay R3 but this year the Department supplied. Failure of one employee deployed to distribute to do it swiftly caused the challenge
 - v. Allegations the Principal is stealing money - suspicion somebody is feeding the Learners
14. The school is normal, teaching and learning is taking place.
15. We are aware that Naptosa has sent the same complaints to higher offices which could be a sign of dissatisfaction regardless of the expression of happiness when I met them.
16. The Principal has also lodged her complaint against her alleged harassment by SADTU and Naptosa. She attached her response to SACE as well as correspondence from the Media.

Annexure G

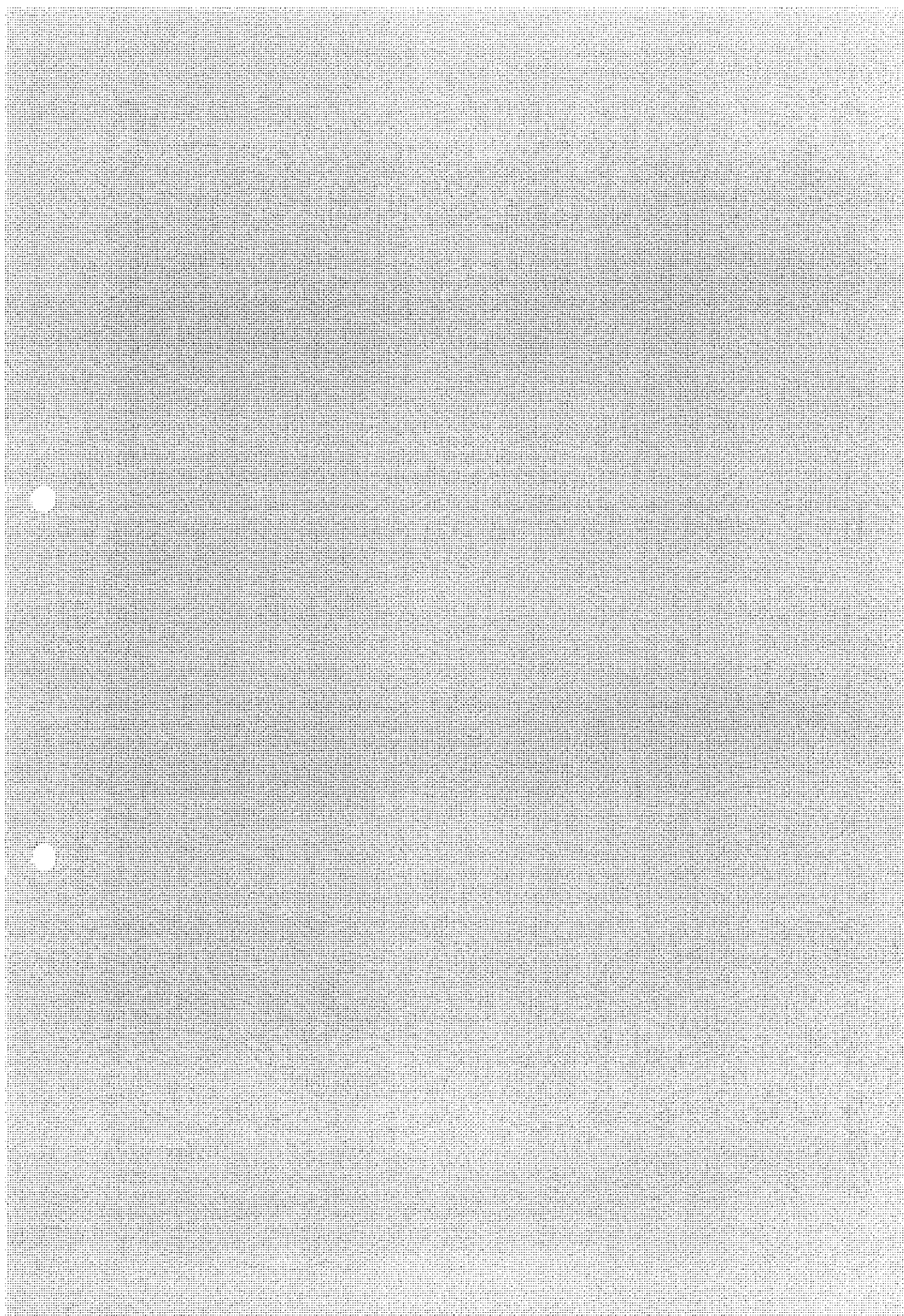
Recommendation: The issue of allegations of racism be referred to the Human Rights Commission as we have no capacity and the report seem to be unacceptable to the Aggrieved Group and their Unions. I further recommend the investigation of the role of Educators in the protest action by the Learners at the school.

Thank you.

DN Mthethwa

CES: Circuit Management

...Championing Quality Education-Creating and Securing a Brighter Future





PROVINCE OF KWAZULU-NATAL
DEPARTMENT OF EDUCATION
UMLAZI DISTRICT
CLUSTER A MANAGEMENT CENTRE

Address:
Ikheli:
Adres:

6 Acton Road
Umbilo
DURBAN
4001

Private Bag:
Isikhwama Seposi:
Privaatsak:

Telephone: (031) 2741800
Ucingo
Telefoon:
Fax: (031) 2050738

Investigation Report: Grosvenor Girls High School: Allegations against the Principal,
Mrs Jorgensen.

The scope of the Investigation covered the following allegations:

1. Racism at the school.
2. Unfair dismissal of Miss Duval.
3. Non payment of excursion money to Mrs P Singh -Visual Arts Educator

Racism:

The allegations of racism against Mrs Jorgensen stems from the following utterances that she is alleged to have made: -

- a. funny coloured accent
- b. Grosvenor Girls School is not a township school, and township behaviour would not be tolerated- The complainant is of view that this statement implies that black people display violent behaviour.
- c. " Black" man that shouts.
- d. "Black" Schools should be monitored more closely since they are poorly managed.
- e. Indian parents are whiners and always full of complaints.
- f. " drunkard Coloured accent".
- g. In morning briefings when behaviour of Black learners is discussed, The Principal says to the Isizulu staff jokingly " Take them to the back, and deal with them in their way".
- h. Mrs Jorgensen put a stop to black learners braiding their hair extensions.

Findings

When questioned about the utterances, Mrs Jorgensen denied having made these utterances. Mrs Jorgensen also did not realise that these utterances could be deemed to be offensive to some racial groups.

Whilst Mrs Jorgensen is not directly racist in her dealings with the Learners and staff, her comments, with racial slur are not welcomed, and it is causing disharmony between the different racial groups at the school.

Recommendation

1. Mrs Jorgensen is issued with a written warning to refrain from uttering utterances that are perceived offensive to other racial groups.

Unfair dismissal of Miss Duval

Miss Duval was dismissed by the SGB because, despite not being granted leave to attend a funeral, she nevertheless did so. Mrs Jorgensen refused to grant Miss Duval leave because she said that her services were required on the day.

The dismissal of Miss Duval angered the staff and this led to serious disruptions at school.

Findings

We are of the view that Miss Duval should not have been dismissed. Dismissal is a sanction of last resort. The Investigation Team asked Mrs Jorgensen to reinstate Miss Duval, but was told that the matter is with the CCMA, and the school will have to wait for the outcome of arbitration.

Findings

When questioned about the utterances, Mrs Jorgensen denied having made these utterances. Mrs Jorgensen also did not realise that these utterances could be deemed to be offensive to some racial groups.

Whilst Mrs Jorgensen is not directly racist in her dealings with the Learners and staff, her comments, with racial slur are not welcomed, and it is causing disharmony between the different racial groups at the school.

Recommendation

1. Mrs Jorgensen is issued with a written warning to refrain from uttering utterances that are perceived offensive to other racial groups.

Unfair dismissal of Miss Duval

Miss Duval was dismissed by the SGB because, despite not being granted leave to attend a funeral, she nevertheless did so. Mrs Jorgensen refused to grant Miss Duval leave because she said that her services were required on the day.

The dismissal of Miss Duval angered the staff and this led to serious disruptions at school.

Findings

We are of the view that Miss Duval should not have been dismissed. Dismissal is a sanction of last resort. The Investigation Team asked Mrs Jorgensen to reinstate Miss Duval, but was told that the matter is with the CCMA, and the school will have to wait for the outcome of arbitration.

Non-payment of excursion Money to Mrs P Singh

Mrs Singh has her credit card to pay an amount of R3492.00 to take Learners on their excursion, despite this money being early collected and deposited into the school account. Mrs Jorgensen and Mrs Gertze, the bursar, refused to refund Mrs Singh her money.

The Investigation Team was able to resolve this, and Mrs Singh was paid her money immediately.

Recording devise

Whilst the Investigation Team was interviewing the complainants, it was brought to our attention that a recording devise was placed in a room next door. Mr Brijlal, a member of the Team retrieved a recording device from the room next door. He examined the devise and also questioned Mrs Jorgensen about it

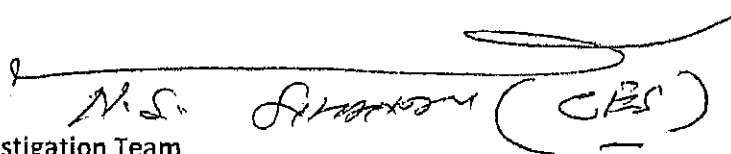
Mrs Jorgensen denied any knowledge of the device, but Mr Brijlal determined that it was harmless and had no recording on it.

Conclusion

Mrs Jorgensen is a task master who works extremely hard. She spends long hours at the school. However her human relations, her behaviour towards her staff, her utterances with racial slant, have caused unhappiness, distrust and disharmony at the school. If there is a repetition of the conduct Mrs Jorgensen will have to be assigned a mentor to help her and assist her with her shortcomings. Also Mrs Jorgensen needs to be constantly monitored to ensure that she does not, through her actions cause disruptions at the school.

NS Shandu

Chairperson: Investigation Team



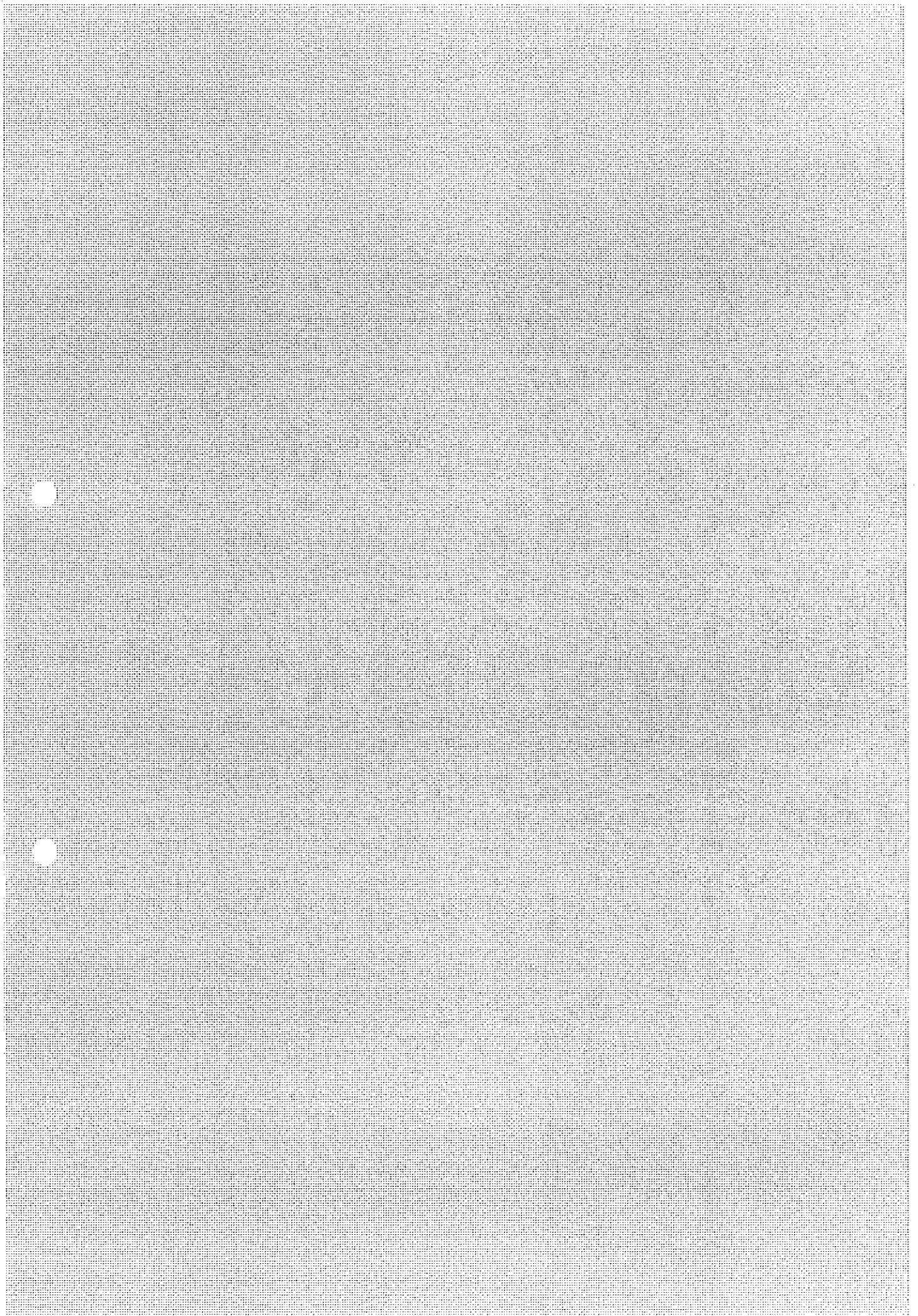


Exhibit 03

Appendix 17

(8th June - Transcription of recording of Agenda Point No. 6)

AGENDA POINT NO. 6 (TRANSCRIPTION):

LJ (Jorgensen), BR (Brijraj), VM (van der Merwe), KH (V. Khan), DG (D Govender) WN (Warren) VG (V Govender)	
LJ	<p>Right, our next topic is a report back regarding the grievance meeting. This was brought to my attention last term. Where a group of staff members felt aggrieved and they listed their grievances, which was, the list was given to Mr Hlathswayo, who is our Circuit manager. A list was also given to our GB chairman of the governing body, Mr Aver and I was given a list. The request was for an investigation and a mediation to take place.</p> <p>Now, unfortunately, protocol had not been followed. Because with any grievance you are to look to your employer immediately, and if a resolution cannot be found at that ground level, then it goes further up the line. Unfortunately, it was escalated to Union level far too quickly and as a result, no resolution was able to be met at school level.</p> <p>The Governing body in good faith, appointed a labour relations lawyer to mediate, ... to appoint a mediator rather, a qualified person who would be prepared to listen to both sides of the story and hence, find a resolution. Unfortunately, that wasn't acceptable, and Mr Hlathswayo, our Circuit manager, was asked to do so. He has met with the aggrieved staff, he met with myself and members of the SMT, and then a meeting with all the parties and some of the SGB members were met with.</p> <p>Now...at that point, I had not been given the full set of grievances. I was given the summarised version. And it's quite difficult to respond to generalisations. So, I responded as best as I could, to the generalised statements without actual context being involved. The meeting was a very long one and as I said, the three unions, members of the SMT and the two members of the SGB. Because as stakeholders of the school, they do employ some educators and it is their mandate to ensure that the school governance takes place.</p> <p>Now to rush a process, is not a good idea. We've had a lot of staff that have been absent, who have also been on... part of the aggrieved staff and to be fair to them to give them the opportunity, hence things have taken a little bit longer.</p> <p>Some suggestions were made, and some are in question by members of the Governing Body. That was a report back on Monday night and they don't want to rush any process. They would like things to be done properly (scolding) in the right place and they are also seeking advice and guidance from people in the know.</p> <p>I too am seeking advice of where boundaries have to be and where what is my mandate, what is my role function, what are the role functions of site stewards, etc. But what I believe to be interesting is: Yes, I acknowledge that there...that we are not a happy family at all, that should be very obvious. I have witnessed and I have seen staff members who chose not to take sides, feeling that they have been victimised and harassed, which I find very unfortunate. If a person chooses to remain out of something then that is their choice, and must in fact be respected.</p> <p>If you do have an grievance, the right protocol, as I said is, to rather come and sit down one to one and talk about issues and that is unfortunately the protocol that was not followed. And that is the advice of the information that I have been given, by people in industry, by people in education, even by people who are higher up in the Unions.</p> <p>So, I am disappointed in the process that has taken place, and I am very disappointed in how the staff have become incredibly divided. We all have a role to play and we need to stick within those roles. My mandate as a principal and this is something I had a</p>

	<p>discussion with Mr Hlathswayo yesterday, is I still have to run the school. I have my guidelines and I have my regulations to follow.</p> <p>Certain things have changed, with members of the Governing Body, and it is their job to manage the finances of the school. Mrs Gertze has got to report back to the treasurer. It is mandated, it is law. She has to have the answers in a Governing Body or a FinCom meeting and she has to be able to answer to where all the money in the school is. They're looking at the finances of our school very carefully. School fee money coming in, is has dropped, it is a phenomenon that all schools are facing at the moment. The economic times are hitting the ordinary working person very, very hard.</p> <p>So, the job of the treasurer and the job of the FinCom is to manage that very carefully. And they want to know where money is going. They are not in the school. They do not know what projects we have got on, we have to explain simple things, like when we talk about charity collections, we have to say, how, what is it all about, when do we do it and they are ask, more-or-less how much money comes in and what are we doing with it. The same as I would ask Mrs Pillay if she takes fine money from the media centre. She is responsible for that money but she is answerable to me. I have every right to say: "Mrs Pillay, show me your books, I want to see how much fine money has come in, where is it and where is it going to? Our policy is usually that fine money goes into buying more books or something for the media centre. But again, that is what the treasurer wants to know. They can ask for Mrs Crowie's book, the inventory and they will want to know what's happened to the furniture that they bought two years ago or three years ago. Why are we writing off so much, etc?</p> <p>Everything we have to account for, and if there isn't enough money, then we really cannot spend. Because, like, in any budget there is a priority. Electricity, we have to have. We have to pay the water bill and then sadly we go down the line to where things become emergencies. Sport has to have equipment. We cannot and legally we may not children out onto a field if their masks are not there. So, if we're going to enter into sports of any description, we have to make sure that those safety features are there.</p> <p>So, we are constantly juggling funds around. It is public money and we have to be able to answer to what, what is happening. So, when Mrs Gertze asks you, if you're running a project and she is reporting back from the Governing Body they want to know answers. We have to supply that answer.</p>
VM	Mrs Jorgensen, may I reply?
LJ	Well, there, just one thing Mr van der Merwe. I request, number one, you treat me with dignity and you speak to me respectfully.
VM	<p>Of course.... I just want to say that some of your comments in the beginning, we found it a different scenario. Perhaps, you're seeing it the way you would want to see it, but you would know that I have come to you in that week on more than one occasion when you spoke to us badly. You will recall that I have in the past asked you to have staff meetings. You will recall that I have spoken to you over the twenty years that we have been colleagues about communication, about democracy.</p> <p>And...the group that has now reached the point where we are saying "No More" has reached a stage where we feel that your rough riding over us, your ad hoc decision making... is sometimes... we get the impression that you haven't thought it through. You shoot from the hip and then you make decisions which impacts on the whole school. And when you impact on me, as an educator and you demotivate to me, then you're demotivating the girls, then you're demotivating the whole institution.</p>

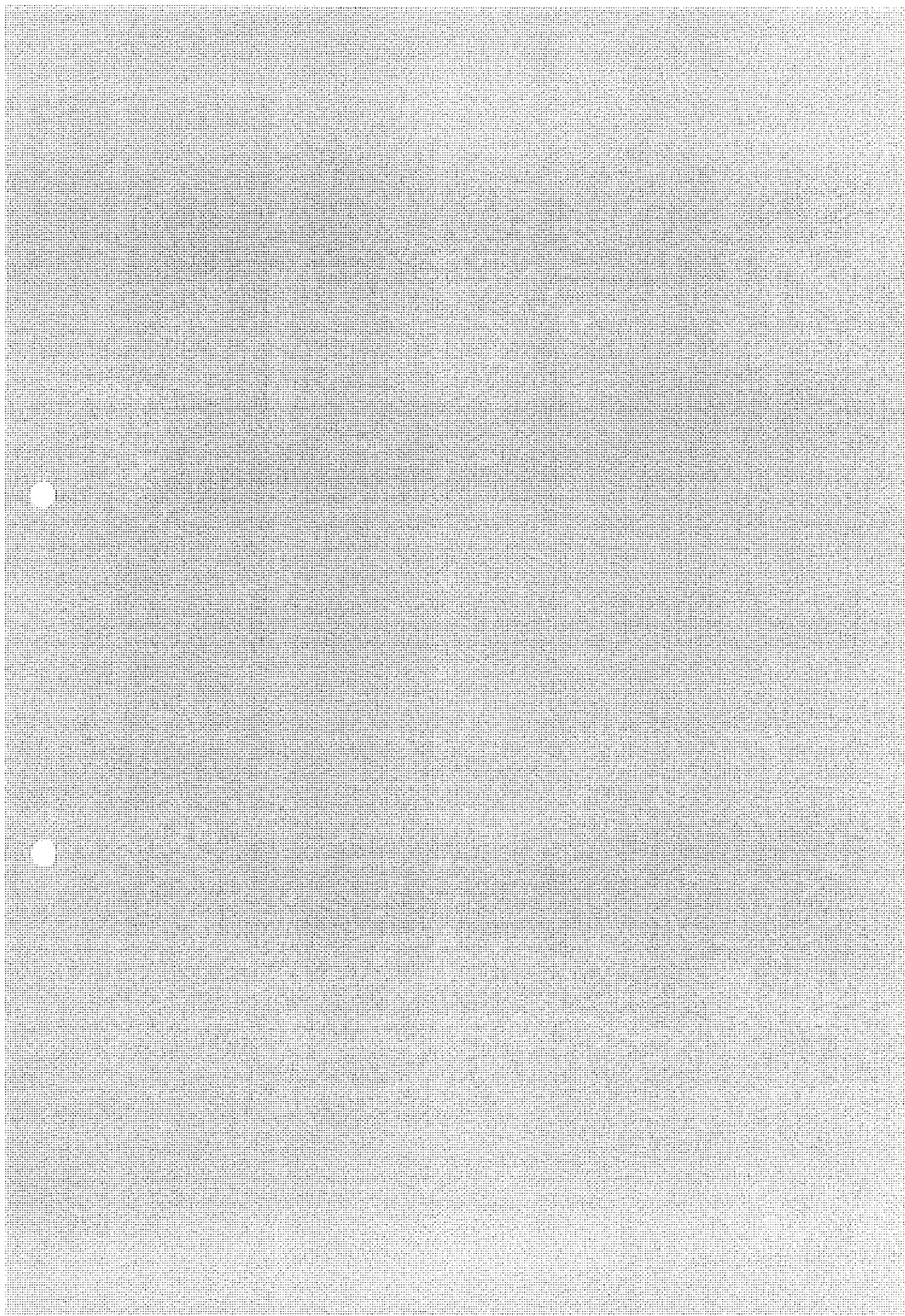


Exhibit 04

Your reference : 138/2017 - KZN

07th September 2017

SOUTH AFRICAN COUNCIL OF EDUCATORS (SACE)

ATTENTION: GEORGE MOROASUI

PER E-MAIL: ethics@sace.org.za

Dear Sir,

**RE: COMPLAINT OF INAPPROPRIATE LANGUAGE TOWARDS COLLEAGUE
AND LEARNERS: WRITTEN RESPONSE TO COMPLAINT.**

I have had the opportunity to peruse the notice and copy of complaint attached thereto and wish to respond as set out beneath.

1.

I note that the complaint received is from NAPTOSA containing allegations of unprofessional conduct which may be in breach of the SACE code of professional ethics.

2.

Notwithstanding the contents of paragraph 2 above, I further note that the written complaint is signed by Mrs. Khan, who is a member of NAPTOSA and hopefully in good standing with the said Union, such fact being conspicuous by its absence.

3.

I further note that the complaint is dated 09 June 2017 and which by itself indicates that no urgency has been allocated to this complaint either by Mrs. Khan or by the Union on her behalf: The reason for such delay becoming evident during the course of this reply.

4.

One would have imagined that a complaint of this nature would have been logically and consecutively arranged for easy reference and response: Instead, constituting a plethora of unsubstantiated allegations which I respond to as setout beneath and with great difficulty.

5.

Ad paragraph 1


5.1. I do not dispute the first sentence in this paragraph.

5.2. I deny the contents of the second sentence in this paragraph.


5.3. In amplification of the denial in paragraph 5.2 above, I bring the following to the attention of the SACE:

5.3.1. I enrolled two new (white) learners, both of which had problematic backgrounds and this information was conveyed to the staff for their awareness and assistance since the school serves the community and we have to therefore acknowledge that there will be differing customs, codes and beliefs in the community;


A handwritten signature in black ink, consisting of several loops and a long vertical stroke, positioned to the left of the text in paragraph 5.3.1.



5.3.2. It is correct that one learner spoke with an accent and I believed that informing the staff of same was a protective measure since this learner might be the target of attention from other learners because of her accent: In fact, my PA, Mrs. Backhouse had great difficulty in understanding what this learner was saying when helping her with a school uniform;



5.3.3. I based my assessment on previous experience when a white learner joined our school; she spoke fluent isiZulu and it created problems with other learners of all race groups. This learner often claiming to be the target of bullying;



5.3.4. The statement was therefore made to create awareness and as a protective measure against discrimination and bullying thereby ensuring that the school continued to promote the interests of the learner and the community as a whole and further to ensure that divergent community is respected; and

5.3.5. Unfortunately, if Mrs. Khan took umbrage to what was said, she obviously was not paying attention and places more value on her own membership to a community than the interest of learners prerogatives of the code of ethics, a copy of which can be made available to her if required.

5.4. Save to deny that the statement was made in the context, manner and with intent to be discriminatory, I do not dispute the remaining contents of the third sentence in this paragraph save to state the following:

5.4.1. if, Mrs. Khan felt so aggrieved by the contents of any statement, then one would imagine that a complaint would have been laid, and immediately reported to SACE: Alas this is not the case and begs the question why the complaint has now only surfaced?;

5.4.2. if, Mrs. Khan felt so aggrieved, then it further begs the question why she has not utilized the grievance procedures despite being invited to do so? and

5.4.3. Conspicuous by its absence, Mrs. Khan fails to deal with the fundamental issue of whether the learner did in fact have the accent or not and further more deliberately refrains from mentioning the purpose of the meeting: These being issues which either she, or her Union, ought to have been fully aware of.

Accent



5.5. Save to refer to all the contents above, I do not dispute the contents of the fourth sentence in this paragraph.

5.6. For the reasons already provided, I deny the contents of the fifth sentence in this paragraph.

5.7. In amplification of the denial in paragraph 5.6 above, I bring the following to the attention of the SACE:

5.7.1. it is correct that I stated one learner was okay but did not state that the other spoke in a "Funny" Coloured ascent;

5.7.2. since Mrs. Khan has raised the issue, maybe she would be so kind as to explain what is a Coloured accent and what is a "Funny" Coloured accent?

5.7.3. I pause to mention that while I have the attention of the SACE, maybe Mrs. Khan when explaining the various accents can enlighten me on what would not be considered a "Funny" Coloured ascent or maybe, when it would be considered "Funny"?

5.8. With reference to the sixth sentence in this paragraph, I have no knowledge of what Mrs. Khan thought and therefore cannot admit or deny the contents of this sentence.

5.9. Notwithstanding the contents of paragraph 5.8 above, I bring the following to the attention of the SACE:

5.9.1. inasmuch as I cannot comment on what Mrs. Khan thought, I can comment on my own thought and that is whether Mrs. Khan would have preferred that the statement made was that the learner spoke with an accent?

5.9.2. if the answer to the contents of paragraph 5.9.1 is in the affirmative then does she propose that we ignore communities?

5.9.3. if the answer is in the negative, then how does Mrs. Khan propose the statement ought to have been made?

- 5.9.4. if the learner spoke in an accent which was neither White nor Coloured but a combination of the two then how exactly would Mrs. Khan term the accent?
- 5.10. For the reasons already provided, I deny the contents of the seventh sentence in this paragraph and in particular the opinion of Mrs. Khan: This being exactly what is expressed in this sentence.
- 5.11. For the reasons already provided, I deny the contents of the eighth sentence in this paragraph and further reiterate that if Mrs. Khan felt slighted then obviously she was not paying attention and further places emphasis on the statement for her own personal reasons rather than for the purpose such statement was made: The protection of learners and the promotion of harmony, something which Mrs. Khan has not promoted at the institution and has actively dismantled.
- 5.12. For the reasons already provided, I deny the contents of the ninth sentence in this paragraph.

5.13. With reference to the last sentence in this paragraph, the contents hereof are hearsay and I do not propose to deal therewith but reserve the right to do so in the event that it may become necessary to do so.

5.14. Notwithstanding the above, I further bring to the attention of the SACE that the conduct of Mrs. Khan in this matter and her behaviour at the institution is unbecoming of an educator, which has not only caused rivalry and acrimony between colleagues but has also permeated into the daily function of the institution resulting in disruption and uncertainty: This conduct being expressly prohibited by the code and by the Department of Education and for which I intend lodging the necessary complaint to the SACE and disciplinary steps taken by the Department of Education.

5.15. Further notwithstanding the above, the statement alleged by Mrs. Khan is a fabrication in that the statement "Funny Coloured accent" was not made and the word "Funny" is included to denote a derogatory context or emphasis and upon which word Mrs. Khan hinges to create the perception, and atmosphere of, racism and discrimination: On this basis alone not only is her conduct in violation of the code but equally grounds for disciplinary, civil and criminal action which I intend to take against her.

6.

Ad paragraph 2

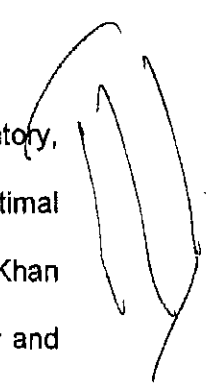
- 6.1. Subject to the contents of this response, I do not dispute the contents of the first and second sentences in this paragraph.
- 6.2. For the reasons provided beneath, I deny the contents of the Third Sentence in this paragraph.
- 6.3. With reference to the fourth sentence in this paragraph, I am uncertain which public forum Mrs. Khan is referring since she is not specific and will assume that she refers to a briefing and will for that reason not dispute the contents of the fourth sentence in this paragraph.
- 6.4. With reference to the contents of the fifth sentence in this paragraph, I do not dispute the contents hereof.

6.5. Notwithstanding the contents of paragraph 6.4 above, I bring to the following to the attention of the SACE:

6.5.1. indeed, it is correct that I relayed the incident to the staff and educators as it is simply unacceptable that learners should conduct themselves in this fashion and educators and staff ought to be appraised of any situation which may disrupt the harmony of the institution;

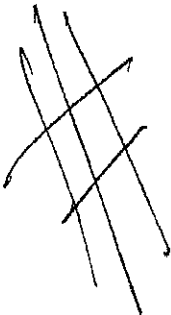
6.5.2. indeed, it is correct that the staff and educators be informed simultaneously since singularly would defeat the purpose of briefings and furthermore such inappropriate conduct ought not to be condoned by failing to mention same and the events relating thereto; and

6.5.3. very simply, if there had been any intention of being racist or discriminatory, in any form, surely the public forum would have been the least optimal venue to do so since it was a microcosm of diversity: The logic of Mrs. Khan that a public venue would have been selected being a non sequitur and adds no veracity to her claims at all and if anything, detracts from the credibility thereof.




6.6. The contents of the sixth sentence in this paragraph are denied.

6.7. In amplification of the denial in paragraph 6.6 above, I bring the following to the attention of SACE:



6.7.1. again the contents of the sentence under reply are a fabrication and clearly constructed to constitute a racial or prejudicial statement: In fact, the construction is disingenuous to say the least;

6.7.2. correctly, it was stated that the institution was not a township school and that such conduct would not be tolerated: Again Mrs. Khan not paying attention to the purpose of the briefing and the contents thereof;



6.7.3. what is extremely disingenuous, or possibly stems from lack of interest, is Mrs, Khan ignoring that on several occasions the DBE makes reference to Township Schools and so does various provincial departments of education: It would be safe to assume that these bodies accept that the institutions are firstly schools and secondly are in townships, ergo it following that the schools are termed township schools there being no difficulty in this concept;

6.7.4. it is well publicized in the news-papers, on the internet and over television, and therefore well within the public domain, and within the public forum if

~~6.7.4.~~ the words of Mrs Khan are to be hijacked, that many incidence of violence between students and student and educators occur at township schools: This being a fact as offensive as it may appear to Mrs, Khan;

~~6.7.5.~~ clearly all of the above have escaped Mrs. Khan and she has instead adopted the most bizarre interpretation possible, which is only possible by the disingenuous insertion of the words township behaviour: This being tantamount to false allegations of racialism and constituting both a civil and criminal injuria on her behalf and which I intend to pursue; and

~~6.7.8.~~ indeed it is correct that I did mention that such township school behaviour, as described above, would not be tolerated: The interpretation of what Mrs. Khan may have does not alter what is publically known and is fact.

6.8. With reference to the contents of the seventh sentence in this paragraph, if Mrs. Khan had paid attention to the contents of the briefing and had not injected the fabrication then the message was all too clear, this being particularly relevant in that other staff and educators received the correct message and not portions of it similar to a poor satellite link over DSTV or similar provider.

- 6.9. With reference to the eighth sentence in this paragraph, for the reasons already provided, the opinion of Mrs. Khan, the association she makes and the inference she draws is incorrect: The inference drawn is not consistent with the facts and in any event is not the only inference which can be drawn.
- 6.10. With reference to the ninth sentence in this paragraph, this clearly indicates the paucity of the allegations made by Mrs. Khan for the following reasons:
- 6.10.1. on the version of Mrs. Khan I relayed the events, ergo Mrs. Kahn did not personally observe the incident: It being relayed; and
- 6.10.2. Mrs. Khan passes false opinion on something which she did not observe and further on something which I relayed but never mentioned having said anything concerning township school to the learners: Clearly Mrs. Khan being as confused about the events as her interpretation of racialism.
- 6.11. The contents of the last sentence of this paragraph are not disputed save to state that Mrs. Khan on her own version has faulted on the events and opinion made.

7.3. In amplification of the denial in paragraph 7.2 above, I bring the following to the attention of SACE:

7.3.1. in the first instance, I have never stated as Mrs. Khan claims;

7.3.2. in the second instance, the word choice of "perhaps", expresses nothing more than uncertainty or possibility and I can only assume that Mrs. Khan is therefore guessing which again indicates lack of attention to detail;

7.3.3. In the third instance, with reference to the contents of paragraph 7.3.2 above, either I made reference to a person or I simply did not and I am not in the habit of responding to guesswork;

7.3.4. in the fourth instance, the injection of the word "Black", by Mrs. Khan, is a fabrication intended to create the impression of racial insult: Once again I intend to ensure that disciplinary action is taken in this regard arising from such misconduct; and

6.12. Notwithstanding the above, it is interesting to note that the incident occurred towards the latter part of last year and only finds merit now: Much being left to the imagination how offended Mrs. Khan could have been or how inappropriate she thought the statement was and one would have imagined that having felt as she now claims to feel that she would have used the contact details of the SACE at the soonest opportunity.

7.

Ad paragraph 3

7.1. With reference to the first sentence in this paragraph, save to say that this is expected me and in performance of my duties, I do otherwise do not dispute the contents hereof.

7.2. With reference to the contents of the second sentence in this paragraph, I deny the contents hereof.

7.3.5. in the fifth instance, Mrs. Khan appears to create her own anxiety by drawing assumptions on incorrect fact and I welcome, if not challenge her, to establish the truth of her statement or any other statement made by her in the complaint.

7.4. With reference to the remaining sentences in this paragraph, I bring the following to the attention of SACE:

7.4.1. it is my duty to report on Circuit and District meetings and I do inform all relevant staff on new issues, policies, regulations and instructions that are issued at the meetings;

7.4.2. many of the statements made do not apply to this institution in that this institution is functional and it is to remain functional in providing in serving its prime function;

7.4.3. very open the question is raised by educators how less functional schools cope with the demands from officials and individual departments of the DBE and to this a response is required;

7.4.4. this institution is, and remains, a functional school and this has been acknowledged as such by every official, subject advisor and functionality subject advisor and if Mrs. Khan cannot accept, or feels inadequate to accept, this fact then she ought not disguise this as racism; The facts are what they are whether she may approve of them or not; and

7.4.5. I am not responsible for the opinions which Mrs. Khan wishes to draw and leads to her own anxiety. The truth is and will always remain that this institution is run professional, produces the required results and if this makes the institution professional and a cut-above the rest then maybe Mrs. Khan is suggesting, or requires, that we should drop these achievements to be equally non-functional or less functional and then possibly this would not be racist.

8.

Ad paragraph 4

8.1. I deny the contents of the first sentence in this paragraph.

8.2. In amplification of the denial in paragraph 8.1 above, I bring the following to the attention of SACE:

8.2.1. I have never referred to that fact that this institution is a former white school;

8.2.2. I have commented that schools that require more assistance from the DBE should be afforded that help: If Mrs. Khan draws the opinion that those schools are Township Schools then Mrs. Khan went there on her own and only to add credibility to her allegations and adding to her self-inflicted anxiety and again I challenge her to establish her allegations as they stand as fact and not based on assumption; and

8.2.3. had Mrs. Kham paid attention, as she ought to, and not created her own anxiety with postulation, assumption or hypothesis she would discover a great epiphany: Standards require dedication and commitment to maintain and are not present because of race but because of professionalism and desire to receive the results and if she cannot accept this and refuses to pay attention to detail then, she may have adopted the incorrect career.

- 8.3. For the reasons provided above, I deny the contents of the second sentence in this paragraph save to say that I cannot be held responsible for the anxiety which Mrs. Khan causes to herself over race due to her incorrect opinions, assumptions and inability to correctly process facts.
- 8.4. With reference to the remaining contents of this paragraph, as misguided as the opinion of Mrs. Khan is and inasmuch as it is irrelevant for the purposes of this complaint, and answering same, I nevertheless take note thereof and forward her observations for evaluation to the DBE for their comment.

9.

Ad paragraph 5

- 9.1. I deny the contents of this paragraph in its entirety.
- 9.2. In amplification of the denial in paragraph 9.1 above, I bring the following to the attention of SACE:

9.2.1. in the first instance, no such statement was made by myself, whether directly, indirectly to Mrs. Khan or any other educator for that matter: Again I challenge her to establish such fabrication;

9.2.2. in the second instance, the truth of the matter is as follows:

9.2.2.1. during the course of last year, an Indian parent was very angry and displeased with Mrs. Khan for treating his struggling daughter with lack of empathy and failing to meet her needs for extra lessons and attention in class;

9.2.2.2. in order to solve the situation, I mediated a meeting with the parents, the girl and Mrs Khan;

9.2.2.3. Mrs Khan refused to give the girl extra lessons and tried to lay the entire responsibility on the girl with the result that I resorted to appealing to Mrs Khan to make herself more available for her struggling learners in Grade 11 Physical Science; and

9.2.2.4. it is in poor taste for Mrs. Khan not to divulge the true facts and masquerade her own inabilities and sense of inadequacy as racism.

9.3. Notwithstanding the above, I do concede that educators have remarked on the overprotectiveness of parents stemming from the Indian community but this is not the issue which is being addressed in this complaint and certainly has not formed the basis of the complaint by Mrs. Khan.

10.

Ad paragraph 6

10.1. I do not dispute the contents of the first sentence in this paragraph.

10.2. With reference to the remaining contents of this paragraph I, I bring the following to the attention of SACE:

Notwithstanding the contents of this response and the blanket nature of the denial contained hereon, if SACE is not satisfied with the response and elects to convene a disciplinary hearing then I would be happy to comply: If not for my own personal and professional vindication as an educator and principal but then to establish the fabrications contained in the complaint so that the proper disciplinary measures could be implemented against Mrs. Khan.

13.

With reference to the contents of paragraph 12 above, I trust that this response will serve as my complaint against Mrs. Khan and request that the necessary complaint be investigated against her.

14.

I further bring to the attention of the SACE that if these continued attacks against my professional and personal credibility by Mrs. Khan do not desist immediately I intend to apply for the necessary relief against her, the costs of which will be for her account.

15.

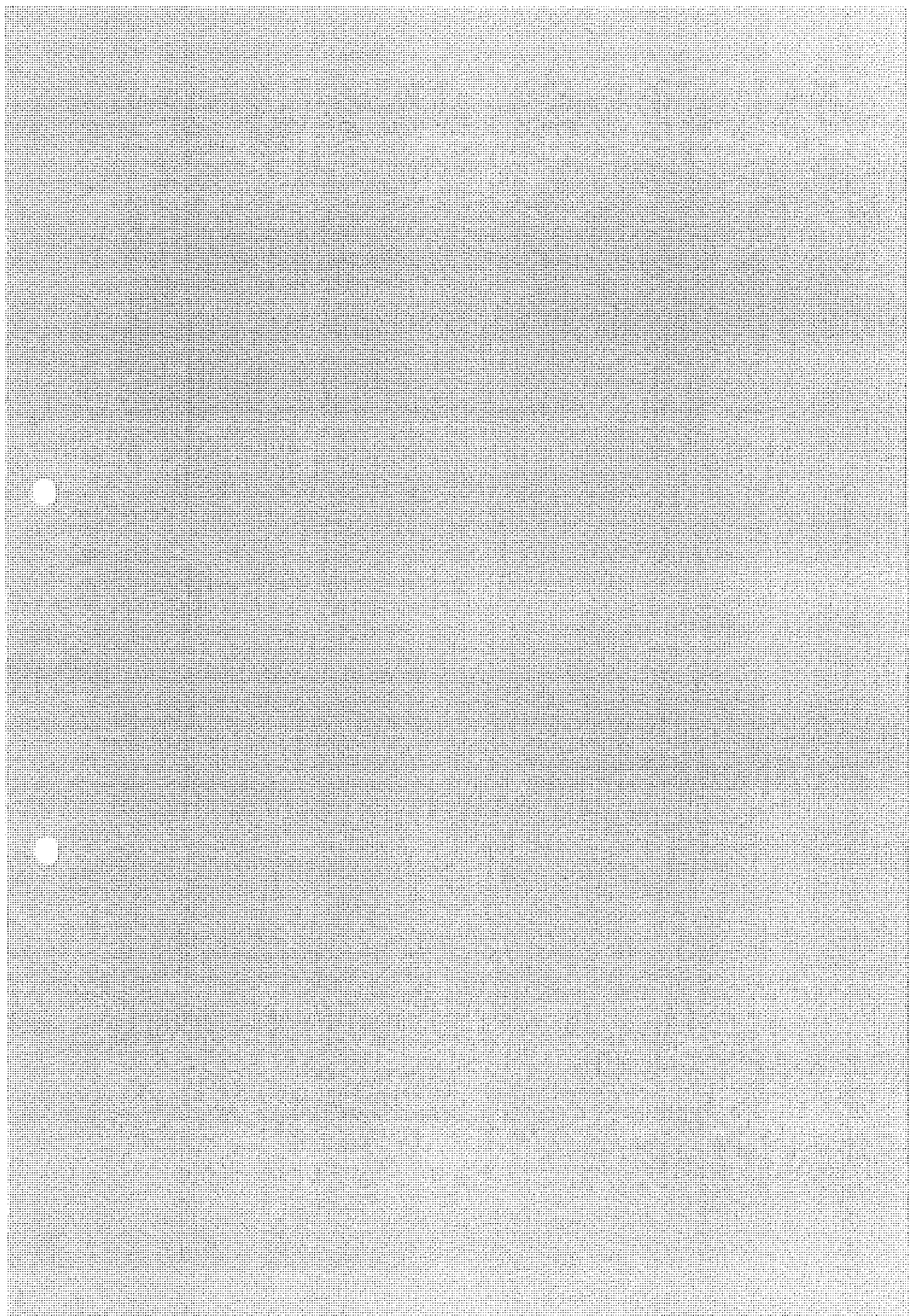
I further bring to the attention of the SACE that the above actions of Mrs. Khan is not only causing disharmony within the institution but simultaneously therewith between various staff which conduct now also bring the institution into disrepute and the educators profession with it along with the DBE.

16.

I further bring to the attention of the SACE that despite numerous attempts to resolve this dispute, Mrs. Khan, along with other staff, have failed to use official channels and invitations to solve any grievances and persist in creating labour dispute, disharmony and division at the institution; Something which can no longer be condoned or tolerated and which will have to be dealt with legally irrespective of any union involvement or representation.

L Jorgensen

Mrs. L. Jorgensen





education

Exhibit 05

Durban Central CMC

Department:
Education
PROVINCE OF KWAZULU-NATAL

Enquiries: DN Mthethwa

Ref.: Recommendation for suspension

Date: 02 August 2018

DO THE RIGHT THING RIGHT THE FIRST TIME

To: Mr PN Cele
The District Director (A)
Umlazi District

Dear Mr Cele

RE- RECOMMENDATION FOR SUSPENSION AND INVESTIGATION

1. The attached documents which include the letter from the Principal, Grievance letter to the MEC from the Parents and correspondence between the Principal and the SGB Chairperson refer.
2. I hereby write to recommend the precautionary suspension of Mrs L Jorgenson, the Principal of Grosvenor Girls High School and the intensive investigation around claims of financial mismanagement at the school including the R3.4m alleged to have been given to the school for the purpose of buying off a certain company by the other.
3. The school has been in the news since last year and interventions were made to try to resolve what at first appeared to be a conflict among the Staff (Principal and an aggrieved group). An investigation was conducted on claims of racism but was found not to be true, instead the Principal was found to have uttered unbecoming words and had to be warned for that.
4. Earlier this year we visited the school to intervene in a conflict involving the Principal and the aggrieved group, that was followed by a conflict resolution meeting held on the 3rd of February 2018
5. The Learners boycotted classes in March and new claims were made which included the selling of sanitary towels, unilateral removal of teaching resources, and interference with election of Learner representatives to the SGB. We went in there with former District Director to verify the allegations.
6. Last week we received a complaint from the Principal and subsequently telephone calls from the SGB Chairperson who had been referred to me by the Officials from the MEC's office.
7. On Monday I and Mr Timothy visited the school to meet the SGB in the evening. The SGB made serious allegations of financial irregularities. They include among others a. verbal handover to the incoming SGB who claim they were told they cannot have access to the financial records b. the dispute reported to be in court around Photo Note whose contract is reported to be exorbitant and

...Championing Quality Education - Creating and Securing a Brighter Future

KWAZULU-NATAL DEPARTMENT OF EDUCATION

Postal Address: Private Bag x08 • Moleni • 4060 • Republic of South Africa

Physical Address: 6 Acton Road (Former Port Natal School) • Umbilo • Durban • 4001

Tel.: +27 31 274 1900/10 • Fax: +27 031 205 0738 • Email: Nhlanhla.mthethwa@kzndoe.gov.za • Web: www.kzndoe.gov.za

Facebook: KZNDOE... Twitter: @DBE_KZN... Instagram: kzndoe... Youtube: kzndoe

that the school was owing two companies where the installment for one is estimated to be at R15 000 per month.

8. It became evident to us that relations between the Principal and the new SGB are not in good and so not conducive for the delivery of quality education.
9. I also found that the Activity Plan given to all Principals and SGB Chairpersons or their representatives on the 6th of June 2018 through which we meant to put things right at all our schools in respect of proper financial management was never implemented. Her failure to ensure such implementation makes me doubt her willingness to carry out instructions meant to assist the school move forward.
10. I have attached the report initial interventions made at the schools earlier.

Thank you



Mr DN Mthethwa
Chief Education Specialist: CM

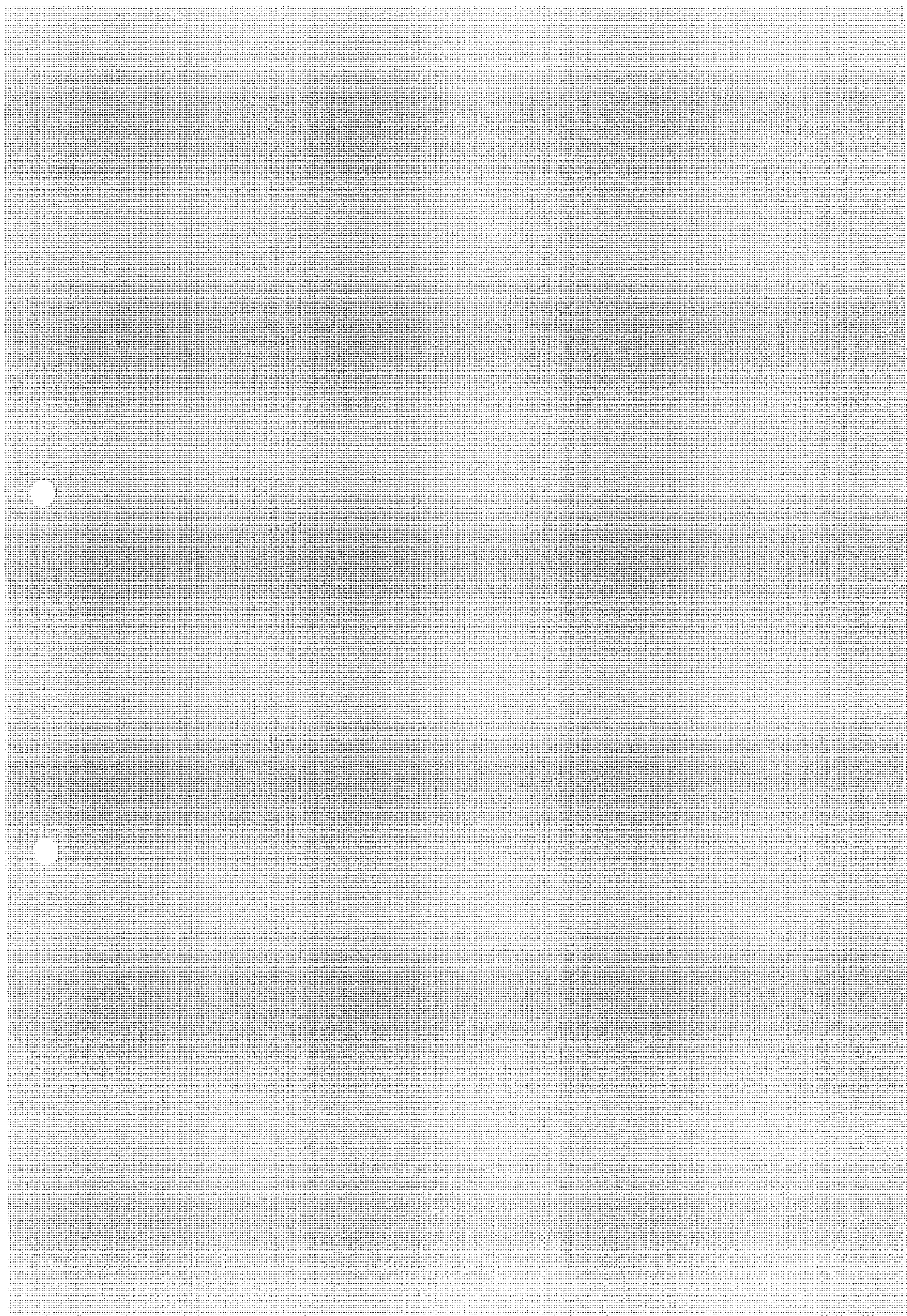


Exhibit 06

UMLAZI DISTRICT OFFICE

GOVERNANCE AND MANAGEMENT

PRELIMINARY INVESTIGATION REPORT: Grosvenor Girls High School

CITATION: Investigation about the Grosvenor Girls High School Financial Mismanagement/irregularities.
DETAILS OF THE PARTIES:
Mrs L Mafuleka- Sibiya : SGB Chairperson
Mrs.LM Jorgensen : Principal
Mrs Gumede : Treasurer (Numerous efforts to meet with her were unsuccessful)
BACKGROUND TO THE ISSUES TO BE INVESTIGATED:
The non-cooperation between the SGB and the Principal(SMT) on issues of governance :
1. Financial Management
2. Poor working relationship between the SGB and the Principal
ISSUES TO BE INVESTIGATED:
4.1 Whether the school has the Finance Policy and whether it is adopted by the SGB
4.2 Whether the School utilise finances in line with the adopted budget and the Involvement of necessary structures like the Finance Committee and the SGB.
4.3 If reports are given to the SGB component on School finances.
4.4 Whether tenders are done in line with the Finance Policy ,
4.6 Receipt and control of school funds are payments deposited directly to the school account or paid in cash at school.
4.7 Claims of funds meant for buying out of a contract (+/-R3,4 m) but utilised elsewhere and ascertain the approval of the SGB on this matter.

SUMMARY OF SUBMISSIONS:
Mrs L Mafulela Sibiya
(4.1)
1. The school had no policies.
2. There has never been a handover from the previous SGB to the current SGB.
3. The Chair provided a tool for handing over, however it never happened.
4. Mr Mthethwa (CES Circuit Management) gave the Principal time frame for the completion of the handing over process
5. The new SGB developed the Finance Policy in August 2018.
4.2
1. SGB and Finance Committee meetings do take place.
2. There's no proof that the SGB spends according to the adopted budget of the current year, Fincom has no proof of transactions.
3. Fumigation of bees that was prompted by the falling of a tree, happened without any consultation.
4. Appointment of SGB educators without any consultation resulting in a standoff between the Principal and SGB.
5. Purchase of trophies and tokens for exchange students without any consultation.
6. Senior citizens events held without any consultation or involvement of the SGB.
7. Bursar receiving her salary twice in May and in August, SGB not involved in 2018. An amount of R40 000 between the Principal and SGB.
8. Bursar's son paid R2000, 00 without any consultation said to be a donation from the school.
4.3
1. School not audited in 2016/2017.
2. The current SGB has submitted an Audited Financial Statement and the report was qualified.
4.4
1. Tenders not done in line with the Finance Policy, no 3 quotations policy observed.
2. Signatories were the Principal and the Bursar, no Parent member of the SGB
3. The school had no money in the bank.
4. The school had five (5) SGB paid administrative clerks.

5. Procedures were not followed in the awarding of tenders.
6. The Circuit Manager proposed that the contracts be adjusted to meet the current financial status of the school money, this never happened.
7. Placement of the Bursar in the front Office is of great concern to the SGB as it limits the Privacy of parents seeking to discuss school fee matters.
8. 3 Groundsmen are now tasked with administrative duties after the retrenchment of some administrative staff due to limited funds.
9. A Garden Company was paid R11 000 a month for services rendered in spite of the schools limited finances.
4.6
1. The school has two bank accounts
2. Cash amounting to R30 000 is collected at school in respect of school fees in breach of the decision by the Governing Body, that no cash should be handled at school.
4.7
1. Contractual standoff between Foto Note and the school
2. The school was paid 3, 4 million by Fintech, to offset the Foto Note contract. Unfortunately the school paid for lights , water ,salaries and other contractual obligations.
3. When the Chairperson asks about the minutes where this decision was made, the Principal does not come forth with the answer.
4, When the previous SGB is confronted by the current SGB, only one member claims to know about this arrangement, the rest are in the dark.
5. Only the Principals signature appears on the schools Foto Note contract.
6. Photocopying machines are not utilised as advised by the lawyer.
Mrs LM Jorgenson
1. The school had contractual obligations made by the previous Governing Body that had to be honoured by the current SGB.
2. 3,4 million was paid by Fintech to buy out the Foto Note contract.
3. This decision was finalised during the period ,May to October 2017 , parties involved included the Treasurer, Chair and the Principal
4. Foto Note contract is sub Judice.
5. Foto Note is paid R40 000 a month.

6. In 2019 due to depleted funds, Foto Note was not paid.
7. The 3, 4 million was depleted in 2018 when the new Governing Body was on board.
8. Some parents have been discouraged by the SGB from paying school fees.
9. 2018/19 No record of minutes by the SGB, only notes by the Principal and the Deputy.
10. The parents decided to reduce fees from R22 000 to R15 000.
11. SGB members refused to participate in the Handing over meeting.
12. The double payment made to Mrs Gets during her termination as advised by CCMA, known as constructive retirement.

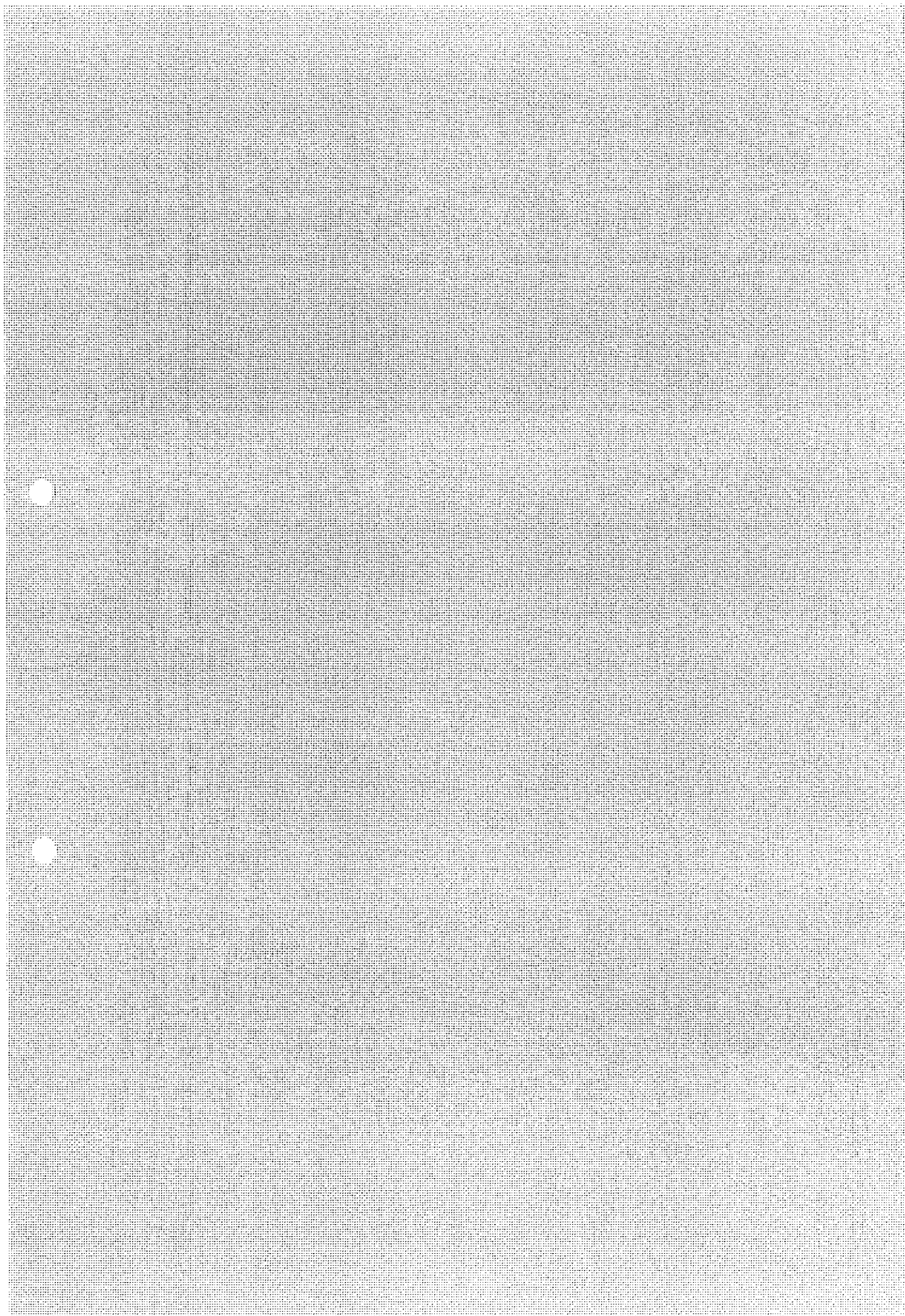
Findings:

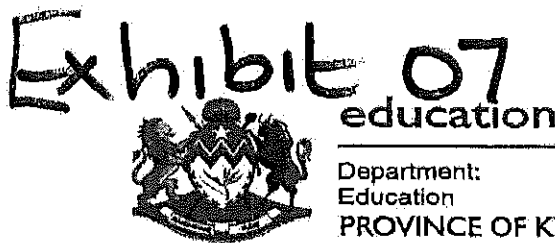
1. There are no minutes of the SGB, the Principal has her own notes.
2. There are no records of signed minutes which was confirmed by the Principal
3. The School has a Finance Policy signed by the Principal and the SGB Chairperson.
4. The Bursar and the Principal are signatories to the school account.
5. The Principal, as the accounting officer, knows that deviations are not permissible, however she failed to advise sensibly about the 3, 4 million spent by the school.
6. There has been a mismanagement of funds to the tune of 1, 7 million by the Principal.
7. Payments that were made were not in accordance with the budget and Finance Policies.
8. According to the investigation, there is no trace of embezzlement of school funds by the Principal only noncompliance with treasury regulations on the use of school funds.
9. There has never been a harmonious relationship between the parent component and the Principal.
10. There's only an attitude of fault finding mission against the Principal by the SGB.

Recommendations

1. The circuit manager should initiate the hand over process
2. All the concerned parties need to prioritize the goals and functions of the SGB, to Promote the best interest of the school and strive for its development at all times.
3. Due to the principal's non-compliance, Mrs. Jorgenson needs to be charged
4. The principal has to do a full audit and account on the disbursement of school funds
5. Forensic Team needs to conduct a full investigation on the school Financial Management in respect of the following.
- Authorization and distribution of Funds by the SGB

[illegible]





Department:
Education
PROVINCE OF KWAZULU-NATAL

file - dispatched today

Durban Central CMC

Enquiries: DN Mthethwa

Ref: Racist Utterances/acts

Date: 09 April 2018

To: The Principal

All Educators

CMC CIRCULAR NO. 2 OF 2018

RE-WARNING AGAINST UTTERANCES WITH RACIAL CONNOTATIONS

1. The recent spates of allegations of racism at our schools and the media statement by the Honourable MEC for Education in KwaZulu Natal Mr M. Dlungwana on the same subject refer.
2. I hereby write to warn all Teachers in the CMC to desist from making utterances with racial connotations or calling Learners and/or Educators names as that is breach of the Constitution of the Republic of South Africa and has severe consequences.
3. Some of our schools have experienced disruptions as a result of allegations of racism. Preliminary investigations have confirmed such claims.
4. Section 1 (a) and (b) is very clear in that "The Republic of South Africa is one sovereign, democratic state founded on the following values:
(a) Human dignity, the achievement of equality and the advancement of human rights and freedom.
(b) Non-racialism and non-sexism
5. So engaging in acts of racism or uttering racist comments or even calling others names with racial connotations is in breach of the quoted Section and Sections 9, 10 (a), (c), (d), (e), 21 (a) and pertaining specifically to Learners 28 (1) (d) (i) and (2) as enshrined in the Bill of Rights, Chapter 2 of the Constitution of the Republic of South Africa.
6. The Constitution is the Supreme Law of the Republic as clear stated in Section 2 and so must be respected and observed by all.
7. The MEC was clear in his statement to the Media that anyone accused of racism will be suspended, therefore all employees of the Department are expected to uphold the prescripts of the Constitution of the Republic and desist from unbecoming utterances that offend others.
8. We must embrace each other, be tolerant of each other and make our country an enjoyable place to live in for all who live in it.

Thank you.


DN Mthethwa

CES: Circuit Management

...Championing Quality Education - Creating and Securing a Brighter Future

KWAZULU-NATAL DEPARTMENT OF EDUCATION

Postal Address: Private Bag 9100 - Midrand - 2009 - Republic of South Africa

Physical Address: 5 Atrium Road, Forum Pastoral Centre, Secunda - Durban - 4001

Tel: 031 274 1000/11 - Fax: 031 274 1000/11 - Email: education@kwa-zulu-natal.gov.za Website: www.kwa-zulu-natal.gov.za

Facebook: <https://www.facebook.com/kwa-zulu-natal-department-of-education> Twitter: <https://twitter.com/kwa-zulu-natal-department-of-education> LinkedIn: <https://www.linkedin.com/company/kwa-zulu-natal-department-of-education>

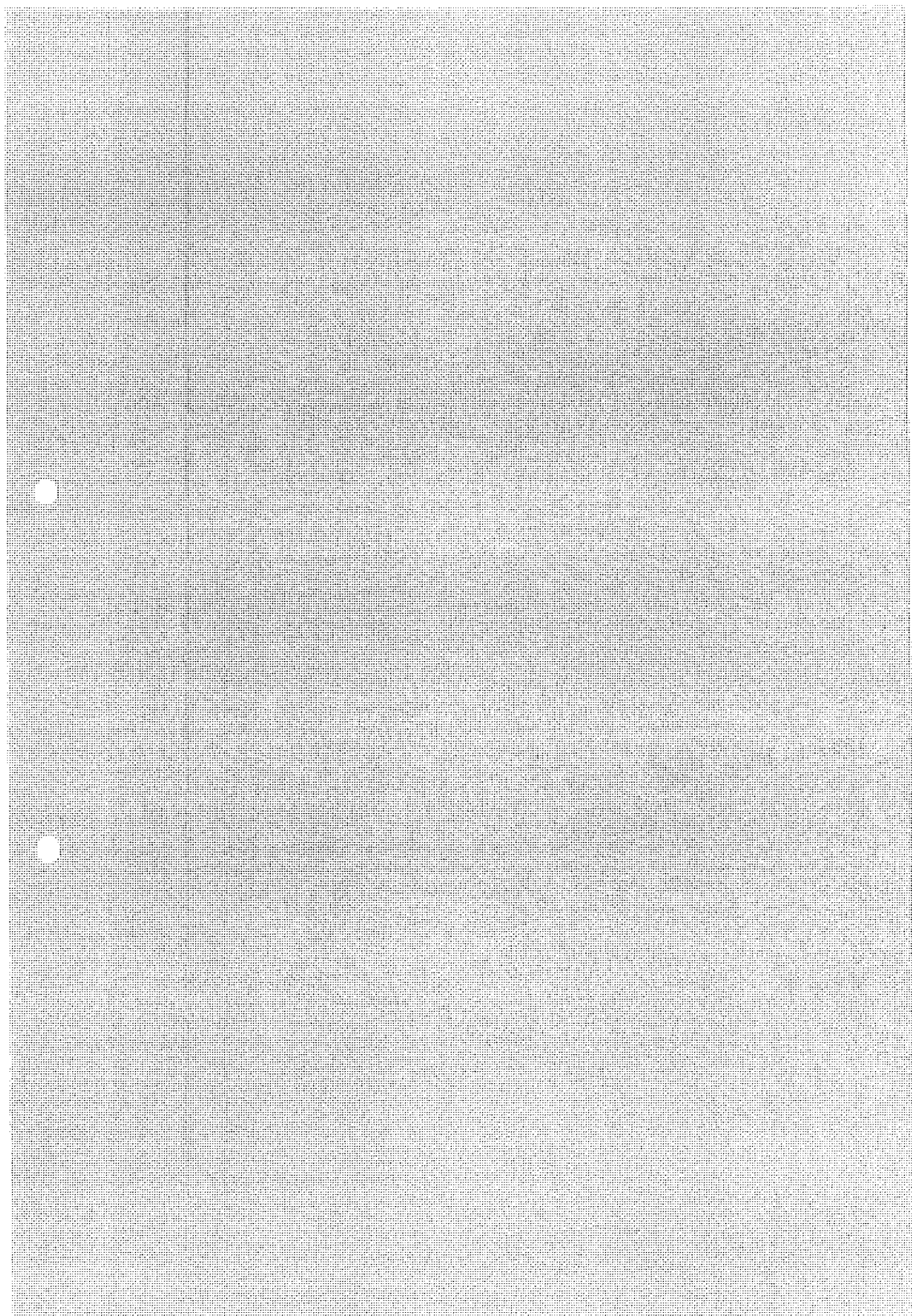


Exhibit 08

EDUCATOR INFORMATION REQUIRED FOR FRONT OFFICE - URGENT
PLEASE CHECK AND COMPLETE THIS FORM ASAP - RETURN TO MRS SULLIVAN ROOM 112

TITLE	MRS	INITIALS	K	SURNAME	SOOMAROO		
FIRST NAMES	KAVITA						
MARITAL STATUS	Married		MAIDEN NAME	JUGROOP			
DATE OF BIRTH	28/02/1956		ID NUMBER - Or Passport No if no ID No available.	56022802370			
GENDER	F	RACE	Indian	HOME LANGUAGE	English	RELIGION	Hindu
HOME TELEPHONE	031-539241			CELL NO.	0732104894		
EMAIL	Kay.smroo@gmail.com			CAR REGISTRATION			
EMERGENCY CONTACT	Bhavna Soomaroo			CELL NO.	083542413		
SACE REGISTRATION NO.				SACE REGISTRATION DATE			
PERSAL NO				RANK LEVEL			
POST LEVEL - Choose one of: Educator/HOD/Deputy Principal/Principal							
EMPLOYER - Choose one of: State or Governing Body							
BEGIN SERVICE DATE WITH DEPARTMENT							
BEGIN SCHOOL DATE							
CTT - Compulsory Temporary Transfer							
APPOINTMENT TYPE - Choose one of: Permanent/Temporary/Substitute							
YEARS EXPERIENCE			INSTRUCTION LANGUAGE				
REGISTER CLASS			REG. VENUE	TEACHING VENUE			
TAX NO			UNION	UNION NO			
MEDICAL AID			MEDICAL AID NO.				
PENSION FUND			PENSION FUND NO.				
HOME ADDRESS	30 EASTWOOD ROAD, CENTENARY PARK PHOENIX						
POSTAL ADDRESS	30 Eastwood Road, Centenary Park, Phoenix, 4068						
SOUTH AFRICA CITIZEN	YES OR NO	Y	OTHER CITIZENSHIP				
SPORTS HOUSE IE KC, AD OR MP - ask sports co-ordinator							
MANAGEMENT POSITION							
SKILLS							
WORK PERMIT/WORK PERMIT DATE/ WORK PERMIT NO.							
DISABILITY - Choose one of: sight, hearing, physical, multiple, epilepsy, other, none							
OTHER DISABILITY							
POSITION ACTUALLY EMPLOYED FOR - Choose one of: Principal, Deputy Principal, HOD, Educator, SNE Educator, Remedial Educator, Other							
ACTING POSITION - Choose one of: Principal, Deputy Principal, HOD, Educator, SNE Educator, Remedial Educator, Other							
EMPLOYMENT TIME - Choose one of: Full-Time/Part Time							
TEACHING LEVEL 1					Secondary		
QUALIFICATION - Choose one of: Professional Diploma/Certificate, Academic Degree, Professional Degree, Technical Diploma/Certificate							
NAME OF QUALIFICATION/S - ie BA HONS, HDE etc and NAME OF INSTITUTION/S where obtained					Matric		
REQV 10 (Matric, no training)			REQV 15 (Matric + *5 years training)			REQV	
REQV 11 (Std 6,7,8,9 + *2 years training)			REQV 16 (Matric + *6 years training)				
REQV 12 (Matric + *2 years training)			REQV 17 (Matric + *7 years training)				
REQV 13 (Matric + *3 years BA, B Sc, etc)			Without Matric and no training at all				
REQV 14 (Matric + *4 years training)							
HIGHEST QUALIFICATION - tick one only							
Professional Teaching Qualification							
Post - Professional Teaching Qualification							
First Academic Qualification							
Post - Graduate Academic Qualification							
SUBJECTS ABLE TO TEACH			TEACHING EXPERIENCE - fill in below:				
START DATE	END DATE	YEARS	EMPLOYER		NAME OF SCHOOL		
			ie State/GB/Private/Other/Both State & GB				
Ph P ay	35.11.15.						
1.1.1984	31 March 2010						

NON-EDUCATOR INFORMATION REQUIRED
PLEASE COMPLETE THIS FORM ASAP AND RETURN TO MRS SULLIVAN ROOM 112

SURNAME	SOOMAROO
TITLE	MRS.
FIRST NAMES	KAVITA
INITIALS	K.
ROOM NO	
RANK	
PORTFOLIO	
GENDER	FEMALE
RACE	ASIAN
EMPLOYER - Choose one of: State or Governing Body	
APPOINTMENT TYPE - Choose one of: Permanent/Temporary/Substitute	
HOME LANGUAGE	ENGLISH
BEGIN SERVICE DATE WITH DEPARTMENT	
BEGIN SCHOOL DATE	
DATE OF BIRTH	28-02-1956
ID NUMBER - Or Passport No if no ID No available.	56 02 28 02 37 080
RELIGION	HINDU
ASAL NO	0732104894
HOME TELEPHONE	031-5392-411
CELL PHONE	0732104894
EMAIL	Kay.SMRO@gmail.com
EMERGENCY CONTACT NAME	BHAUNA
EMERGENCY CONTACT NUMBER	083542 4013
TAX NO	
UNION AND UNION NO	
CTT - Compulsory Temporary Transfer	
MEDICAL AID	POL MED
MEDICAL AID NO.	6400 490 5903
PENSION FUND	
PENSION FUND NO.	
HOME ADDRESS	30 EASTWOOD RD, CENTENARY
POSTAL ADDRESS	(SAME/ABOVE) APPENDIX
DISABILITY - Choose one of: sight, hearing, physical, multiple, epilepsy, other,	
OTHER DISABILITY	
YEARS EXPERIENCE	
POSITION ACTUALLY EMPLOYED FOR	RECEPTIONIST
ACTING POSITION	
EMPLOYMENT TIME - Choose one of: Full-Time/Part Time	FULL TIME
QUALIFICATION - Choose one of: Professional Diploma/Certificate, Academic Degree, Professional Degree, Technical Diploma/Certificate	GR 12
REQ: REQV 10 (Matric, no training) REQV 11 (Std 6,7,8,9 + *2 years training) REQV 12 (Matric + *2 years training) REQV 13 (Matric + *3 years BA, B Sc, etc) REQV 14 (Matric + *4 years training) REQV 15 (Matric + *5 years training) REQV 16 (Matric + *6 years training) REQV 17 (Matric + *7 years training) Without Matric and no training at all	

TERMS OF SERVICE AGREEMENT BETWEEN

KAVITA SOOMAROO

AND

GROSVENOR GIRLS' HIGH SCHOOL

SERVICES TO BE PROVIDED :

- Receptionist

RATE

Remuneration is to be at an hourly rate of R62.50 including VAT and paid monthly upon receipt of the invoices.

CONDITIONS:

Mrs Soomaroo has the duty to not reveal confidential client information indefinitely a written notice of 30 working days is required to end this contract by either party.

This contract has been signed at DURBAN on 1ST MARCH 2021

GROSVENOR GIRLS HIGH SCHOOL

Represented by :

LM JORGENSEN

Witnesses :

[Signature]
[Signature]

[Signature]
B Blumfield
G. A Park

Mrs Kavita Soomaroo

[Signature]

Witnesses :

[Signature]
[Signature]

01-03-2021

01/-03-2021
01-03/21



GROSVENOR GIRLS' HIGH SCHOOL

20 BIDEFORD ROAD
BLUFF
DURBAN
4052
Website: www.grosvenorgirls.co.za
d6 School Communicator: www.school-communicator.com

PRIVATE BAG X04
BLUFF
4036
Telephone +27 31 4673614
Facsimile +27 31 4673685
E-mail: enquiries@gghs.co.za

BUDGET ITEM	DATE	REFERENCE
Admin Salaries	28/2/22	3700/040

CREDITOR			
----------	--	--	--

EMPLOYEE	K Soomaroo		
AMOUNT	R10,000.00		
PAID BY	BURSAR	<input checked="" type="checkbox"/>	OTHER
DATE	28/2/22		
AUTHORISED BY			
PRINCIPAL	NAME	SIGNATURE	DATE
	Linda May Jorgensen	<i>[Signature]</i>	28/2/22
BURSAR	NAME	SIGNATURE	DATE
	Sm Gekete	<i>[Signature]</i>	28/2/22
TREASURER	NAME	SIGNATURE	DATE



1 payments



Save as group

From: CURRENT - 1308067194

K SOOMAROO R10 000.00
FNB SOUTH
AFRICA -
62045400223
My recipient

② Proof of payment

② Record of payment

Go to overview

Make another payment



Overview



Cards



Transact



Recipients



More

KAVITA SOOMAROO

0732104894

Kay.smro@gmail.com

INVOICE

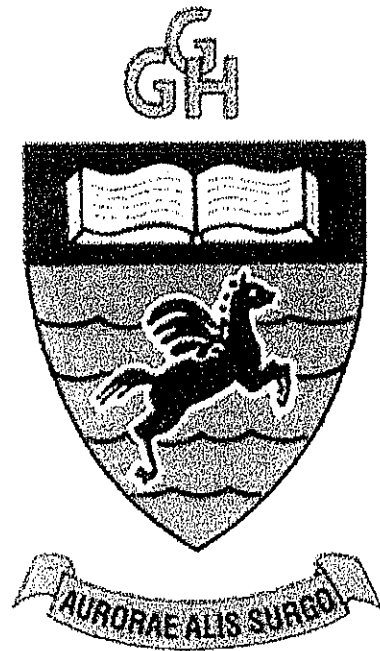
INVOICE #	DATE
[012/2021]	15/02/2022

BILL TO

GROSVENOR GIRLS HIGH SCHOOL
20 ZINTO CELE ROAD, BLUFF

DESCRIPTION	AMOUNT
Reception and Administration	10 000.00
K Soomaroo First National Bank Acc No: 62045400223 Acb: 220629	
Thank you for your business!	TOTAL R10 000-00

If you have any questions about this invoice, please contact
[kavita soomaroo, 0732104894]



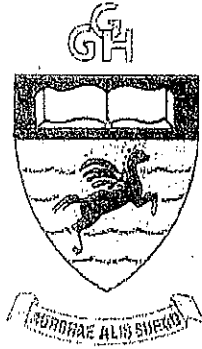
Non-Educator Employment Contract

between

GROSVENOR GIRLS' HIGH SCHOOL

and

KAVITA SOOMAROO



GROSVENOR GIRLS' HIGH SCHOOL

20 ZINTO CELE ROAD

BLUFF

DURBAN

4052

Website: www.grosvenorgirls.co.za

d6 School Communicator: www.school-communicator.com

PRIVATE BAG X04

BLUFF

4036

Telephone: +27 31 4673614

Facsimile: +27 31 4673685

E-mail: enquiries@gghs.co.za

Details of Non-Educator Employment contract entered into

between

GROSVENOR GIRLS' HIGH SCHOOL

(hereinafter referred to as 'the School')

and who is duly represented by the Governing Body established in terms of the SA Schools Act
(Act 84 of 1996)

and

KAVITA SOOMAROO

Identity Number: 5602280237080

(hereinafter referred to as 'the employee')

The School's Governing Body, duly represented by its Chairperson or vice, Principal or vice (as the case may be) and the employee agrees as follows on the under mentioned employment terms:

1. Nature of employment and probationary period

The school shall employ the employee and the employee shall serve the school in the capacity of **Receptionist and Secretary** and will report to the School Principal.

It is recorded that the employee's starting date of employment with the school is **13 January 2020**.

The employee's employment is subject to a probationary period of 3 (three) months, during which time her work performance will be monitored with a view to assessing the employee's suitability for the position, where after it will be confirmed as a permanent appointment.

The school shall issue the employee with a suitable Job Description setting out the key duties of the employee and not only will the employee serve the school in the capacity as aforesaid, or in any such other capacity of a like status as the school may require from time to time but it is also specifically noted that in addition to the Receptionist and Secretarial duties the employee is expected to participate fully in the life of the school.

The employee agrees to obey all lawful and reasonable orders and to perform such work as she is directed to perform that falls within the employee's vocational ability, regardless of whether or not such work falls within the scope of the post to which the employee was originally appointed and to perform such work for the school as directed. The school shall also be entitled to transfer the employee to any other operation of the school, in any such other capacity of a like status.

2. Remuneration

The employee's remuneration with the school shall be per month, payable in arrears into the bank account of the employee, which details the employee will supply. All statutory deductions, SITE and/or PAYE, UIF, as well as any monies due to the school by the employee, will be deducted from the employee's salary.

Salaries are reviewed annually during the month of JULY, or as directed otherwise, and whilst this contract does not create any expectation of guaranteed remuneration increases, any remuneration increases are strictly and as such directed by the State's Department of Education.

3. Annual bonus

An annual bonus of 1/12 of the employee's annual earnings will be paid by the school on the employee's anniversary date of employment. Annual bonuses will furthermore only be payable to employees on their annual anniversary date and should the employee leave during the year, no pro rata bonus is paid.

4. Social Benefit Funds subsidy

The school does not provide specific medical aid or provident fund membership and the employee must accordingly make their own arrangements in this regard.

5. Working hours and Overtime

The school's hours of work are from **Monday to Friday** and are at the Principal's discretion. Meal breaks each day are also at the Principal's discretion.

The employee is required to work overtime, if and whenever required by the school, at the discretion of the school, and may not refuse to work such overtime requested.

The school undertakes to give employees reasonable prior notice in respect of overtime to be worked, save in exceptional emergency situations in which event overtime shall be worked without any prior notice by the school to the employee.

6. Leave

The employee's annual leave is determined and aligned with the annual school holiday calendar, during which time the employee will automatically be on leave unless otherwise directed by the school.

Any leave outside school holidays is subject to the approval of the School Principal and a leave application form must be completed and handed in timeously in order that the application be considered.

7. Family responsibility leave

After completing four months service the employee will become entitled to 5 (five) days paid family responsibility leave provided that the employee furnish proof of the leave and provided that the leave is genuinely required:

- for the purposes of a birth, death or illness of the employee's child; or
- in the event of the death of the employee's spouse, life partner, parent, adoptive parent, adopted child, grandparent or sibling.

8. Sick leave

The employee shall be entitled to 36 (thirty six) working days' paid sick leave during each period of 36 (thirty six) consecutive months for which she is employed by the school.

The employee shall notify the school as soon as possible, but not later than the end of the first day absent, if she is absent from work for reasons of illness or any other reason whatsoever. The employee shall provide the school with a medical certificate of a registered medical practitioner when her absence from work extends for more than 2 (two) calendar days.

This agreement further serves as consent to the school by the employee, for the school to obtain, peruse or make inquiries into any medical reports, consultation notes or any other documentation, with any of the employee's medical practitioners, in any way relating to the said medical certificate presented by the employee to the school.

The school views the abuse of sick leave in a very serious light and such misconduct makes the employee liable for appropriate disciplinary action.

9. Maternity leave (delete if not applicable)

The school shall grant 4 (Four) months' unpaid maternity leave which is in accordance with the provisions of the Basic Conditions of Employment Act and the employee will be eligible for the necessary UIF benefits during their maternity leave.

10. Employee's duties and responsibilities

As an employee of the school, the employee shall:

- perform all such duties and exercise all such powers in relation to the business of the school as may from time to time be vested in or assigned to her by the school
- comply with all directives from time to time given to her by the school and with all rules and regulations from time to time laid down by the school and a copy of the school's Disciplinary Code and Grievance Procedure is attached herewith and the employee is requested to familiarize herself with the content thereof.
- devote the whole of her time, attention and abilities during business hours to the discharge of her duties under her agreement and abide by bone fide work practices in her relationship with the school and its learners;
- use her best endeavours properly to conduct, improve, extend, develop, promote, protect and preserve the reputation and goodwill of the school and carry out her duties in a proper, loyal, professional and efficient manner;

- not incite or attempt to induce any other employee of the school to partake in any form of industrial or collective action considered by common law or legislation applicable from time to time to be prohibited, unfair or unlawful. Employees record that they commit themselves to industrial peace in the school's business;
- be prepared to subject herself to searches or any other investigations carried out by the school from time to time, in respect of issues relating to safety, security, discipline and loss control;
- as part of staff development will undergo or attend any training or other courses the school in its sole discretion may require the employee to undergo or attend from time to time. The school shall be liable for the costs and expenses of such training courses;
- undergo any medical or other examination required by the school from time to time, in circumstances where the school wishes to ascertain the state of mental or physical health of the employee;
- not be entitled to be directly or indirectly employed by any other person or business concern whatsoever without the knowledge and prior written consent of the school.

11. Termination of employment

The employee's employment with the school may be terminated by her or by the school upon giving 30 (thirty) days notice to the party concerned and it is specifically noted that an employee cannot serve notice during their leave period or take leave during their notice period.

This clause however does not in any way prejudice or affect the rights of the school to terminate the employment of the employee without any notice, where such manner of termination is justified for serious misconduct by the provisions of common law and the rules of the school applicable from time to time or as per relevant labour law.

It is also specifically recorded that this employment contract will immediately cease in the month that the employee reaches the retirement age of 65. Retirement age is between the ages of 60 and 65 years of age.

12. Disclosure

The employee is required to disclose and declare all outside or other interests which are or may potentially be in conflict with the interests of the school. The school may require the employee to refrain from such activities, which request she is obliged to observe.

The employee is further obliged to disclose forthwith to the school any of the following:

- any mental health or any medical deficiencies, conditions or any such circumstances which could detrimentally affect or in any way influence the employee's employment or the fulfillment thereof with the school, as soon as the employee becomes aware of the same;
- any criminal offence specified in Schedule 1 of the Criminal Procedure Act, No 51 of 1977 or any amendment or variations thereof from time to time, of which the employee has been convicted.

13. Confidentiality

The employee is required to keep confidential and not to disclose any of the school's, confidential documentation and information to any person other than to persons employed and/or authorised by the school and who are required to know such information for the purpose of their employment and/or association with the school, both during the continuance of her employment or thereafter.

The employee acknowledges that the aforesaid obligation shall remain in force indefinitely and notwithstanding termination of her contract for any reason whatsoever.

14. Agreement in respect of claims

No compensation shall be payable by the school to any employee or her dependents in the following circumstances:

- if the death of the employee occurs or any injury is sustained by the employee in the course and scope of her employment or, if not in the course and scope of her employment, on any school premises or site;
- if any compensation is payable in consequence of the said events to the employee or her dependents from any statutory fund or other source.

This agreement and the legal relations between the parties under this agreement shall be determined in accordance with the laws of the Republic of South Africa.

15. Breach

It is recorded that any breach of any of the terms of this contract shall be considered to be a material breach of this agreement and could carry the penalty of termination of the employment of the employee.

16. Representations

Any representations made or information supplied or furnished by the employee to the school pursuant to the employee wishing to procure employment with the school is warranted by the employee to be true and correct.

17. Access

It is recorded that any right of access the employee has to any premises of the school is dependent upon the employee actually rendering performance and actually fulfilling her duties with the school in terms of this employment contract or any rules of the school applicable from time to time. Should any employee, for any reason whatsoever, not render actual performance or fulfill actual duties as aforesaid, the school shall be entitled to require the employee(s) concerned to immediately vacate the school premises.

18. General

Any latitude, extension of time or other indulgence which may be granted to the employee by the school or any failure by the school to enforce any of its rights under this agreement at any time shall not, under the circumstances, be deemed to be a waiver of any of the school's rights thereafter to enforce and compel strict compliance with the terms and conditions of this agreement.

This agreement shall constitute the entire contract between the parties who by their signatures hereby acknowledge that no representatives have been made or warranties given or conditions to stipulations attached to any of the matters referred to in this agreement, save as set out in this agreement. No variation of this agreement shall be of any force or effect unless recorded in writing and signed by or on behalf of the parties by their representatives, duly authorised thereto.

19. Domicilia and notices

The parties choose as their respective domicilia citandi et executandi for the intents and purposes of this agreement the addresses below, provided that either party may change her or its domicilium aforesaid to another address in the Republic of South Africa by written notice to the other party with effect from the date of receipt or deemed receipt of such notice.

The School: Grosvenor Girls' High School
20 Zinto Cele Road
BLUFF
4052


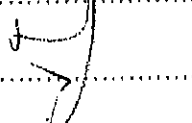
The employee: Mrs K Soomaroo
30 Eastwood Road
Centenary Park
Phoenix
4068

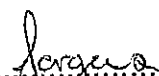
Any notice, acceptance, demand or other communication addressed by either party to this agreement to the other at the latter's domicilium in terms hereof for the time being and sent by prepaid registered post shall be deemed to be received by the addressee on the tenth day following the date of posting thereof. The provision shall not be construed as precluding the utilisation of other methods of delivery of notices, acceptances, demands and other communications.

20. Signatures

Thus done and signed at Durban on this the 13 day of JANUARY 2020
in the presence of the undersigned witnesses.


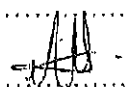
As witnesses:

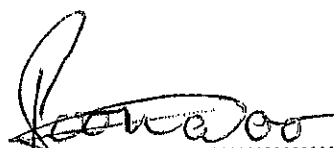
1. 
2. 


.....
For and on behalf of the school and duly
authorized to enter into this agreement.

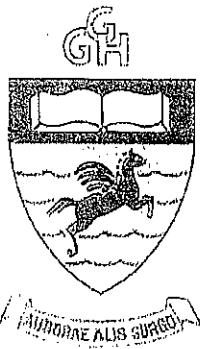
PRINCIPAL
.....
Designation

As witnesses:

1. 
2. 


.....
The employee

By your acceptance hereof, you agree to abide not only by the abovementioned terms and conditions of employment, but also by all school policies and procedural directives, which will be explained to you during your induction period. The employer's code of conduct is attached for your perusal and attention. The code is a guideline and does not constitute a fully comprehensive list of offences and corrective measures.



GROSVENOR GIRLS' HIGH SCHOOL

20 ZINTO CELE ROAD

BLUFF

DURBAN

4052

Website: www.grosvenorgirls.co.za

d6 School Communicator: www.school-communicator.com

PRIVATE BAG X04

BLUFF

4036

Telephone: +27 31 4673614

Facsimile: +27 31 4673685

E-mail: enquiries@gghs.co.za

ANNEXURE D

SALARY REMUNERATION	KAVITA SOOMAROO
Basic Salary	R10 000.00
TOTAL MONTHLY REMUNERATION	R10 000.00

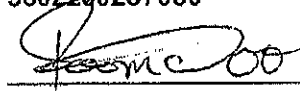
NAME:

KAVITA SOOMAROO

IDENTITY NUMBER:

5602280237080

SIGNATURE:



DATE:

13-01-2020



GROSVENOR GIRLS' HIGH

20 ZINTO CBE ROAD
BLUFF
DURBAN
4052

Website: www.grosvengirls.co.za

d6.School-Communicator: www.school-communicator.com

PRIVATE
BLUFF
SUN
Telephone
Fax
Email

BUDGET ITEM	DATE	REF
Admin Salaries	20/1/22	3700/04

CREDITOR	

EMPLOYEE	K. Soomaroo		
AMOUNT	R 10,000 - 00		
PAID BY	BURSAR	<input checked="" type="checkbox"/>	OTHER
DATE	20/1/22		

AUTHORISED BY

PRINCIPAL	NAME	SIGNATURE	DATE
	Linda May Jorgensen	<i>[Signature]</i>	20/1/22
BURSAR	NAME	SIGNATURE	DATE
	JM GEK 2 E	<i>[Signature]</i>	20/1/22
TREASURER	NAME	SIGNATURE	DATE



1 payments



Save as group

From: CURRENT - 1308067194



K SOOMAROO R10 000.00
FNB SOUTH
AFRICA -
62045400223
My recipient

Download proof of payment(s)

Go to overview

Make another payment



Overview



Cards



Transact



Recipients



More

KAVITA SOOMAROO

0732104894

Kay.smro@gmail.com

INVOICE

INVOICE #	DATE
[012/2021]	15/01/2022

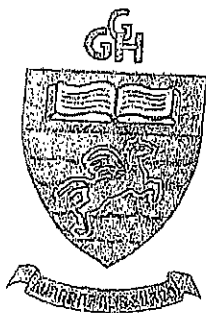
BILL TO

GROSVENOR GIRLS HIGH SCHOOL

20 ZINTO CELE ROAD, BLUFF

DESCRIPTION	AMOUNT
Reception and Administration	10 000.00
K Soomaroo First National Bank Acc No: 62045400223 Acb: 220629	
Thank you for your business!	TOTAL R10 000-00

If you have any questions about this invoice, please contact
[kavita soomaroo, 0732104894]



GROSVENOR GIRLS' HIGH SCHOOL

20 BIDEFORD ROAD
BLUFF
DURBAN
4052

Website: www.grosvenorgirls.co.za
d6 School Communicator: www.school-communicator.com

PRIVATE BAG X04
BLUFF
4036

Telephone +27 31 4673614
Facsimile +27 31 4673685
E-mail: enquiries@gghs.co.za

BUDGET ITEM	DATE	REFERENCE
Admin Salaries	23/3/22	3700/040

CREDITOR			

EMPLOYEE	K Soomaroo		
AMOUNT	R10,000 - 00		
PAID BY	BURSAR	X	OTHER
DATE	23/3/22		
AUTHORISED BY			
PRINCIPAL	NAME	SIGNATURE	DATE
BURSAR	NAME	SIGNATURE	DATE
	Jm GEC 12 E	Jm GEC 12 E	23/3/22
TREASURER	NAME	SIGNATURE	DATE



1 payments



Save as group

From: CURRENT - 1308067194



K SOOMAROO R10 000.00
FNB SOUTH
AFRICA -
62045400223
My recipient

② Proof of payment

② Record of payment

Go to overview

Make another payment



Overview



Cards



Transact



Recipients



More

KAVITA SOOMAROO

0732104894

Kay.smro@gmail.com

INVOICE

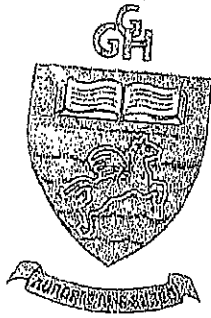
INVOICE #	DATE
[012/2021]	15/03/2022

BILL TO

GROSVENOR GIRLS HIGH SCHOOL
20 ZINTO CELE ROAD, BLUFF

DESCRIPTION	AMOUNT
Reception and Administration	10 000.00
K Soomaroo First National Bank Acc No: 62045400223 Acb: 220629	
Thank you for your business!	TOTAL R10 000-00

If you have any questions about this invoice, please contact
[kavita soomaroo, 0732104894]



GROSVENOR GIRLS' HIGH SCHOOL

20 BIDEFORD ROAD
BLUFF
DURBAN
4052

Website: www.grosvenorgirls.co.za
d6 School Communicator: www.school-communicator.com

PRIVATE BAG X04
BLUFF
4036
Telephone +27 31 4673614
Facsimile +27 31 4673685
E-mail: enquiries@gghs.co.za

BUDGET ITEM	DATE	REFERENCE
Admin Salaries	21/4/22	3700/040

CREDITOR			

EMPLOYEE	K. Somaroo		
AMOUNT	R10,000-00		
PAID BY	BURSAR	<input checked="" type="checkbox"/> X.	OTHER
DATE	21/4/22		
AUTHORISED BY			
PRINCIPAL	NAME	SIGNATURE	DATE
BURSAR	NAME	SIGNATURE	DATE
	Jm GERTZ		21/4/22
TREASURER	NAME	SIGNATURE	DATE



1 payments




Save as group

From: CURRENT - 1308067194



K SOOMAROO R10 000.00
FNB SOUTH
AFRICA -
62045400223
My recipient

 **Proof of payment**

 **Record of payment**

Go to overview

Make another payment



Overview



Cards



Transact



Recipients



More

KAVITA SOOMAROO

0732104894

Kay.smro@gmail.com

INVOICE

INVOICE #	DATE
[012/2021]	15/04/2022

BILL TO

GROSVENOR GIRLS HIGH SCHOOL

20 ZINTO CELE ROAD, BLUFF

DESCRIPTION	AMOUNT
Reception and Administration	10 000.00
K Soomaroo First National Bank Acc No: 62045400223 Acb: 220629	
Thank you for your business!	TOTAL R10 000-00

If you have any questions about this invoice, please contact
[kavita soomaroo, 0732104894]

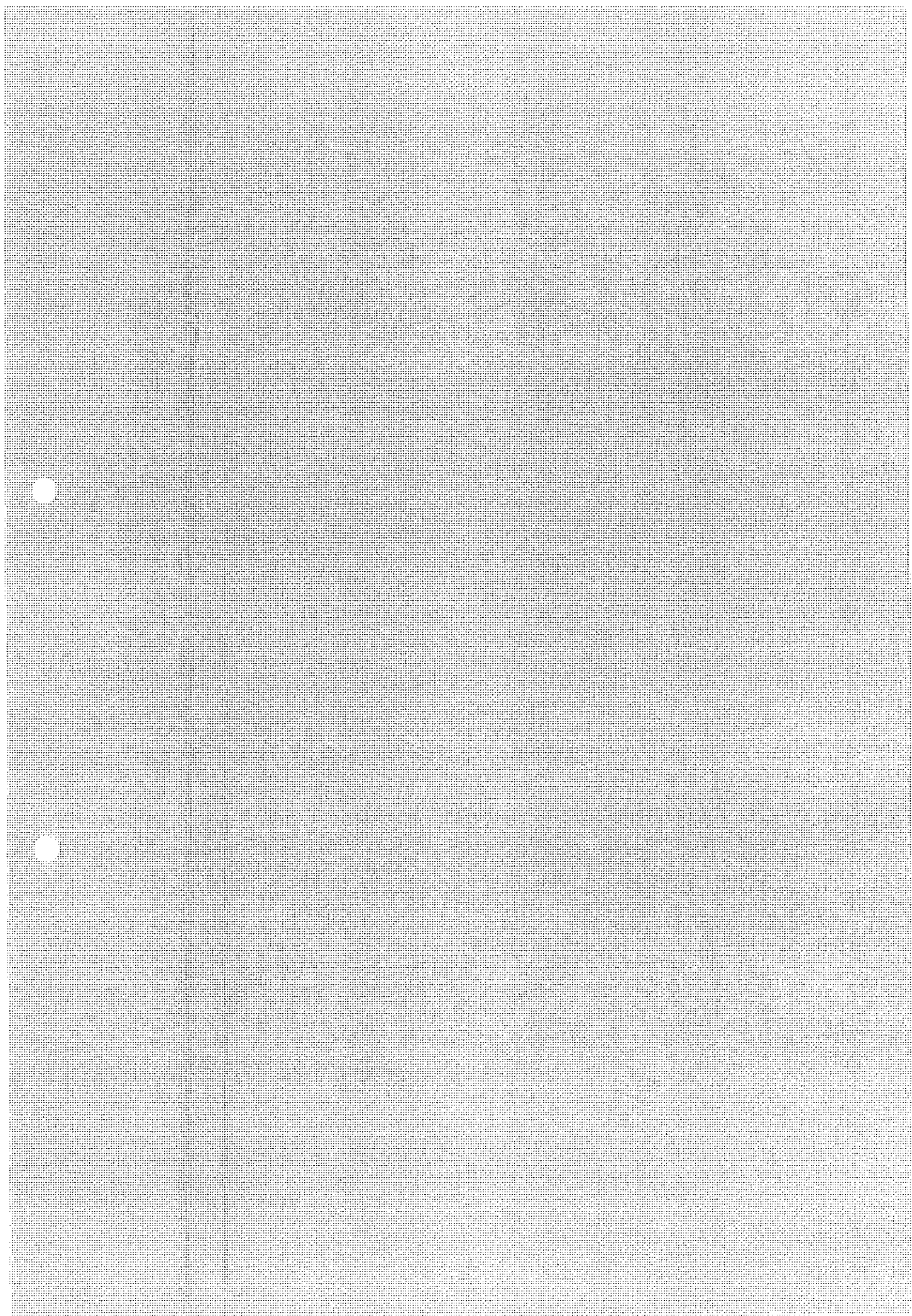


Exhibit 09

EDUCATOR INFORMATION REQUIRED FOR FRONT OFFICE - URGENT
PLEASE CHECK AND COMPLETE THIS FORM ASAP - RETURN TO MRS SULLIVAN ROOM 112

TITLE	Miss	INITIALS	P	SURNAME	PATHER	(PP)
FIRST NAMES	Pavan.					
MARITAL STATUS	Single	MAIDEN NAME				
DATE OF BIRTH	31-03-1993	ID NUMBER - Or Passport No if no ID No available.				9306310094085
GENDER	Female	RACE	Indian	HOME LANGUAGE	English	RELIGION
						Hindu
HOME TELEPHONE	031 563 9864			CELL NO.	0734500 736	
EMAIL	Pavan.pather31@gmail.com			CAR REGISTRATION		
EMERGENCY CONTACT	Kumar - 031 569 2547			CELL NO.	0837834 865	
SACE REGISTRATION NO.				SACE REGISTRATION DATE		
PERSAL NO				RANK LEVEL		
POST LEVEL - Choose one of: Educator/HOD/Deputy Principal/Principal						
EMPLOYER - Choose one of: State or Governing Body						
BEGIN SERVICE DATE WITH DEPARTMENT						
BEGIN SCHOOL DATE						
CTT - Compulsory Temporary Transfer						
APPOINTMENT TYPE - Choose one of: Permanent/Temporary/Substitute						
YEARS EXPERIENCE				INSTRUCTION LANGUAGE	English	
REGISTER CLASS				REG. VENUE	TEACHING VENUE	
TAX NO	1723384184			UNION	UNION NO	
MEDICAL AID				MEDICAL AID NO.		
PENSION FUND				PENSION FUND NO.		
HOME ADDRESS	66 Duffy Crescent Albion					
POSTAL ADDRESS						
SOUTH AFRICA CITIZEN	YES OR NO	YES	OTHER CITIZENSHIP			
SPORTS HOUSE IE KC, AD OR MP - ask sports co-ordinator						
MANAGEMENT POSITION						
SKILLS						
WORK PERMIT/WORK PERMIT DATE/ WORK PERMIT NO.						
DISABILITY - Choose one of: sight, hearing, physical, multiple, epilepsy, other, none					None	
OTHER DISABILITY						
POSITION ACTUALLY EMPLOYED FOR - Choose one of: Principal, Deputy Principal, HOD, Educator, SNE Educator, Remedial Educator, Other						
ACTING POSITION - Choose one of: Principal, Deputy Principal, HOD, Educator, SNE Educator, Remedial Educator, Other						
EMPLOYMENT TIME - Choose one of: Full-Time/Part Time						
TEACHING LEVEL 1					Secondary	
QUALIFICATION - Choose one of: Professional Diploma/Certificate, Academic Degree, Professional Degree, Technical Diploma/Certificate						
NAME OF QUALIFICATION/S - ie BA HONS, HDE etc and NAME OF INSTITUTION/S where obtained					BSS, BSS Honors, 1st & 2nd	
REQV 10 (Matric, no training)				REQV 15 (Matric + *5 years training)		REQV 13
REQV 11 (Std 6,7,8,9 + *2 years training)				REQV 16 (Matric + *6 years training)		
REQV 12 (Matric + *2 years training)				REQV 17 (Matric + *7 years training)		
REQV 13 (Matric + *3 years BA, B Sc, etc)				Without Matric and no training at all		
REQV 14 (Matric + *4 years training)						
HIGHEST QUALIFICATION - tick one only				Professional Teaching Qualification		
				Post - Professional Teaching Qualification		
				First Academic Qualification		
				Post - Graduate Academic Qualification		
SUBJECTS ABLE TO TEACH			TEACHING EXPERIENCE - fill in below:			
START DATE	END DATE	YEARS	EMPLOYER		NAME OF SCHOOL	
July 2017	Aug 2017		ie State/GB/Private/Other/Both State & GB			
Aug 2017	Apr 2018	1.5 yrs	SGB		St Michael's Primary	
Apr 2018	Present	1.5 yrs	RIT		Strategic Skills Dev	
			RIT		MPC Corner	

New staff banking details

Account holder: Miss Pavani Pather

Bank: Nedbank

Account number: 115 212 64 58

Branch code: 135226

Type of account: Current Account

EDUCATOR INFORMATION REQUIRED FOR FRONT OFFICE - URGENT
PLEASE CHECK AND COMPLETE THIS FORM ASAP - RETURN TO MRS SULLIVAN ROOM 112

TITLE	Miss	INITIALS	P	SURNAME	Pather
FIRST NAMES	Pavani				
MARITAL STATUS	Single		MAIDEN NAME		
DATE OF BIRTH	31/05/1993	ID NUMBER - Or Passport No if no ID No available.		9305310094085	
GENDER	Female	RACE	Indian	HOME LANGUAGE	English
				RELIGION	Hindu
HOME TELEPHONE	031 563 9864			CELL NO.	073 4500 736
EMAIL	Pavani.Pather31@gmail.com			CAR REGISTRATION	/
EMERGENCY CONTACT	Kumar Pather			CELL NO.	083 7839 865
SACE REGISTRATION NO.				SACE REGISTRATION DATE	
PERSAL NO				RANK LEVEL	1
POST LEVEL - Choose one of: Educator/HOD/Deputy Principal/Principal				Educator	
EMPLOYER - Choose one of: State or Governing Body				Governing Body	
BEGIN SERVICE DATE WITH DEPARTMENT					
BEGIN SCHOOL DATE				13 January 2020	
CTT - Compulsory Temporary Transfer					
APPOINTMENT TYPE - Choose one of: Permanent/Temporary/Substitute				Permanent	
YEARS EXPERIENCE	1	INSTRUCTION LANGUAGE		English	
REGISTER CLASS	8PP	REG. VENUE	2127	TEACHING VENUE	2127
TAX NO		UNION		UNION NO	/
MEDICAL AID	Gems		MEDICAL AID NO.	000332021	
PENSION FUND	/		PENSION FUND NO.	/	
HOME ADDRESS	66 Duffy Crescent Avoca				
POSTAL ADDRESS	PO Box 4051				
SOUTH AFRICA CITIZEN	YES OR NO	YES	OTHER CITIZENSHIP		
SPORTS HOUSE IE KC, AD OR MP - ask sports co-ordinator					
MANAGEMENT POSITION					
SKILLS					
WORK PERMIT/WORK PERMIT DATE/ WORK PERMIT NO.					
DISABILITY - Choose one of: sight, hearing, physical, multiple, epilepsy, other, none				None	
OTHER DISABILITY					
POSITION ACTUALLY EMPLOYED FOR - Choose one of: Principal, Deputy Principal, HOD, Educator, SNE Educator, Remedial Educator, Other				Educator	
ACTING POSITION - Choose one of: Principal, Deputy Principal, HOD, Educator, SNE Educator, Remedial Educator, Other					
EMPLOYMENT TIME - Choose one of: Full-Time/Part Time				Full Time	
TEACHING LEVEL 1				Secondary	
QUALIFICATION - Choose one of: Professional Diploma/Certificate, Academic Degree, Professional Degree, Technical Diploma/Certificate				Professional Degree	
NAME OF QUALIFICATION/S - ie BA HONS, HDE etc and NAME OF INSTITUTION/S where obtained				BSS - ULEN / PGCE - Embury	
REQV 10 (Matric, no training)		REQV 15 (Matric + *5 years training)		REQV	
REQV 11 (Std 6,7,8,9 + *2 years training)		REQV 16 (Matric + *6 years training)			
REQV 12 (Matric + *2 years training)		REQV 17 (Matric + *7 years training)			
REQV 13 (Matric + *3 years BA, B Sc, etc)		Without Matric and no training at all		15	
REQV 14 (Matric + *4 years training)					
HIGHEST QUALIFICATION - tick one only		Professional Teaching Qualification			
		Post - Professional Teaching Qualification			
		First Academic Qualification			
		Post - Graduate Academic Qualification			
SUBJECTS ABLE TO TEACH		TEACHING EXPERIENCE - fill in below:			
START DATE	END DATE	YEARS	EMPLOYER	NAME OF SCHOOL	
			ie State/GB/Private/Other/Both State & GB		



GROSVENOR GIRLS' HIGH SCHOOL

20 ZINTO CELE ROAD
BLUFF
DURBAN
4052

Website: www.grosvenorgirls.co.za
d6 School Communicator: www.school-communicator.com

PRIVATE BAG X04
BLUFF
4036

Telephone: +27 31 4673614
Facsimile: +27 31 4673685
E-mail: enquiries@gghs.co.za

Details of Educator Employment contract entered into

between

GROSVENOR GIRLS' HIGH SCHOOL

(hereinafter referred to as 'the School')

and who is duly represented by the Governing Body established in terms of the SA Schools Act
(Act 84 of 1996)

and

PAVANI PATHER

Identity Number: 9305310094985

(hereinafter referred to as 'the employee')

The School's Governing Body, duly represented by its Chairperson or vice, Principal or vice (as the case may be) and the employee agrees as follows on the under mentioned employment terms:

1 Nature of employment and probationary period

The school shall employ the employee and the employee shall serve the school in the capacity of **Educator** and will report to the School Principal.

It is recorded that the employee's starting date of employment with the school is 1 February 2021.

The employee's employment is subject to a probationary period of 3 (three) months, during which time her work performance will be monitored with a view to assessing the employee's suitability for the position, where after it will be confirmed as a permanent appointment.

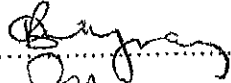
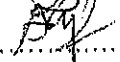
The school shall issue the employee with a suitable Job Description setting out the key duties of the employee and not only will the employee serve the school in the capacity as aforesaid, or in any such other capacity of a like status as the school may require from time to time but it is also specifically noted that in addition to the teaching duties the employee is expected to participate fully in the life of the school, which includes tutoring, social duties and activities outside the classroom in sport, cultural activities and service projects.

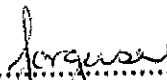
R.P.A.

21 Signatures

Thus done and signed at Durban on this the11.... day ofFebruary..... 2021
in the presence of the undersigned witnesses.

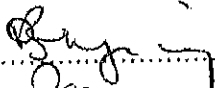

As witnesses:


1. 
2. 


For and on behalf of the school and duly
authorized to enter into this agreement.

.....PRINCIPAL.....
Designation

As witnesses:

1. 
2. 


The employee

By your acceptance hereof, you agree to abide not only by the abovementioned terms and conditions of employment, but also by all school policies and procedural directives, which will be explained to you during your induction period. The employer's code of conduct is attached for your perusal and attention. The code is a guideline and does not constitute a fully comprehensive list of offences and corrective measures.



GROSVENOR GIRLS' HIGH SCHOOL

20 ZINTO CELE ROAD
BLUFF
DURBAN
4052
Website: www.grosvenorgirls.co.za
d6 School Communicator: www.school-communicator.com

PRIVATE BAG X04
BLUFF
4036
Telephone: +27 31 4673614
Facsimile: +27 31 4673685
E-mail: enquiries@gghs.co.za

ANNEXURE A

SALARY REMUNERATION	PAVANI PATHER
Basic Salary	R19 285,00
Monthly Subsidy	800,00
TOTAL MONTHLY REMUNERATION	R20 085,00


NAME:

PAVANI PATHER

IDENTITY NUMBER:

9305310094085

SIGNATURE:



DATE:

11/02/21



GROSVENOR GIRLS' HIGH SCHOOL

20 BIDEFORD ROAD

BLUFF

DURBAN

4052

Website: www.grosvenorgirls.co.za

d6 School Communicator: www.school-communicator.com

PRIVATE BAG X04

BLUFF

4036

Telephone +27 31 4673614

Facsimile +27 31 4673685

E-mail: enquiries@gghs.co.za

JOB DESCRIPTION

1. TEACHER

Full Name	Pavani Parther
Persal Number	/
Job Title	Educator - SGB
Post Level	One (1)
Quintile of School	5
Name of School	Grosvenor Girls' High School
Circuit	Durban Central
District	Umlazi
Reports to	Mrs L M Jorgensen
Date Job Description discussed and finalised	01/02/21

2. THE AIM OF THE JOB

To engage in class teaching, including the academic, administrative, educational and disciplinary aspects and to organise extra and co-curricular activities so as to ensure that the education of the learners is promoted in a proper manner.

3. CORE DUTIES AND RESPONSIBILITIES OF THE JOB

The duties and responsibilities of the post are individual and varied, depending on the approaches and needs of a particular school, and include, but are not limited to, the following:

3.1 Teaching

- 3.1.1 To engage in class teaching which will foster a purposeful progression in learning and which is consistent with the learning areas and programmes of subjects and grades as determined.
- 3.1.2 To be a class teacher.
- 3.1.3 To prepare lessons taking into account orientation, regional courses, new approaches, techniques, evaluation, aids, etc. in their field.
- 3.1.4 To take on a leadership role in respect of the subject, learning area or phase, if required.
- 3.1.5 To plan, co-ordinate, control, administer, evaluate and report on learners' academic progress.
- 3.1.6 To recognise that learning is an active process and to be prepared to use a variety of strategies to meet the outcomes of the curriculum.
- 3.1.7 To establish a classroom environment which stimulates positive learning and actively engages learners in the learning process.
- 3.1.8 To consider and utilise the learners' own experiences as a fundamental and valuable resource.

3.2 Extra & co-curricular

- 3.2.1 To assist the departmental head to identify aspects which require special attention and to assist in addressing them.
- 3.2.2 To cater for the educational and general welfare of all learners in his/her care.
- 3.2.3 To assist the Principal in overseeing learner counselling and guidance, careers, discipline and the general welfare of all learners.

3.3 Administrative

- 3.3.1 To co-ordinate and control all the academic activities of each subject taught.
- 3.3.2 To control and co-ordinate stock and equipment which is used and required.
- 3.3.3 To perform or assist with one or more of other non-teaching administrative duties such as:
 - 3.3.3.1 Secretary to general staff meeting and/or others.
 - 3.3.3.2 Fire drill and first aid.
 - 3.3.3.3 Timetabling.
 - 3.3.3.4 Collection of fees and other monies.
 - 3.3.3.5 Staff welfare.
 - 3.3.3.6 Accidents.

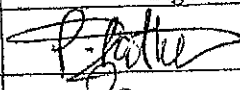
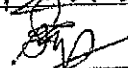
3.4 Interaction with stakeholders

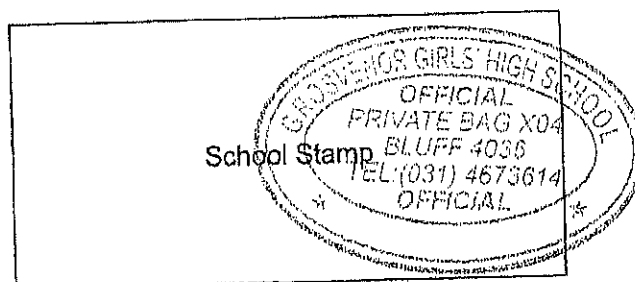
- 3.4.1 To participate in agreed school/educator appraisal processes in order to regularly review their professional practice with the aim of improving teaching, learning and management.
- 3.4.2 To contribute to the professional development of colleagues by sharing knowledge, ideas and resources.
- 3.4.3 To remain informed of current developments in educational thinking and curriculum development.
- 3.4.4 To participate in the school's governing body if elected to do so.

3.5 Communication

- 3.5.1 To co-operate with colleagues of all grades in order to maintain a good teaching standard and progress among learners and to foster administrative efficiency within the school.
- 3.5.2 To collaborate with educators of other schools in organising and conducting extra and co-curricular activities.
- 3.5.3 To meet parents and discuss with them the conduct and progress of their children.
- 3.5.4 To participate in departmental committees, seminars and courses in order to contribute to and/or update one's professional views/standards.
- 3.5.5 To maintain contact with sporting, social, cultural and community organisations.
- 3.5.6 To have contact with the public on behalf of the Principal.

SIGNATURES

Name	Designation	Signature	Date
P. Pathe	Teacher		01/02/21
R. Singh	Departmental Head		01/02/21



CURRICULUM VITAE OF PAVANI PATHER

Temporary contract
£1 month for
English

locum until I can
find a suitable person

Personal Information

Name:	Pavani
Surname:	Pather
Race:	Indian
Gender:	Female
Nationality:	South African
Marital Status:	Single
Age:	27
Date of Birth:	31/05/1993
Identity number:	9305310094085
Cell Number:	073 4500 736
Email:	Pavani.pather31@gmail.com
Location:	South Africa
Home Language:	English
Criminal Record:	Clear

Education and Qualifications

Tertiary Education

University:	University of KwaZulu-Natal (UKZN)
Qualification:	Bachelor of Social Science
Majors:	Criminology, Industrial Psychology, Psychology
Duration:	2012 – 2015
Graduated:	12 th April 2016

University:	University of KwaZulu-Natal (UKZN)
Qualification:	Bachelor of Social Science (Honours)
Majors:	Criminology
Duration:	February 2016 – November 2016
Graduated:	10 th April 2017

University: Stadio School of Education (Embury)
Qualification: Post Graduate Certificate In Education (PGCE)
Majors: Life Orientation
Duration: July 2020 – November 2021
Graduated:

Work Experience

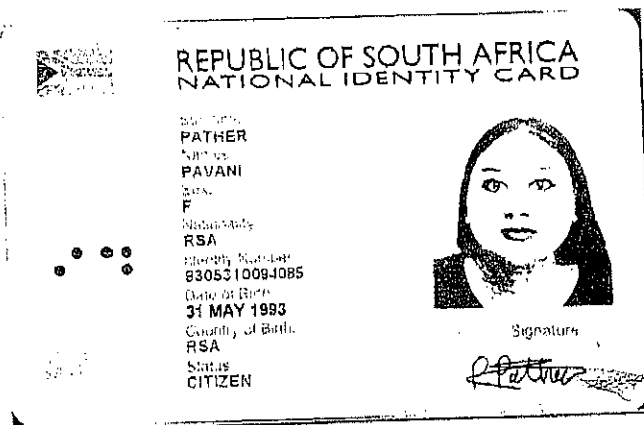
Place: St Micheals Primary School
Position: Grade 7 English Substitute Teacher
Duration: 25th July 2017 – 16th August 2017
Reference: Mr H.P Harricharan – 083 415 3661

Place: Strategic Skills Development Specialists
Position: - English and Math Tutor
Duration: August 2017 – April 2018

Place: MPC Connect (Tutor ABC)
Position: English Language Consultant
Duration: April 2018 – Present

Place: GGHS
Position: English and Life Orientation Teacher
Duration: January 2020 – Present

Curriculum Vitae (Pavani Pather)





UNIVERSITY OFTM
KWAZULU-NATAL
INYUVESI
YAKWAZULU-NATALI

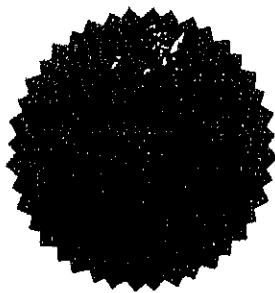
This is to certify that

Pavani Pather

was admitted this day
at a congregation of the University
to the degree of

Bachelor of Social Science

having satisfied the conditions prescribed for the degree



AS van Jaarsveld
Vice-Chancellor

SS Mkhomo
Registrar

NJ Mkhize
Dean



212521925

12 April 2016

LIV PROTECTED



6125



UNIVERSITY OF
KWAZULU-NATALTM
INYUVESI
YAKWAZULU-NATALI

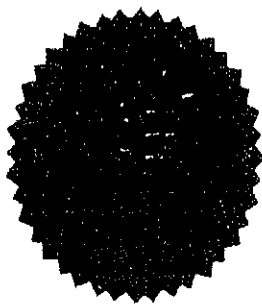
This is to certify that

Pavani Pather

was admitted this day
at a congregation of the University
to the degree of

Bachelor of Social Science Honours
(Criminology)

having satisfied the conditions prescribed for the degree



W. van Jaarsveld
Vice-Chancellor

S. Mokoena
Registrar

N. Mkhina
Dean



10 April 2017

UN PROTECTED





Results Notification

Student Name: Pather, Pavani National ID: 9305310094085
Student Number: 205993

Postgraduate Certificate in Education in Senior Phase and Further Education and Training [Distance]

2020 - Year 1 - Semester 1

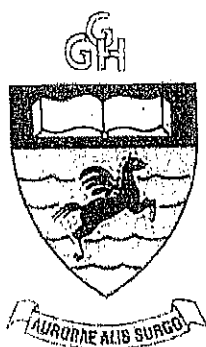
Module	Code	Credits	DP %	Exam %	Final %	Result
Education Studies 1	EDSA702	24	-	-	73	P
Education Studies 2	EDSB702	24	-	-	76	P/D
Language Conversational Sign Language	LCSL402	12	-	-	72	P

Symbols & Explanations

F (Fail) • P (Pass) • P/D (Pass with distinction) • F - DP (Fail, DP Not Achieved) • DP (Exam Access Granted) • F - E (Fail, Exam subminimum not met) • S (Supplementary Exam) • Cr (Credited) • W (Withdrawn)

2021/01/25


Prof. P. Bean Academic Dean



GROSVENOR GIRLS' HIGH SCHOOL

20 ZINTO CELE ROAD

BLUFF

DURBAN

4052

Website: www.grosvenorgirls.co.za

d6 School Communicator: www.school-communicator.com

PRIVATE BAG X04

BLUFF

4036

Telephone: +27 31 4673614

Facsimile: +27 31 4673685

E-mail: enquiries@gghs.co.za

ANNEXURE A

SALARY REMUNERATION	PAVANI PATHER
Basic Salary	R _____
TOTAL MONTHLY REMUNERATION	R _____

NAME:

PAVANI PATHER

IDENTITY NUMBER:

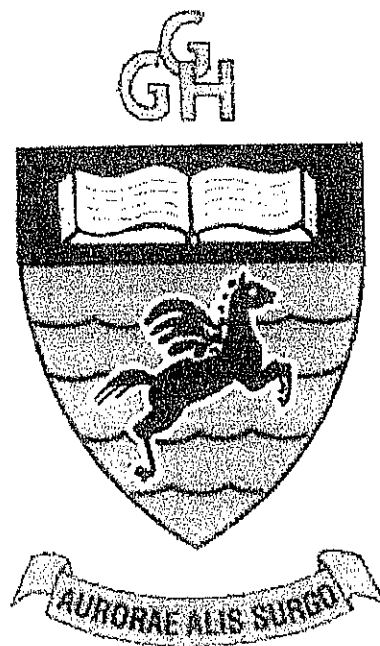
9305310094085

SIGNATURE:



DATE:

16/01/2020



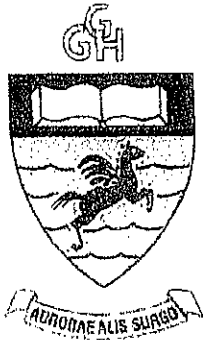
Educator Employment Contract

between

GROSVENOR GIRLS' HIGH SCHOOL

and

PAVANI PATHER



GROSVENOR GIRLS' HIGH SCHOOL

20 ZINTO CELE ROAD
BLUFF
DURBAN
4052
Website: www.grosvenorgirls.co.za
d6 School Communicator: www.school-communicator.com

PRIVATE BAG X04
BLUFF
4036
Telephone: +27 31 4673614
Facsimile: +27 31 4673685
E-mail: enquiries@gghs.co.za

Details of Temporary Educator Employment contract entered into

between

GROSVENOR GIRLS' HIGH SCHOOL

(hereinafter referred to as 'the School')

and who is duly represented by the Governing Body established in terms of the SA Schools Act
(Act 84 of 1996)

and

Pavani Pather

Identity Number: 9305310094085

(hereinafter referred to as 'the employee')

The School's Governing Body, duly represented by its Chairperson or vice, Principal or vice (as the case may be) and the employee agrees as follows on the under mentioned employment terms:

1 Nature of employment

The school shall employ the employee and the employee shall serve the school in the capacity of **Educator** and will report to the School Principal.

It is recorded that the employee's starting date of temporary employment with the school is 13 January 2020 and is for a period of approximately one month.

The school shall issue the employee with a suitable Job Description setting out the key duties of the employee and not only will the employee serve the school in the capacity as aforesaid, or in any such other capacity of a like status as the school may require from time to time but it is also specifically noted that in addition to the teaching duties the employee is expected to participate fully in the life of the school, which includes tutoring, social duties and activities outside the classroom in sport, cultural activities and service projects.

The employee agrees to obey all lawful and reasonable orders and to perform such work as she is directed to perform that falls within the employee's vocational ability, regardless of whether or not such work falls within the scope of the post to which the employee was originally appointed and to perform such work for the school as directed. The school shall also be entitled to transfer the employee to any other operation of the school, in any such other capacity of a like status.

2 Remuneration

The employee's remuneration with the school shall be per month, payable in arrears into the bank account of the employee, which details the employee will supply. All statutory deductions, SITE and/or PAYE, UIF, as well as any monies due to the school by the employee, will be deducted from the employee's salary.

3 Annual Bonus – Not Applicable

4 Social Benefit Funds subsidy – Not Applicable

5 Working hours and Extra Mural activities

The school's standard hours of work are from:

07.30 to 14.40 on all weekdays, Monday to Friday and meal breaks are as per the respective timetables in operation at the time.

In accordance with IQMS requirements, the employee is required to work time outside of these hours to assist in and attend to extra mural activities so directed by the school.

6 Leave

The employee's annual leave is determined and aligned with the annual school holiday calendar, during which time the employee will automatically be on leave unless otherwise directed by the school.

Any leave outside school holidays is subject to the approval of the School Principal and a leave application form must be completed and handed in timeously in order that the application may be considered.

7 Family responsibility leave - Not Applicable

8 Sick leave

The employee shall notify the school as soon as possible, but not later than the end of the first day absent, if she is absent from work for reasons of illness or any other reason whatsoever. The employee shall provide the school with a medical certificate of a registered medical practitioner when her absence from work extends for more than 2 (two) calendar days.

This agreement further serves as consent to the school by the employee, for the school to obtain, peruse or make inquiries into any medical reports, consultation notes or any other documentation, with any of the employee's medical practitioners, in any way relating to the said medical certificate presented by the employee to the school.

The school views the abuse of sick leave in a very serious light and such misconduct makes the employee liable for appropriate disciplinary action.

9 Maternity leave – Not Applicable

10 Employee's duties and responsibilities

As an employee of the school, the employee shall:

- perform all such duties and exercise all such powers in relation to the business of the school as may from time to time be vested in or assigned to her by the school;
- comply with all directives from time to time given to her by the school and with all rules and regulations from time to time laid down by the school. The employee must at all times comply with the code of conduct established by the SA Council of Educators and must not engage in any act or omission defined as misconduct in terms of the relevant sections of the Educators' Employment Act No 76 of 1998 and any other provisions applicable at the time. Copies of these documents are made available to all staff and in addition to this a copy of the school's Disciplinary Code and Grievance Procedure is attached herewith and the employee is requested to familiarize herself with the content thereof;
- devote the whole of her time, attention and abilities during business hours to the discharge of her duties under her agreement and abide by bone fide work practices in her relationship with the school and its learners;
- use her best endeavours properly to conduct, improve, extend, develop, promote, protect and preserve the reputation and goodwill of the school and carry out her duties in a proper, loyal, professional and efficient manner;
- not incite or attempt to induce any other employee of the school to partake in any form of industrial or collective action considered by common law or legislation applicable from time to time to be prohibited, unfair or unlawful. Employees record that they commit themselves to industrial peace in the school's business;
- be prepared to subject herself to searches or any other investigations carried out by the school from time to time, in respect of issues relating to safety, security, discipline and loss control;
- as part of staff development will undergo or attend any training or other courses the school in its sole discretion may require the employee to undergo or attend from time to time. The school shall be liable for the costs and expenses of such training courses;
- undergo any medical or other examination required by the school from time to time, in circumstances where the school wishes to ascertain the state of mental or physical health of the employee;
- not be entitled to be directly or indirectly employed by any other person or business concern whatsoever without the knowledge and prior written consent of the school.

11 Material Condition

It is a material condition of this employment contract that:

- The employee is required to be registered as an educator with the SA Council of Educators as is required in terms of section 20 (7) of the School's Act No 84 of 1996;
- This requirement is a condition precedent for this employment agreement to be operative and binding, and also one prior, to the employee commencing work with the school;
- Notwithstanding this agreement being of indefinite duration, in the event of the employee's name being struck off the register of educators kept by the council, this employment agreement will terminate and shall be of no force and effect, with effect from the date following immediately upon the day on which the employee's name was struck off;
- Although the employee is not employed by the Department of Education the employee is obliged to comply with the regulations and conditions laid down by said department with regard to professional conduct. Further the Superintendents of Education may be involved in the employee's professional appraisal and development.

12 Termination of employment

The employee's employment with the school may be terminated by her or by the school upon giving 30 (thirty) days' notice to the party concerned and it is specifically noted that an employee cannot serve notice during their leave period or take leave during their notice period.

This clause however does not in any way prejudice or affect the rights of the school to terminate the employment of the employee without any notice, where such manner of termination is justified for serious misconduct by the provisions of common law and the rules of the school applicable from time to time or as per relevant labour law.

It is also specifically recorded that this employment contract will immediately cease in the month that the employee reaches the retirement age of 65.

13 Disclosure

The employee is required to disclose and declare all outside or other interests which are, or may potentially be, in conflict with the interests of the school. The school may require the employee to refrain from such activities, which request she is obliged to observe.

The employee is further obliged to disclose forthwith to the school any of the following:

- any mental health or any medical deficiencies, conditions or any such circumstances which could detrimentally affect or in any way influence the employee's employment or the fulfillment thereof with the school, as soon as the employee becomes aware of the same;
- any criminal offence specified in Schedule 1 of the Criminal Procedure Act, No 51 of 1977 or any amendment or variations thereof from time to time, of which the employee has been convicted.

14 Confidentiality

The employee is required to keep confidential and not to disclose any of the school's, confidential documentation and information to any person other than to persons employed and/or authorised by the school and who are required to know such information for the purpose of their employment and/or association with the school, both during the continuance of her employment or thereafter.

The employee acknowledges that the aforesaid obligation shall remain in force indefinitely and notwithstanding termination of her contract for any reason whatsoever.

15 Agreement in respect of claims

No compensation shall be payable by the school to any employee or her dependents in the following circumstances:

- if the death of the employee occurs or any injury is sustained by the employee in the course and scope of her employment or, if not in the course and scope of her employment, on any school premises or site;
- if any compensation is payable in consequence of the said events to the employee or her dependents from any statutory fund or other source.

This agreement and the legal relations between the parties under this agreement shall be determined in accordance with the laws of the Republic of South Africa.

16 Breach

It is recorded that any breach of any of the terms of this contract shall be considered to be a material breach of this agreement and could carry the penalty of termination of the employment of the employee.

17 Representations

Any representations made or information supplied or furnished by the employee to the school pursuant to the employee wishing to procure employment with the school is warranted by the employee to be true and correct.

18 Access

It is recorded that any right of access the employee has to any premises of the school is dependent upon the employee actually rendering performance and actually fulfilling her duties with the school in terms of this employment contract or any rules of the school applicable from time to time. Should any employee, for any reason whatsoever, not render actual performance or fulfill actual duties as aforesaid, the school shall be entitled to require the employee(s) concerned to immediately vacate the school premises.

19 General

Any latitude, extension of time or other indulgence which may be granted to the employee by the school or any failure by the school to enforce any of its rights under this agreement at any time shall not, under the circumstances, be deemed to be a waiver of any of the school's rights thereafter to enforce and compel strict compliance with the terms and conditions of this agreement.

This agreement shall constitute the entire contract between the parties who by their signatures hereby acknowledge that no representatives have been made or warranties given or conditions to stipulations attached to any of the matters referred to in this agreement, save as set out in this agreement. No variation of this agreement shall be of any force or effect unless recorded in writing and signed by or on behalf of the parties by their representatives, duly authorised thereto.

20 Domicilia and notices

The parties choose as their respective domicilia citandi et executandi for the intents and purposes of this agreement the addresses below, provided that either party may change her or its domicilium aforesaid to another address in the Republic of South Africa by written notice to the other party with effect from the date of receipt or deemed receipt of such notice.

The School: Grosvenor Girls' High School
20 Zinto Cele Road
BLUFF
4052

The Employee: Miss P Pather
bb Duffy Crescent
Avoca

Any notice, acceptance, demand or other communication addressed by either party to this agreement to the other at the latter's domicile in terms hereof for the time being and sent by prepaid registered post shall be deemed to be received by the addressee on the tenth day following the date of posting thereof. The provision shall not be construed as precluding the utilisation of other methods of delivery of notices, acceptances, demands and other communications.

21 Signatures

Thus done and signed at Durban on this the 16 day of January 2020
in the presence of the undersigned witnesses.

As witnesses:

1. [Signature]
2.

.....
**For and on behalf of the school and duly
authorized to enter into this agreement.**

.....
Designation

As witnesses:

1.
2.

.....
The employee

By your acceptance hereof, you agree to abide not only by the abovementioned terms and conditions of employment, but also by all school policies and procedural directives, which will be explained to you during your induction period. The employer's code of conduct is attached for your perusal and attention. The code is a guideline and does not constitute a fully comprehensive list of offences and corrective measures.

ANNEXURE A

Grievance procedure for employees.

- 1 **Work-related grievances.** This grievance procedure will be used in respect of work-related grievances which an employee may have or which a group of employees may have, with the proviso that the grievance procedure will not be used for any matter that arises out of the application of the disciplinary procedure.
- 2 **Application.** This grievance procedure forms an integral part of the contract of employment and is consistently applied.
- 3 **Level of grievance resolution.** Grievances should be settled without delay at the lowest possible level.
- 4 **Time limits.** Notwithstanding any time limits laid down herein, the parties may deal with any grievance before the expiry of the time laid down.
- 5 **Assistance.** An employee may be assisted by a fellow employee or Union Representative at any stage of the grievance procedure.
- 6 **Raising the grievance.** The employee must raise the grievance within 5 (FIVE) working days after the grievance came to her notice. She will not be entitled to pursue the matter after the expiry of this period.
- 7 **Victimization forbidden.** No employee will be punished or victimized or have disciplinary action instituted against her in consequence of having raised a grievance.
- 8 **Steps in the grievance process.**
 - 8.1 **Step 1: Informal complaint.**
 - 8.1.1 The employee may discuss the grievance with her immediate superior, with the proviso that if the employee wants to complain about her immediate superior, she may approach the next higher level of supervision or management directly.
 - 8.1.2 If the grievance is resolved at this level, the corrective action agreed to by the employee will be implemented.
 - 8.1.3 If the dispute cannot be resolved at this level, the matter will be referred to the next higher level of supervision or management.
 - 8.2 **Step 2: Formal complaint.**
 - 8.2.1 If the grievance has not been resolved as envisaged in Step 1 within 3 (THREE) working days from the day when it was first raised, the employee is entitled to raise a formal complaint. The employee must submit a signed written letter of complaint to the Principal. The letter must show why the grievance was not resolved at the first level. The letter must also be signed by the employee's immediate superior.
 - 8.2.2 The Principal will record on the letter the date and time when the letter was delivered to her. The Principal will attempt to resolve the grievance within 3 (THREE) working days of having received the letter.
 - 8.2.2.1 If the grievance is resolved, details of the solution will be recorded on the letter and both the Principal and the employee will sign and date the letter to indicate that the solution has been accepted.
 - 8.2.2.2 If the grievance has not been resolved on this level within 3 (THREE) working days and if the parties decide that no useful purpose will be served by continuing to try and resolve the grievance at this level, the Principal will record the reasons for the failure to resolve the grievance on the letter. The Principal and the employee will subsequently both sign the letter; and the employee may refer the matter to step 3.
 - 8.3 **Step 3: Grievance referred to the Chairperson of the School Governing Body.**
 - 8.3.1 If the employee so requests, the letter of complaint will be submitted to the Chairperson of the Governing Body for attention.
 - 8.3.2 The Chairperson of the Governing Body will within 3 (THREE) working days of receipt of the letter of complaint, appoint a grievance committee consisting of not more than 3 (THREE) persons. One of the members will be designated the chairperson.
 - 8.3.3 The chairperson will within 3 (THREE) working days of the appointment of the committee convene a meeting with the complainant and her Union Representative.
 - 8.3.4 If the grievance is resolved at this level, details of the solution will be recorded and signed and dated by the chairperson, the employee and her Union Representative.
 - 8.4 **Step 4: Dispute procedure.** Should the grievance not be settled at the meeting or any subsequent meetings, the employee may pursue what ever lawful action it is entitled to in terms of the Labour Relations Act 1995.
- 9 **Grievance procedure for a group of employees.**
 - 9.1 If a group of employees has a grievance, it must elect a spokesperson to act on its behalf.
 - 9.2 The elected spokesperson must *mutatis mutandis* follow the procedure prescribed for dealing with an individual employee's grievances. The elected spokesperson or trade union representative, accompanied by a delegation of not more than 3 (THREE) employees, may attend any meeting that may be convened.
 - 9.3 A group of employees is not permitted to invoke a work stoppage for the purpose of lodging a grievance.

ANNEXURE B

THE OCCUPATIONAL HEALTH AND SAFETY ACT NO 85 OF 1993, PROVISIONS APPLICABLE TO "EMPLOYEE"

Provisions in the Act. Sections 14, 15 and 38.

Section 14: General duties of Employees at Work.

14 Every Employee shall at work-

- (a) take reasonable care for the health and safety of herself and of other persons who may be affected by acts or omissions;
- (b) as regards any duty or requirement imposed on her employer or any other person by this Act, co-operate with such employer or person to enable that duty or requirement to be performed or complied with;
- (c) carry out any lawful order given to her, and obey the health and safety rules and procedures laid down by her employer or by anyone authorised thereto by her employer, in the interest of health and safety;
- (d) if any situation which is unsafe or unhealthy comes to her attention, as soon as practicable report such situation to a health and safety representative or to her employer; and
- (e) if she is involved in any incident which may affect her health or which caused an injury to herself, report such incident to her employer or to anyone authorised thereto by the employer, or to her health and safety representative, as soon as practicable but not later than the end of the particular shift during which the incident occurred, unless the circumstances were such that the reporting of the incident was not possible, in which case she shall report the incident as soon as practicable thereafter.

Section 15: Duty not to interfere with, Damage or Misuse things.

15 No person shall intentionally or recklessly interfere with, damage or misuse anything which is provided in the interest of health and safety.

Section 38: Offences, Penalties and Special Orders of Court.

38(1) Any person who-

- (a) contravenes or fails to comply with a provision of section14, 15 ;
- (b) tampers with or misuses any safety equipment installed or provided to any person by an employer or user;
- (c) fails to use any safety equipment at a workplace or in the course of her employment or in connection with the use of plant and machinery, which was provided to her by an employer or such a user;
- (d) wilfully or recklessly does anything at a workplace or in connection with the use of plant or machinery which threatens the health or safety of any person, shall be guilty of an offence and on conviction be liable to a fine not exceeding R50000 or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment.

Provisions in the Regulations Contained in the Act

General Machinery Regulations. Regulations 3(3), 4(2), 4(4), 4(6) and 10.

Regulation No 3: Safeguarding of Machinery.

3 (3) Unless she has been authorised thereto by the employer or user of machinery, no person shall remove any safety equipment which relates to the machinery in question.

Regulation No 4: Operation of Machinery.

- 4 (2) If a person operates any machinery which requires constant attention in order to avoid accidents, she shall under no circumstances leave her post while such machinery is in operation, unless she is relieved by a person who is authorised and competent to operate such machinery.
- 4 (4) No person supervising machinery and no person operating machinery shall, without the permission of her superior, authorise any other person to do her work.
- 4 (6) If machinery in operation threatens or is likely to threaten the safety of persons, the person supervising or operating such machinery or the employer or user of machinery concerned shall stop such machinery or cause it to be stopped.

Regulation No 10: Offences and Penalties.

10 Any person who contravenes or fails to comply with a provision of regulation3, 4 ,..... shall be guilty of an offence and liable on conviction to a fine not exceeding R1000 or to imprisonment for a period not exceeding six months, and, in the case of a continuous offence, with an additional fine of R500 or additional imprisonment of one day for each day on which an offence continues: Provided that the period of such additional imprisonment shall in no case exceed 90 days.

ANNEXURE C

Level of Misconduct	Misconduct	Action 1st Offence	Action 2nd Offence	Action 3rd Offence
<i>Level A Very Serious Misconduct</i>	Assault or fighting	Dismissal		
	Intimidation	Dismissal		
	Insubordination (serious)	Dismissal		
	Failure to follow standing orders or procedures (serious)	Dismissal		
	Disobeying reasonable and lawful job instructions (serious)	Dismissal		
	Violence, whether threatened or actual (serious)	Dismissal		
	Failure to adhere to safety standards and procedures (serious)	Dismissal		
	Malicious or intentional damage to company property	Dismissal		
	Bribery, theft, fraud, dishonesty, disclosure of confidential information	Dismissal		
	Driving of Company vehicle or operating or using other machinery whilst under the influence of alcohol or intoxicating drugs (serious)	Dismissal		
	Drunkenness (serious)	Dismissal		
	Gross negligence	Dismissal		
<i>Level B Serious Misconduct</i>	Sleeping on the job	Final written warning	Dismissal	
	Failure to report immediately on unsafe area or unsafe structure	Final written warning	Dismissal	
<i>Level C Misconduct</i>	Failing to operate equipment according to standard procedure	Final written warning	Dismissal	
	Absence without leave	Written warning	Second written warning	Third written warning Dismissal (4th offence)
	Failure to follow standing orders or procedures (minor)	Written warning	Final written warning	Dismissal
	Failing to wear required protective clothing or company uniform	Written warning	Final written warning	Dismissal
	Failure to adhere to safety standards and procedures (minor)	Written warning	Final written warning	Dismissal
	Drunkenness (minor)	Written warning	Final written warning	Dismissal with notice



GROSVENOR GIRLS' HIGH SCHOOL

20 BIDEFORD ROAD

BLUFF

DURBAN

4052

Website: www.grosvenorgirls.co.za

d6 School Communicator: www.school-communicator.com

PRIVATE BAG X04

BLUFF

4036

Telephone +27 31 4673614

Facsimile +27 31 4673685

E-mail: enquiries@gghs.co.za

JOB DESCRIPTION

1. TEACHER

Full Name	Pavani Pather
Persal Number	10000
Job Title	Educator - SGB
Post Level	One (1)
Quintile of School	5
Name of School	Grosvenor Girls' High School
Circuit	Durban Central
District	Umlazi
Reports to	Mrs L M Jorgensen
Date Job Description discussed and finalised	

2. THE AIM OF THE JOB

To engage in class teaching, including the academic, administrative, educational and disciplinary aspects and to organise extra and co-curricular activities so as to ensure that the education of the learners is promoted in a proper manner.

3. CORE DUTIES AND RESPONSIBILITIES OF THE JOB

The duties and responsibilities of the post are individual and varied, depending on the approaches and needs of a particular school, and include, but are not limited to, the following:

3.1 Teaching

- 3.1.1 To engage in class teaching which will foster a purposeful progression in learning and which is consistent with the learning areas and programmes of subjects and grades as determined.
- 3.1.2 To be a class teacher.
- 3.1.3 To prepare lessons taking into account orientation, regional courses, new approaches, techniques, evaluation, aids, etc. in their field.
- 3.1.4 To take on a leadership role in respect of the subject, learning area or phase, if required.
- 3.1.5 To plan, co-ordinate, control, administer, evaluate and report on learners' academic progress.
- 3.1.6 To recognise that learning is an active process and to be prepared to use a variety of strategies to meet the outcomes of the curriculum.
- 3.1.7 To establish a classroom environment which stimulates positive learning and actively engages learners in the learning process.
- 3.1.8 To consider and utilise the learners' own experiences as a fundamental and valuable resource.

3.2 Extra & co-curricular

- 3.2.1 To assist the departmental head to identify aspects which require special attention and to assist in addressing them.
- 3.2.2 To cater for the educational and general welfare of all learners in his/her care.
- 3.2.3 To assist the Principal in overseeing learner counselling and guidance, careers, discipline and the general welfare of all learners.

3.3 Administrative

- 3.3.1 To co-ordinate and control all the academic activities of each subject taught.
- 3.3.2 To control and co-ordinate stock and equipment which is used and required.
- 3.3.3 To perform or assist with one or more of other non-teaching administrative duties such as:
 - 3.3.3.1 Secretary to general staff meeting and/or others.
 - 3.3.3.2 Fire drill and first aid.
 - 3.3.3.3 Timetabling.
 - 3.3.3.4 Collection of fees and other monies.
 - 3.3.3.5 Staff welfare.
 - 3.3.3.6 Accidents.

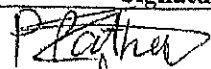
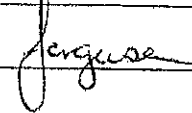
3.4 Interaction with stakeholders

- 3.4.1 To participate in agreed school/educator appraisal processes in order to regularly review their professional practice with the aim of improving teaching, learning and management.
- 3.4.2 To contribute to the professional development of colleagues by sharing knowledge, ideas and resources.
- 3.4.3 To remain informed of current developments in educational thinking and curriculum development.
- 3.4.4 To participate in the school's governing body if elected to do so.

3.5 Communication

- 3.5.1 To co-operate with colleagues of all grades in order to maintain a good teaching standard and progress among learners and to foster administrative efficiency within the school.
- 3.5.2 To collaborate with educators of other schools in organising and conducting extra and co-curricular activities.
- 3.5.3 To meet parents and discuss with them the conduct and progress of their children.
- 3.5.4 To participate in departmental committees, seminars and courses in order to contribute to and/or update one's professional views/standards.
- 3.5.5 To maintain contact with sporting, social, cultural and community organisations.
- 3.5.6 To have contact with the public on behalf of the Principal.

SIGNATURES

Name	Designation	Signature	Date
Pavani Pather	Teacher		16/01/2020
LM JORGENSEN	Departmental Head		24 JAN 2020

