



basic education

Department:
Basic Education
REPUBLIC OF SOUTH AFRICA

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To: **MECs FOR EDUCATION
HEADS OF PROVINCIAL EDUCATION DEPARTMENTS
DEPUTY DIRECTOR-GENERALS RESPONSIBLE FOR DISTRICTS
CHIEF DIRECTORS RESPONSIBLE FOR DISTRICTS
DISTRICT DIRECTORS
CIRCUIT MANAGERS
SCHOOL PRINCIPALS
SCHOOL GOVERNING BODIES**

CIRCULAR D3 OF 2023

IDENTIFICATION, MANAGEMENT AND SUPPORT OF UNDERPERFORMING SCHOOLS

1. Introduction

This circular sets out criteria and processes for the identification, management and support of underperforming schools, in terms of sections 16A and 58B(c)(i) of the South African Schools Act 84 of 1996.

2. Background

- 2.1 The management of underperformance in schools, as stipulated in sections 16A and 58B of the South African Schools Act (Act 84 of 1996), is at the core of the sector's efforts of ensuring that all learners receive quality education, irrespective of their geographical location.
- 2.2 In 2017, the Minister provided guidelines through Circular D2 of 2017, outlining the processes required for the identification, management and support of underperforming schools.
- 2.3 In the five years of implementation, we have gained valuable insights from provincial best practice.
- 2.4 It is now time to utilize these insights to further improve performance in the sector. Therefore, with this circular, I wish to withdraw Circular D2 of 2017.

3. Purpose

3.1 The purpose of this circular is to:

- 3.1.1 set out the criteria and processes that must be followed in the identification, management and support of underperforming schools; and replace Circular D2 of 2017.
- 3.1.2 replace Circular D2 of 2017.

4. Scope and application

This circular applies to all public schools.

5. Legislative Framework

- 5.1 Chapter 2 section 29(1) of the Constitution of the Republic of South Africa;
- 5.2 Employment of Educators Act, 1996 (Act 76 of 1998), as amended;
- 5.3 National Policy on Whole-School Evaluation, No. 22512 of July 2001;
- 5.4 Sections 3(4) and 8 of the National Education Policy Act, 1996 (Act 27 of 1996); and
- 5.5 Sections 16A and 58B of the South African Schools Act, 1996 (Act 84 of 1996), as amended.

6. Identification, Management and Support of Underperforming Schools

- 6.1 After reflecting and consulting with key stakeholders in the sector, I have decided that the following criteria must be applied in the identification of underperforming schools, with effect from 01 April 2023:
 - i. **Primary schools:** In the absence of standardised national assessments, individual school/circuit/district assessment results should be used. Primary schools must be deemed to be underperforming if, using Language of Learning and Teaching (LOLT) and Mathematics as proxy, less than 60 per cent of their learners perform at Level 4 and above in Grade 6.
 - ii. **Secondary schools:** A secondary school should be deemed to be underperforming if:
 - a) its pass percentage in the National Senior Certificate examination falls below 70 per cent; and
 - b) if a school has met the minimum benchmark of 70% but has produced less than 30 per cent bachelor passes.

iii. **Combined Schools**

In the case of combined schools, the school should be deemed to have underperformed if one or both grades (grades 6 and 12) have underperformed. The letter of notice should clarify in which phase the school has underperformed.

iv. **Chronically underperforming schools:** A school shall be deemed as chronically underperforming if it underperforms for a period of three consecutive years.

6.2 However, for a school to be deemed as chronically underperforming, the following must have happened to turn the school around:

- i. The school must have been assessed and supported in terms of the nine whole-school evaluation focus areas and reasons for underperformance clearly identified.
- ii. The school must have been provided with consistent and targeted support for three years or more to assist it to improve performance.
- iii. Relevant stakeholders (i.e. school governing body and parents) must have been involved from the beginning in the efforts to try and turn the school around. For instance, section 16A (ii) of the SASA states that the academic performance improvement plan must be tabled at a school governing body meeting for discussion

7. Consequence Management

7.1 I believe that underperformance cannot be eliminated by support only, and that appropriate consequence management processes may need to be applied to deal with underperformance, where applicable.

7.2 Therefore, in pursuit of improved quality of outcomes, the system must use available policies and instruments to strengthen consequence management:

- i. Section 16A of the SASA provides mechanisms to enhance accountability amongst school principals through outlining clearly their roles and responsibilities in terms of performance.
- ii. Section 16 and Schedule 1 of the Employment of Education Act (EEA) 76 of 1998 provides procedures on how to deal with cases of educators who are unfit for duties attached to the educator's post or incapable of carrying out those duties efficiently.
- iii. Schedule 8 of the Labour Relations Act (LRA) 66 of 1995) contains the code of and procedures for good practice which deals with key aspects of fair dismissal for reasons related to conduct and capacity. The basic principle is that while employees should be protected from arbitrary action, employers are entitled to

satisfactory conduct and work performance from their employees.

8. Utilisation of Top Performing Schools

- 8.1 The NDP urges us to recognise the value of top performing schools as national assets. Strategies to improve learning outcomes in a province, district or circuit must therefore include the creative utilisation of local top performing schools.

9. Reports to the Minister

- 9.1 The MEC for Education must, on or before 31 March of each academic year, submit a report to the Minister on the actions taken by their provincial head of department to manage and support underperforming schools.

You are requested to bring the contents of this circular to the attention of all officials responsible for the identification, management and support of underperforming schools.

Yours sincerely,



MR HM MWELI
DIRECTOR-GENERAL
DATE: 15/02/2024

