

**NATIONAL ASSEMBLY**

**WRITTEN REPLY**

**QUESTION 236.**

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**236. Mr N L S Kwankwa (UDM) to ask the Minister of Basic Education: to ask the Minister of Basic Education:**

(1) Whether, in an unusual move, her department undertook to conduct an investigation into the serious allegations of inappropriate sexual relations between a certain teacher at a certain school in the Eastern Cape (names furnished) involving learners at the specified school; if not, why not; if so, what (a) is the current status of the specified investigation and (b) measures were implemented to protect the learners who reported the allegations, given reports that some of them are now facing mistreatment from school staff;

(2) whether, as part of the intervention by her department to investigate a matter that should ordinarily be conducted in the province, her department has taken any action against the specified teacher while the investigation is being undertaken in light of the fact that this is not the first time the specified person has faced similar allegations (details furnished); if not, why not; if so,

(3) whether her department has removed the teacher from the school and/or transferred the teacher to another institution; if not, what is the position in this regard; if so, what were the reasons for the transfer;

(4) whether she has found that her department's intervention to undertake the investigation that should have been led by the provincial department could result in any outcome failing due to the unprocedural intervention by her department; if not, why not; if so, why would her department jeopardise the investigation by its intervention;

(5) whether the SA Council for Educators has undertaken any disciplinary procedures in line with the Code of Professional Ethics to prevent the person from (a) being transferred to yet another institution and/or (b) ever teaching again; if not, why not, in each case; if so, what are the relevant details in each case?

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#### **Response**

Neither the Minister of Basic Education nor the Department of Basic Education (DBE) has the jurisdiction to handle disciplinary matters involving educators. This falls within the jurisdiction of the employer concerned, being the Head of the relevant Provincial Education Department in the case of educators employed in state-funded posts or the relevant School Governing Body (SGB) in the case of educators employed in SGB-funded posts.

Given the serious nature of the allegations in question, the Head of the Eastern Cape Department of Education is responsible for conducting a full investigation and taking appropriate disciplinary action in line with the Employment of Educators Act if the educator in question is employed in a state-funded post. If the educator in question is employed by the SGB of the school in question, that SGB is responsible for conducting a full investigation and taking appropriate disciplinary action in line with applicable labour laws.

The Honourable Member is therefore requested to refer the matter to the relevant employer of the educator in question for an official response.

In addition to the above, the South African Council for Educators (SACE), as the regulatory body responsible for educator conduct, has the mandate to investigate breaches by educators of its Code of Professional Ethics. It must be noted that all educators must be registered with SACE if they wish to teach, regardless of whether they are employed in state-funded posts or SGB-funded posts. If an educator is found guilty of misconduct by SACE, SACE has the authority to impose sanctions, including removal of that educator's professional registration with SACE.