

NAPTOSA House,  
270 Prince's Park Avenue, Pretoria  
P.O. Box 572, Pretoria, 0001



Tel: (012) 324-1365 / 324-5214  
Fax: (012) 324-1366 / 324-5233  
E-mail: info@naptosa.org.za

**NAPTOSA**

**National Professional Teachers' Organisation of South Africa**

*Serving education since 1904*

*Celebrating 10 years of service excellence to education in 2016*

**THE NAPTOSA RESPONSE TO THE FINAL REPORT BY THE MINISTERIAL TASK TEAM (MTT) ON THE INVESTIGATION OF ALLEGATIONS INTO THE SELLING OF POSTS OF EDUCATORS BY SOME MEMBERS OF TEACHERS UNIONS AND DEPARTMENTAL OFFICIALS IN THE VARIOUS PROVINCIAL EDUCATION DEPARTMENTS**

**1. ACKNOWLEDGEMENTS AND GENERAL COMMENTS**

NAPTOSA condemns all forms of corruption associated with appointments and promotions. NAPTOSA therefore wishes to record its acknowledgement to the MTT for the effort put into investigating this vexing problem of posts for sale, inappropriate appointments and corruption within the Department of Basic Education (DBE)/Provincial Education Departments (PEDs) as a result of undue influence on processes by parties.

Whilst acknowledging the importance of the investigation, NAPTOSA feels disappointed at the outcome as NAPTOSA members have felt the brunt of these corrupt appointment processes. Although painfully aware that most corrupt activities do not have a paper trail, and that most evidence would be anecdotal in nature, it is not automatic that this negates the nature, extent, the reality and the impact of these nefarious activities. The full impact of the undue influence of certain parties, whilst widely assumed cannot be easily proven to be undue.

NAPTOSA further wishes to express its discomfort at the report appearing to take a very negative view of unionism and unions to the point where it appears that a fair amount of union criticism has crept in instead of clinical investigation and analysis of facts

Although the MTT acknowledges that the investigation was limited, it recommends far-reaching action such as the removal of SGBs from appointment and promotion processes. This ignores the fact that there are both well-functioning SGBs and corrupt ones. It ignores the fact that many of the departmental appointees who the MTT suggests should now be in charge have achieved their promotion through the same corrupt processes of cadre deployment and promotion of friends and associates. This is a true case of appointing the wolf as shepherd.

NAPTOSA has always taken pride in the manner of our engagement and the professional activist role played by our observers to processes such as appointments and promotions. We have

always seen our role as monitoring and assuring the legitimacy of the processes to prevent the DBE/PEDs and others from tainting these processes with personal agendas. We reject the recommendation to the limit unions' role in educational matters.

An element of the report that NAPTOSA takes strong exception to, is the generalizations about education unions.

One of NAPTOSA's founding principles is, "*the inalienable right of every child and student to quality education within an equitable and non-discriminatory system of education*", therefore broad statements that unions are, for example, "adversarial" and "Not concerned about quality education" are rejected as simplistic and lacking in understanding of the complicated terrain in which we operate. NAPTOSA, disagreeing or taking a position on critical matters, such as, the educational value of the Annual National Assessment (ANA) in its current state, is not adversarial, but indicative of our ability as a union to make informed decisions that impact on our children's quality of education. Our stance still is that whilst the ANA may have some limited value, its current application negates that very value. This is not an adversarial stance but an academic one.

As NAPTOSA, we would not object if the organisation or our members were specifically named, provided that there was proof of guilt of improper conduct. However, in the absence of such evidence, the MTT should have refrained from generalisations. The following are examples from the report:

- "...domination by Unions has been made possible by the feeble and dilatory condition of Districts and Circuits."
- "The deployment of officials to the Department from Unions weakens the Department..."
- "...aggressive unions..."
- "Teacher Unions at present carry the burden of supporting political movements..."
- "The **Free State MEC** regards Teacher Unions as a major problem because they "lack discipline" and play a role in "devaluing education"."
- "...The Task Team does not believe that other Unions are above placing their supporters in strategically advantageous positions."
- "...education officials are in implicit collusion with the Unions to maintain a conspiracy of silence about the practice of buying and selling posts."
- "This situation has allowed the Unions to use undue influence to the extent that the Department of Basic Education has lost control of two-thirds of the country."

NAPTOSA is very concerned that the unfortunate manner in which the allegations and investigations have been captured in the report have probably exposed a number of complainants and witnesses to untold dangers. The fact that names are recorded in a public document and then that no action is to be taken on the complaint is simply unacceptable and illogical.

NAPTOSA accepts the report as an honest attempt to address a complex problem. We do, however, lament the tone and tenor of the report, as well as the carte blanche approach towards making judgements and recommendations based on the limited extent of the investigations by the MTT.

NAPTOSA wishes to respond as follows to the various recommendations of the Task Team:

## **2. RESPONSE TO RECOMMENDATIONS OF TASK TEAM**

### **RECOMMENDATION 1:**

**That the illegal actions by educators identified by the Task Team be reported to SAPS for further action and that the Minister engages her counterpart in the police to dedicate resources to this category of cases to ensure fair and expeditious resolution.**

#### **Response:**

The recommendation is supported. However, NAPTOSA suggests that SARS be involved and that lifestyle audits be done especially where strong anecdotal evidence exists but fear and intimidation restricts people from providing evidence.

NAPTOSA urges that the provisions in the *Employment of Educators Act 76 of 1998, as amended*, and the SACE Code of Conduct be implemented to bring disciplinary action against those who have been implicated as well as those officials who turned a blind eye at the wrongs being committed on their watch.

### **RECOMMENDATION 2:**

**That disciplinary action be taken against those officials who had the responsibility to check acts of corruption but failed to do so.**

#### **Response:**

NAPTOSA urges that the disciplinary investigations should include enquiry as to the reasons why officials did not act as required by legislation and then follow the recommendation.

### **RECOMMENDATION 3:**

**That action be taken quickly to protect whistle-blowers. We recommend a dedicated project across competent authorities to investigate and act on all cases for a defined period.**

#### **Response:**

Whistle-blowers are crucial in the fight against corrupt practices in the public service and must receive the necessary protection. Unfortunately the report has named individuals thus

exposing them to the wrath of the very offenders we want to bring to book. The recommendation is therefore supported.

#### **RECOMMENDATION 4:**

**That the Department of Basic Education regain control of administering and managing the education system in all Provinces so that clear distinctions are established between the roles and functions of the DBE and the concerns of Teachers' Unions.**

#### **Response:**

NAPTOSA supports the recommendation. It is vital for the success of education in South Africa that the DBE reclaims control over the education system. This does not mean that NAPTOSA will not disagree with the Department on matters, but as always this will be done in a spirit of constructive participation and debate. NAPTOSA is committed to an education system in which its members will be able to compete fairly within laws, provisions and procedures over which the DBE has full control and that prevents the influence of external parties.

#### **RECOMMENDATION 5:**

**That the Minister require all Provinces to complete and implement their delegations frameworks in line with the Cabinet approved 2013 Public Administrations delegations frameworks and that the Minister adjust the Education sector legislation accordingly.**

**Response:** The recommendation is supported

#### **RECOMMENDATION 6:**

**That the powers of School Governing Bodies to make recommendations for the appointment of post level 2 and above be taken away and that the South African Schools Act and the Employment of Educators Act be amended to reflect this.**

#### **Response:**

NAPTOSA agrees with the findings but NOT with the above recommendation of the Task Team. Whilst there are many SGBs that are dysfunctional or have been hijacked by certain interest groups (unions), there are as many, if not more, who function perfectly well.

If the recommendation is understood correctly it means that it will be acceptable for the very same dysfunctional/hi-jacked SGBs to be involved in the appointment of PL1 educators, but not the filling of PL2 positions and above. This makes no sense.

NAPTOSA believes that if there is a genuine will to deal with this scourge that is impacting on appointments and promotions then we MUST ensure that existing policies and collective

agreements are adhered to, where one organization no longer dominates the system and the neutrality of decision makers are guaranteed.

NAPTOSA is aware that sufficient legislation, policies and grievance procedures in respect of the role of Unions in appointments and promotions exists for aggrieved parties to report non-compliance and deviations. The collective agreements in the ELRC speak to these issues. All stakeholder parties to these processes need to be educated on these issues instead and be held accountable for non-compliance. .

NAPTOSA reaffirms that SGBs do have a role to play in the governance of schools and that they should not be discarded or disregarded, instead their role in appointments and promotions should be strengthened with regular meaningful training, monitoring and evaluation. It must be noted that SGB's and their role is part of the greater democratisation of our structures in our country and serve in another way to empower all communities.

#### **RECOMMENDATION 7:**

**That principals be selected by panels which have the resources to evaluate the competence and suitability of the candidates for their leadership and management as well as their academic, experiential and professional abilities. The panels should include educators of suitable rank and experience. The pre-interviewing testing of candidates should occur and the results should be available to the panel members. The interviewing panels should be convened by the District Managers and a Departmental representative should be present as a suitably prepared Resources Person, having for example, full details of the schools for which the interviews are being held.**

#### **Response:**

NAPTOSA is NOT in favour of peer review panels and provincial (PED) panels as this will just make the process extremely cumbersome.

If, in terms of your findings, provincial departments are in many cases saturated with deployments from certain unions, the appointment/promotion processes will continue to be undermined if departmental officials were to have a final say in these matters. The suggestion that many of the departmental appointees who themselves have achieved their promotion through the same rotten process of cadre deployment and promotion of friends and associates ***should now be in charge*** is preposterous. It will be a true case of appointing the wolf as shepherd.

This recommendation is therefore NOT supported by NAPTOSA.

## **RECOMMENDATION 8:**

**It should not be possible for a person to be promoted to principal from a post-level 1 position. Insofar as this happens at present, regulations should prohibit it.**

### **Response:**

NAPTOSA gives qualified support and recognition to the MTT recommendation that a principal is first and foremost a manager (and also the curriculum leader) and for that purpose needs the requisite knowledge and experience that can only be gained by serving in lower managerial/leadership positions in schools. However, this is a process that must be undertaken by the Education Labour Relations Council (ELRC), after due recognition is given to the fact that all historical inequalities in accessing senior posts have been removed. We strongly recommend that the resolutions of the ELRC dealing with appointment and promotion processes be considered for review and updating.

## **RECOMMENDATION 9:**

**That the observer status of Unions be renegotiated with respect to the recruitment process.**

### **Response:**

As a (party-politically) non-aligned union NAPTOSA does not participate in a system of cadre deployment. If the findings of the Commission, that cadre deployment results in people without the requisite skills, abilities and commitment serving in key areas of the system or else giving more attention to (party political/union) organizational matters than their jobs as office-based educators, are correct, NAPTOSA would support a view that this process must be forthwith abolished.

NAPTOSA believes that sufficient legislation, policies and grievance procedures in respect of the role of Unions in appointments and promotions exists for governing body members to report non-compliance and deviations. The collective agreements in the ELRC address these issues. SGBs need to be educated on these issues in order to conduct recruitment processes in a legitimate and unbiased manner.

As for the right of unions to observe shortlisting and interview processes are concerned, NAPTOSA has always regarded the right to be limited to ensuring that these processes are conducted fairly in accordance with agreed policy. If, however, this right has been abused by some unions to influence outcomes of these processes, whether formally or informally, including the altering of scores inside or outside meetings, NAPTOSA is in full support of the tightening of the relevant collective agreements. NAPTOSA does NOT support the removal of the right to observe.

### **RECOMMENDATION 10:**

**That those whose are appointed to Districts and provincial offices should be required prior to appointment to demonstrate their capacity to carry out the job for which they have applied. There should be neither political appointments nor cadre deployments. People in these posts should be accountable to their employer and be assessed regularly.**

#### **Response:**

NAPTOSA supports the recommendation. If provincial offices and districts were staffed by skilled and competent officials, the education system as a whole would benefit and quality education could be achieved.

### **RECOMMENDATION 11:**

**That both school and office based educators cease to be office bearers of political parties and to avoid the undesirability of conflict of interest educators in management posts (including school principals) should not occupy leadership positions in Teachers' Unions.**

#### **Response:**

For obvious reasons it cannot be expected of NAPTOSA to support this recommendation. Our members who are office-bearers play a vital role in the union. If it is found, however, that their membership of NAPTOSA interferes with their objectivity so that they act improperly in the execution of their departmental functions, the DBE or provincial department should take appropriate action against them. This has obviously not been true with regard to the membership of all unions, hence the recommendation by the Commission.

A union for office-based educators will not solve the problem identified by the Commission. We must at all cost avoid setting groups apart thus allowing them to become targets during times of disagreements. Tampering with the freedom of people to associate is undemocratic and unnecessary.

### **RECOMMENDATION 12:**

**That it seems desirable that separate and distinct Unions be established for office based educators.**

#### **Response:**

NAPTOSA questions whether such recommendations are warranted and whether it was part of the brief of the MTT.

**RECOMMENDATION 13:**

**That measures be put in place to ensure that the practice of cadre deployment into DBE offices and schools ceases entirely.**

**Response:**

As a (party-politically) non-aligned union NAPTOSA does not participate in a system of cadre deployment. If the findings of the MTT that cadre deployment results in people without the requisite skills, abilities and commitment serving in key areas of the system or else giving more attention to party political or union matters than their jobs as office-based educators, are correct, NAPTOSA agrees with the recommendation of the MTT in this regard.

**RECOMMENDATION 14:**

**That the DBE and the DHET, with universities and other stakeholders, lead ongoing discussions aimed at developing a broad-based philosophy of education, consistent with our history and Constitution, which will underpin the education and training of educators and shape the practice of education in public schools throughout South Africa.**

**Response:**

NAPTOSA supports the recommendation although it is believed that unions in education should also be invited to participate in the debate.

**RECOMMENDATION 15:**

**That the roles South African Council of Educators (SACE) be reconceptualised and freed from Union and political domination.**

**Response:** None

**RECOMMENDATION 16:**

**That SACE releases to the Minister its full Report on the buying and selling of posts when completed.**

**Response:**

If there is a SACE report that will strengthen the findings of the MTT to lead eventually to an overhaul of the recruitment and promotion regimes in education, it is important that the report be released. It is, however, equally important that all relevant parties be given an opportunity to respond to the report before its release

## **CONCLUDING REMARKS.**

The value of the work of the MTT lies not in the writing of its report but rather on the actions that follow this report.

Whilst flawed in itself the report does point out that there are serious irregularities in the system and that deeper more pointed investigations need to be carried out. Investigations should not be limited to schools only but should extend to provincial and district offices and ALL officials at all levels of the system.

What is now required is the political will to act to eradicate corruption and to fix the brokenness of the education system that the MTT report has exposed to a limited degree.

**\*\*\*\*\*END OF NAPTOSA RESPONSE\*\*\*\*\***