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Legal Services Newsletter | Regsdienste Nuusbrief

Insight 23 of 2020 | Insig 23 van 2020

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DISASTER MANAGEMENT ACT	WET OP RAMPBESTUUR
<p>Directives: Re-opening of schools under Coronavirus Covid-19 lockdown</p> <p>On 29 May 2020 the Department of Education published new Directives under Notice 302 of 2020.</p> <p>The publishing of Directives are authorised by preceding Regulations which grant the various Ministers the assigned capacity to do so.</p> <p>The Directives flow from the Regulations published on 29 April and 29 May 2020, and must therefore be read together when studying these Directives.</p> <p>The Directives deal with the re-opening of schools and the various aspects connected thereto.</p> <p>Below follows a short summary of the important points that we have identified in the past few weeks.</p>	<p>Direktiewe: Heropening van skole onder Koronavirus Covid-19 inperking</p> <p>Op 29 Mei 2020 het die Departement van Basiese Opvoeding nuwe Direktiewe gepubliseer onder Kennisgewing 302 van 2020.</p> <p>Die uitreiking van Direktiewe word gemagtig deur voorafgaande Regulasies wat die verskeie Ministers die aangewese bevoegdheid gee.</p> <p>Die Direktiewe vloeи uit die Regulasies wat op 29 April en 29 Mei 2020 gepubliseer is, en moet dus saam gelees word wanneer hierdie Direktiewe bestudeer word.</p> <p>Die Direktiewe handel met die heropening van skole en die verskeie aspekte wat daarvan verband hou.</p> <p>Hieronder volg 'n kort opsomming van belangrike punte wat ons in die afgelope paar weke geïdentifiseer het.</p>
Directive 4(1-6)	Direktief 4(1-6)
<p>In this section of the directives we find the directions regarding the phased in approach to returning to school.</p> <p>(1) Stipulates the dates of when, which grades will return;</p>	<p>In hierdie afdeling van die direktiewe vind ons die aanwysings vir die gefasseerde terugkeer na skool.</p> <p>(1) Stipuleer die datums wanneer watter grade terugkeer;</p>

<p>(2) Indicates clearly that only the schools that have met the minimum health and safety measures as contemplated in these directives and previous regulations, will be allowed to open as per (1) above;</p> <p>(3) Confirms that non-compliant schools as per (2) above will remain closed until they comply;</p> <p>(4) States that parents who choose not to send their children back to school will need to apply for exemption from attendance;</p> <p>(5) As per (4) above, such parents will have to apply for home schooling;</p> <p>(6) All events at schools and extra-curricular activities are suspended until determined otherwise by the Minister.</p>	<p>(2) Dui duidelik aan dat slegs skole wat aan die minimum gesondheid en veiligheidsmaatreëls voldoen, soos bevat in hierdie direktiewe en vorige regulasies, sal toegelaat word om te open ingevolge (1) hierbo;</p> <p>(3) Bevestig dat 'n skool wat nie voldoen soos per (2) hierbo gesluit sal bly tot en met hul voldoening;</p> <p>(4) Stel dat ouers wat nie hul kinders wil terug stuur skool toe nie, aansoek sal moet doen vir vrystelling van bywoning;</p> <p>(5) Soos per (4) hierbo moet hierdie ouers aansoek doen vir huis onderrig;</p> <p>(6) Alle byeenkomste by skole en ekstra-kurrikulêre aktiwiteite word gestaak totdat die Minister anders bepaal.</p>
Directive 5	Direktief 5
<p>The May/June 2020 examinations for registered candidates are moved to November/December 2020.</p>	<p>Die Mei/Junie 2020 eksamens vir geregistreerde kandidate, word verskuif na November/Desember 2020.</p>
Directive 6	Direktief 6
<p>The movement of officials and learners between provinces, metropolitan areas and districts require permits as per Form 2 and Form 3A of Annexure A respectively. These permits are to be issued by the relevant heads of the respective institutions.</p> <p>Other educators/officials will also make use of Form 2 as above together with a form of identification.</p> <p>Learners who are NOT moving between provinces, metropolitan areas and districts will make use of a certificate corresponding to Annexure A of THESE directives.</p> <p>Please note the detail contained in sub-directive (7 to 9), with particular reference to the time frames in which these various certificates need to be issued.</p>	<p>Die beweging van amptenare en leerders tussen provinsies, metropolitaanse gebiede en distrikte benodig permitte soos per Vorm 2 en Vorm 3A van Aanhangsel A onderskeidelik. Hierdie permitte word deur die hoofde van die onderskeie instansies uitgereik.</p> <p>Ander opvoeders/amptenare sal ook gebruik maak van Vorm 2 soos hierbo genoem tesame met 'n vorm van identifikasie.</p> <p>Leerders wat NIE tussen provinsies, metropolitaanse gebiede en distrikte beweeg nie sal gebruik maak van 'n sertifikaat ooreenstemmig aan Aanhangsel A van HIERDIE direktiewe.</p> <p>Let wel op die detail vervat in sub-direktief (7 tot 9), met spesifieke verwysing na die tydramwerk waarbinne die verskeie sertifikate uitgereik moet word.</p>
Directive 7	Direktief 7

Emphasizes the importance of the safety requirements put in place by the Regulations.	Beklemtoon die belang van die veiligheidsvereistes geplaas deur die Regulasies.
<p>Directive 8</p> <p>This directive addresses the process of sifting as well as the procedures relevant to situations where an individual tests positive for COVID 19. The details are described in detail, but what is important, is how these provisions are implemented. Remember that reasonableness and fairness is almost always a factor in dealing with sensitive matters.</p> <p>Be careful not to alienate persons that are identified in the sifting process or who test positive. Or where a learner is refused entry to the school grounds without any direct transport or alternative place of safety.</p> <p>Lastly, be diligent in the application of safety measures whereby you can strive to continuously protect yourself and those around you.</p>	<p>Direktief 8</p> <p>Hierdie direktief spreek die proses van sifting aan sowel as die prosesse relevant tot gevalle waar 'n individu positief toets vir COVID 19. Die besonderhede word breedvoerig beskryf, maar wat van belang is, is hoe die bepalings toegepas word. Onthou dat redelikheid en billikheid amper altyd 'n faktor is in die hantering van sensitiewe aangeleenthede.</p> <p>Wees versigtig vir die vervreemding persone wat in die sifting geïdentifiseer word of positief toets. Of waar 'n leerder toegang tot die terrein geweier word, maar geen direkte vervoer of veilige heenkome het nie.</p> <p>En laastens, wees nougeset in die uitvoering van die veiligheidsmaatreëls ten einde jouself en ander rond om jou deurlopend te probeer beskerm.</p>
<p>Directive 9</p> <p>In addition to Directive 8, Directive 9 continues with regard to sanitizers, disinfectants and masks. Thus, the chorus repeats, be diligent and pro-active.</p> <p>What should be mentioned is the fact that a learner can be refused entry into the school or class if they arrive without a face mask or suitable alternative as listed.</p>	<p>Direktief 9</p> <p>Benewens Direktief 8 gaan Direktief 9 voort met die vereistes rakende saniteringsmiddels, ontsmettingsmiddels en maskers. Dus herhaal die refrein, wees nougeset en pro-aktief.</p> <p>Wat wel genoem moet word is dat 'n leerder wel toegang tot die terrein of klas geweier kan word indien hul sonder 'n gesig masker of gepaste alternatief opdaag.</p>
<p>Directive 10</p> <p>Social distancing is a well known term. Directive 10 deals with the application thereof in schools. Note that schools are only allowed to make use of 50% or less of their facilities to operate. This is aimed at ensuring social distancing. To achieve this, the options in (3) are proposed.</p> <p>But, where a school's capacity is of such a nature that they can adhere to the prerequisite safety measures regardless, especially with regard to social distancing, they are allowed to continue as normal. See (4).</p> <p>Schools that wish to deviate from (4) must apply in writing to the HOD of the province via the</p>	<p>Direktief 10</p> <p>Sosiale distansiëring is 'n alombekende term. Direktief 10 handel met die toepassing daarvan in skole. Let dat skole ter enige tyd slegs 50% of minder van hul fasiliteite se kapasiteit mag werk met die oog op sosiale distansiëring. Om dit reg te kry word die opsies in (3) voorgestel.</p> <p>Maar, indien die skool se kapasiteit van so aard is dat hul nogtans aan al die veiligheids maatreëls, veral met betrekking tot sosiale distansiëring, kan handel hul soos normaal voortgaan. Sien (4).</p> <p>Skole wat van (4) wil awyk moet skriftelik daarvoor aansoek doen by die HOD van die</p>

nearest circuit office.	provincie via die naaste kring-kantoor.
Directive 11	Direktief 11
In short, the curriculum has been amended by the Minister of Basic Education as authorised by Section 3(4)(l) of the National Education Policy Act 27 of 1996.	In kort is die kurrikulum aangepas deur die Minister van Basiese Opvoeding soos gemagtig ingevolge Artikel 3(4)(l) van die Wet op Nasionale Onderwys Beleid Wet 27 van 1996.
Annexure A	Aanhangesel A
The Directive ends with Annexure A that is an example of the certificate needed by a learner to be transported. (Do not confuse this with Form 3A in the Regulations for learners who travel between provinces, metropolitan areas and districts).	Die Direktief eindig met Aanhangesel A wat die voorbeeld van die sertifikaat is wat 'n leerder nodig het om vervoer te word. (Moet dit nie verwar met Vorm 3A in die Regulasie vir leerders wat tussen provinsies, metropolitaanse gebiede en distrikte beweeg nie).
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