



DIE VERANDERING IN ONDERWYS
THE CHANGE IN EDUCATION

REGSDIENSTE | LEGAL SERVICES



t: 012 436 0900 / e: regsdienste@saou.co.za / w: www.saou.co.za

Regsdienste Nuusbrief | Legal Services Newsletter

Insig 18 van 2020 | Insight 18 of 2020

07/05/2020

KINDERSORG OP DIE SKOOLTERREIN

CHILDCARE ON THE SCHOOL PREMISES

Die feit dat kleuterskole nie mag heropen nie, laat die vraag by talle opvoeders of daar 'n tydelike kindersorgfasiliteit op die skoolterrein beskikbaar gestel kan word vir opvoeders wat nie tuisversorging kan reël nie.

The fact that nursery schools are not allowed to reopen leave many educators wondering if a temporary childcare facility on the school grounds could be made available to educators who cannot arrange home care for their children.

Hierdie is 'n moeilike vraag om te beantwoord vanweë die gebrek aan inligting wat deur die Departement van Basiese Onderwys asook die Departement van Maatskaplike Ontwikkeling ontvang word. By die beantwoording van hierdie vraag moet die voor- en nadele van die beskikbaarstelling van so 'n kindersorgfasiliteit op die skoolterrein al dan nie, teenoor mekaar opgeweeg word.

This is a difficult question to answer due to the lack of information received by the Department of Basic Education as well as the Department of Social Development. In answering this question, the advantages and disadvantages of making such a childcare facility available on the school premises must be weighed against each other.

Vanuit 'n morele posisie sal die antwoord wees dat skole die tydelike reëling van so 'n fasiliteit beskikbaar kan stel. Artikel 20(1)(g) van die Suid-Afrikaanse Skolewet 84 van 1996 bepaal dat die skoolbeheerliggaam verantwoordelik is vir die

From a moral point of view, the answer would be that schools could make the temporary arrangement of such a facility available. Section 20 (1) (g) of the South African Schools Act 84 of 1996 provides that the school governing body is

administrasie en die beheer van die skool eiendom. Daar ontstaan egter die volgende kwessies indien die skoolbeheerliggaam toelaat dat 'n fasiliteit by die skool as 'n tydelike kindersorgsentrum beskikbaar gestel word:

- Wie gaan na hierdie kinders omsien?
- Wie gaan die persoon betaal wat na hierdie kinders omsien?

Gaan al die riglyne rakende COVID-19 nagekom word?

Die nadeel om so 'n tydelike kinderversorgingsfasiliteit op 'n skoolterrein beskikbaar te stel is dat die skool in teenstelling met die riglyne wat deur die Minister van Onderwys aangekondig is, sal optree.

Die Minister het duidelik in haar aankondiging verduidelik dat slegs graad 12 en graad 7 leerders op 1 Junie die skoolterrein toegelaat mag word. Daar word nie na ander kinders in hierdie verband verwys nie.

Die skoolhoof en skoolbeheerliggaam moet artikel 16 (1) van die Wet op Rampbestuur oorweeg wat bepaal dat 'n persoon slegs sy/haar woonplek mag verlaat om:

- b) werk toe gaan met 'n permit wat ooreenstem met vorm 2 van Aanhangsel A. Hierdie permit is slegs vir die gebruik van opvoeders wat na hul werkplekke moet reis en nie hul kinders nie.

- e) kinders te vervoer slegs vir redes soos deur die Wet toegelaat wat nie na 'n opvoeder se werkplek insluit nie.

Die doel van fase 4 van die grendelperiode is om

responsible for the administration and control of the school property. However, the following issues arise if the school governing body allows a facility to be made available at the school as a temporary childcare centre:

- Who's going to look after these children?
- Who will pay the person who looks after these children?

Will all the guidelines regarding COVID-19 be complied with?

The disadvantage of making such a temporary childcare facility available on a school site is that the school will act contrary to the guidelines announced by the Minister of Education.

The Minister clearly explained in her announcement that only Grade 12 and Grade 7 learners will be allowed on the school grounds on the 1st of June. No other children are referred to in this regard.

The principal and school governing body must also consider section 16 (1) of the Disaster Management Act which provides that a person may only leave his / her place of residence to:

- b) go to work with a permit which corresponds with Form 2 of Appendix A. This permit is only for the use of educators who must travel to their workplaces and is therefore not applicable on their children.

- e) transport children only for reasons as permitted by the Act which does not include transporting children to an educator's workplace.

The purpose of phase 4 of the lockdown is to limit

| | |
|--|--|
| <p>onnodige beweging te beperk, sodoende die verspreiding van COVID-19 te beperk.</p> | <p>unnecessary movement to prevent the spread of COVID-19.</p> |
| <p>'n Skool kan dus nie die risiko loop indien een van die opvoeders se kind of kinders asimptomaties is en 'n ander opvoeder se kind of kinders besmet in die kinderversorgingsfasiliteit of indien 'n ouer die skool konfronteer oor die wettigheid van die kinderversorgingsfasiliteit en die werking van die fasiliteit gaan rapporteer nie.</p> | <p>A school can therefore not take the risk if one of the educator's child or children is asymptomatic and infects another educator's child or children in the child care facility or if a parent confronts the school about the legality of the child care facility and reports the facility.</p> |
| <p>Dus raai die SAOU skole aan om nie so 'n kinderversorgingsfasiliteit by skole beskikbaar te stel voordat daar nie meer duidelikheid aan skole, onderwysersvakbonde en beheerliggame verleen word nie.</p> | <p>Therefore, the SAOU advises schools not to make such childcare facilities available until more clarity is given to schools, teachers' unions and governing bodies.</p> |

#WantOnsGeeOm | **#BecauseWeCare**

SMS "DIENS" NA
071 456 4375

*Normale SMS tariewe geld



SMS "SERVICE" TO
071 456 4375

*Normal SMS rates apply



+27 12 023 1333

SAOU DIENSSENTRUM
SAOU SERVICE CENTRE

saou@saou.co.za

