



GAUTENG PROVINCE
REPUBLIC OF SOUTH AFRICA

Enquiries: Dan Mametse
Tel: 011 355- 0957
Email: dan.mametse@gauteng.gov.za
Chief Directorate: Legal Services & Dispute
Management

Attention: Jacques du Preez
Freedom of Information Programme: SAHA

Email: foip@saha.org.za

REQUEST FOR INFORMATION IN TERMS OF PAIA: COPIES OF RECORDS RELATED TO THE DEPARTMENT'S HANDLING OF REPORTS OF RACISM IN SCHOOLS; RECORDS DETAILING RECEIVED REPORTS OF INCIDENTS OF RACIALIZED DISCRIMINATION, ABUSE AND MISCONDUCT AT GAUTENG PRIMARY & SECONDARY SCHOOLS BETWEEN 2007 & 2017; DOCUMENTS PERTAINING TO PROCEDURES FOR DEALING WITH RACIST INCIDENTS AS THEY ARISE; ALL POLICIES, STRATEGIES OR PLANS TO RAISE AWARENESS AMONGST EDUCATORS ON RACIAL SENSITIVITY.

We refer to the above matter.

Kindly receive the attached information in response to your request.

- cases received
- School safety policy

Kindly note that schools in Gauteng have their different Codes of Conduct to deal with the above.

Trusting that you will find the above in order.

Regards,

Adv. Ntini Mtshizana
Deputy Information Officer
Gauteng Department of Education
Date: 15/06/2018

Tel: (011) 355 0000
17 Simmonds Street, Johannesburg, 2001 | P.O. Box 7710, Johannesburg, 2000

www.gautengonline.gov.za | Hotline: 08600 11 000

RACE RELATED INVESTIGATIONS 2013/2018

NO.	DATE OF INVESTIGATION	NAME OF SCHOOL	MATTER	RECOMMENDATIONS
1.	16-Aug-2013	Transvalia High School	Allegations of victimisation, bullying and racial discrimination	<ul style="list-style-type: none"> • District Officials follow up with Smith in order to determine whether or not there are human rights violations at Transvalia 2. Disciplinary hearing outcome is welcomed, Langa did appear and gave evidence • That if considered necessary, the District Officials should ensure that Langa receives continued psychological assistance and counselling
2.	27-Aug-2013	Birchleigh High School	Allegations of racism and vulgar against an educator	<ul style="list-style-type: none"> • That all submissions made by the learners and/or their parents be kept confidential. • That the principal should state that parents are welcome to consult with Bothma in the invitations to parents meetings, and that Bothma is available daily for consultations with parents from 14h00 to 14h30. • That a meeting between the principal and the alleged perpetrator be arranged, DDG or delegated official to have a strong conversation with them including alerting them to the recent finding by the HRC in Free State. Then put in a diversity management programme at the school.
3.	21-Nov-2013	Wordsworth High School	Allegations of possible racism	<ul style="list-style-type: none"> • The Department must initiate a disciplinary process against Dr Horn. • The Department must consider initiating and facilitating a diversity and sensitivity training / workshop with the Principal and other senior staff members at the School.

				<ul style="list-style-type: none"> • That the precautionary suspension against the Deputy Principal must immediately be lifted and the Deputy Principal must be allowed to return to work immediately.
4.	16-Aug-2013	Höerskool Volk	Allegations of racial altercations	<ul style="list-style-type: none"> • To institute disciplinary action against Deputy principal Mr Van Heerden for trivialising the matter; and • To institute disciplinary action against Mr Van Wyk for allowing the learners to commit misconduct in his presence and thereby failing to exercise a duty of care bestowed on him by law • That the school must institute disciplinary proceedings against the affected learners. In this regard it is further recommended that the Department gives the school an opportunity to follow its disciplinary process and allow the learners to state their side in respect of allegation of misconduct levelled against them, without any interference from the Department. • That Tshepang be provided with support at the new school as we understand that he has now been transferred to another school in Nigel.
5.	27-Mar-2014	Elsburg Primary School	Allegations of bullying, sexual harassment and racism	<ul style="list-style-type: none"> • A specialist intervention is required to help each of these three children to conduct themselves in a way that facilitates learning and protects the rights of other learners. • A full psychological evaluation needs to be conducted in respect of all children to assess , determine and diagnose the nature and extent of their problem. • The matter be urgently reported to the social Department in the Province to investigate the physical and psychological welfare of these children.
6.	21-Jun-2013	Eendracht Primary School	Allegations of racism against the principal	<ul style="list-style-type: none"> • Maureen Modise must be reprimanded for jumping to report her grievances to the media without first exhausting

				<p>the internal remedies.</p> <ul style="list-style-type: none"> • That general employees be made to feel comfortable to talk about their problems as it is unknown whether or not the employees were scared to be vocal regarding their problems fearing being victimized.
7.	18-Mar-2014	Ridgevale Primary School	Racist utterances by an educator against a learner	<ul style="list-style-type: none"> • The SGB convene a parent's meeting as soon as possible to brief the parents on the incident and the outcome of this investigation. • that it also be taken into account that the parent obtained the version of events on 10 March 2014 from her 10 year old son who was recalling an event which took place in January 2014. • That no disciplinary action be taken against Da Silva as a result of the incident.
8.	23-May-2014	Roosevelt High School	Allegations of racial remarks by an educator against a learner	<ul style="list-style-type: none"> • Due to the violation of several obligations, Ms Reddy should be subjected to formal discipline in terms of Employment of educator's Act with the view to administer constructive discipline. • GDE to refer the matter of the breach of the SACE code to SACE • The Acting Circuit Manager, Mr. Harry Culling, should convene a meeting with the Principal in attendance of the Parents (Mr. and Ms Masilela) to give feedback on this matter, tender an apology of the regrettable incident on behalf of the GDE and the school; Impress on the parents to welcome the foregoing; and to indicate that if they still feel aggrieved, by law they may refer the matter to the Equality court
9.	02-Jun-2014	National School of the Arts	Allegations of racism	<ul style="list-style-type: none"> • Take measures to develop and implement programmes to promote equality, including non-racialism, and address any unfair discrimination. The GDE should assist SGB, the Principal and management of the School in relation to implementation of the above recommendations and also

				<p>making available diversity programmes in the possession of the GDE as well as support in any of the disciplinary matters which may take place.</p> <ul style="list-style-type: none"> • Once these plans are developed consult with the GDE about these programmes. • Develop appropriate internal mechanisms to deal with complaints of unfair discrimination, speech or harassment which results in learners being made to feel inferior on the basis of race, including where learners or other persons are anxious of being victimized if they reveal their identity or make complaints. • Institute disciplinary procedures against Mrs. Nell for allegedly: <ul style="list-style-type: none"> • Making statements that suggest, directly or indirectly, the racial inferiority of black persons, thereby contravening section 7 of the Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 and clauses 2.3 to 2.4, 3.1 to 3.3, 5 and 7.2 of the SACE Code of Professional Ethics; • Making inappropriate and biased political statements that show disrespect to the values, codes and beliefs of some in the community thereby contravening clauses 3.1, 3.3, 3.12 and 5 of the SACE Code of Professional Ethics; and • Disciplining or punishing learners in a manner that is in contravention of clauses 3.4 and 3.5 of the SACE Code of Professional Ethics. • Insofar as the SGB fails or refuses to do the above without justifiable reasons, the GDE should consider: <ul style="list-style-type: none"> • Requesting the South African Human Rights Commission (SAHRC) to assist with the lodging of a complaint in the appropriate Equality Court in terms of the Promotion of Equality and Prevention of Unfair Discrimination Act, 2000; and • Referring the matter of Mrs. Nell to SACE and requesting
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				<p>SACE to discipline Mrs. Nell in terms of its Disciplinary Code and Procedure.</p> <ul style="list-style-type: none"> • It should also be noted that Mrs. Nell did request that students in other grades be interviewed in order to obtain a more clear picture of her conduct as an educator, however, due to time pressures and in order to conclude the investigation, that recommendation by Mrs. Nell has not been acted on as this investigation has focused solely on the areas that were the source of the complaints against her.
10.	28-May-2014	Rand Park High School	Allegations of racism	<ul style="list-style-type: none"> • Legal Services to observe in the disciplinary process proceedings. • Ms Nhlapo to provide the details of all the other alleged victims of racial discrimination referred to in her submissions. • There be a mediation process between Ms Nhlapo and certain staff members including Mrs Ferreira, Mrs Kupper, and Mrs Lingens. • The district office also takes a concerted effort to assist with the mediation process between Nhlapo and the staff members listed above. • Nhlapo receives counselling and/or an assessment by qualified social workers to assess the root cause of his poor disciplinary record • A comparison be conducted, by an appropriate GDE division assessing the misapplication of policies and procedures, of the racial demographics of the learners who have been disciplined at Rand Park.
11.	08-May-2014	Forest Hill Primary School	Allegations racial abuse	<ul style="list-style-type: none"> • Te Bruggo, to undergo professional counselling in respect of interracial relationships and apologies to the Grade 7T Learners failing which a disciplinary hearing is constituted in respect of the "Paw-paw Remarks". • Should it be decided by the School Governing Body to

				subject Te Bruggo to counselling, learners in grade 7T be subjected to counselling to address the injury / hurt experienced by them in respect of the racist utterance Te Bruggo.
12.	11-Nov-14	Suikerbos Primary School	Allegations of racism	<ul style="list-style-type: none"> • The law firm recommends that the GDE should provide the School with English medium teachers in order for the School to be able to accommodate English speaking learners. • Refilwe and Ofentse's grandmother are very concerned that this investigation will result in Ofentse being victimised by his teachers and the management of the School. As a result Refilwe has consistently urged the investigators to recommend that the GDE or the District Office assist in the transfer of Ofentse to another school in the same vicinity as the School. • The law firm confirms that they have been informed by the district office of the Gauteng Department of Education (Sedibeng District) that Ofentse was moved to Sonland Park Primary School. The transfer of Ofentse was on the insistence of Refilwe and Ofentse's grandmother, who feared that Ofentse would be victimised at Suikerbos Primary School.
13.	05-May-15	Orchards Primary School	Allegations of racism and intolerance	<ul style="list-style-type: none"> • That a professional counsellor or mediator should be engaged to mediate between the Principal and the Complainant. Both the Principal and the Complainant believe that the relationship can be restored with the assistance of a professional counsellor or mediator. • That the children of the Complainant be counselled by a qualified counsellor, who if is not the same person as the mediator, must work hand in hand with the mediator involved in this matter. • That the Secretary of the SGB be given a written warning for his failure to keep the minutes of the SGB meeting in

				<p>contravention of clause 11.6.2 of the Constitution, which requires that the secretary of the SGB should keep minutes of the SGB meetings.</p> <ul style="list-style-type: none"> • That clause 11.6 (C) be amended to provide that written notices of the meetings of the SGB should be given by the Secretary of the SGB to the members, two or three weeks before the scheduled. • That the Chairperson of the SGB should be given a stern warning for his refusal to cooperate with this investigation. • That the members apply the provisions of the Constitution correctly. • That the Principal should be given a verbal warning for the stone throwing incident because it will be difficult to prove beyond reasonable doubt that the incident did in fact take place.
14.	21-May-15	The Glen High School	Allegations of racism and assault of an educator by fellow educators	<ul style="list-style-type: none"> • In light of findings that her grievances had little or no merit, there is no reason to propose disciplinary action against any member of staff of The Glen High School. • That the school and Department pursue further disciplinary action against her for false claims to the MEC. • The incompatibility between herself and the staff is deep and debilitating, and could give rise to further charges against her, as in essence she is the source of conflict. The misconduct and incompatibility is of a serious and material nature and may lead to her dismissal. • Noting that disciplinary action takes time, and the school is desperate to see her departure, the Department may consider transferring Ms Sidukwana elsewhere.
15.	30-Jan-15	Curro Foundation School	Allegations of Racial Segregation	CURRO AURORA - Although the Executive Head's explanations are acceptable, as they account for the uneven allocation of White and African learners to classes, it is still recommended that the school demonstrates that it has

				<p>applied its mind to implementing policies that will ensure that there is a fairer allocation of learners of different races to classes.</p> <p>CURRO COLLEGE HAZELDEAN - Regarding the demographic representivity of educators at the school, it is recommended that this issue be the subject of serious consideration.</p> <p>CURRO HELDERWYK - It is recommended that the “growth class” should be the subject of review and reallocation in order to ensure a more equitable representation of learners from different racial groups. In this regard, it is recommended that “growth classes” should not exist for a period of longer than one year. With regard to the teaching staff demographics it is recommended that this receive serious consideration.</p> <p>CURRO SERENGETI - It should be noted that in relation to the above finding, that Curro Management and the school management did address this situation on the 5th of March 2015 in relation to the class allocation in grade 2E2 at Curro Serengeti, and the matter was corrected.</p> <ul style="list-style-type: none"> • With regard to the composition of the parent liaison committee, it is recommended that the school, in future, give this issue the attention it deserves. • It is recommended that the school give additional consideration to the language preferences of the parents of learners in the school. In this respect, there may well be a considerable number of learners and their parents who would prefer not to have Afrikaans as the second additional language and choose Setswana or potentially isiZulu. This would be for the school to canvass. <p>CURRO THATCHFIELD - It is clear that the issue of language at Thatchfield remains a sensitive issue and it is recommended</p>
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				that in addressing the language issue, Curro Management and the school management approach it in an inclusive and constructive manner in order to address the concerns of parents, which concerns have been set out above.
16.	22-Jun-15	Irene Primary School	Allegations of racism by the uniform shop assistant	<ul style="list-style-type: none"> • In light of to eliminate the confusion surrounding the written apology emailed by the School to Mr Makgabo and in order bring this matter properly to a close, the law firm recommends that a meeting, preferably facilitated by both Ms Shadung [Cluster Leader] and/or Mr Davids, be convened between Ms Bourke and a representative from M & B and Mr Makgabo to give Ms Bourke an opportunity to tender her apology properly to Mr Makgabo. • The law firm recommends that Ms. Shadung should simply follow on the matter with the School and the SGB once the SGB meeting has taken place on 27 July in order to solicit feedback from the SGB. • It is the investigator's view that Mr Davids [the principal] was accordingly correct when he maintained that other than raising the matter with Ms. Bourke and her employer, the School or the Department cannot take no disciplinary steps against Ms. Bourke [Because she is not an employee of the Department or the SGB].
17.	10-Jun-15	Frances Vorweg School	Allegations of racial discrimination	<ul style="list-style-type: none"> • The current Learner Admission Policy was last reviewed in 2009, and it is not signed. It is recommended that the School reviews its Learner Admission Policy jointly with all relevant parties, and approves and signs a Learner Admission Policy. • All of the educators in the Special Phase are assigned Class Assistants, and that the School meaningfully engages with the HODs in the Special Phase, namely Mrs. Mbele and Ms. Bekker, in order to address the specific needs of the Special Phase. Further serious consideration be given to Mrs. Mbele's request that an additional educator be appointed to

				<p>the Special Phase. Alternatively that the Principal transfers a qualified educator from the Vocational Phase to the Special Phase, in order to cater for the additional assistance that is required in the Special Phase, which is ultimately in the best interests of the learners.</p> <ul style="list-style-type: none">• The GDE inspect the staff quarters to check their conditions. In the event that they are found to be unsatisfactory, the School should immediately address the conditions of the rooms in order to ensure they are of a satisfactory standard.• The workshop, and other facilities that are capable of being shared, are shared amongst the learners in the Special Phase and the Vocational Phase. The School continues to prepare the same meals for all of the learners and that no special adjustments are made for any learner, unless written proof is provided by the learner's parents and / or a qualified medical practitioner stating that the learner requires a special diet due to medical, religious and related matters• The school to address the concerns of the staff members who live in the quarters, as it has been established that these staff members pay rental fees to live there.• It is recommended that the positions of 'Housemother' and 'Supervisor' must reflect a more transformed environment, because it is found that the reason why only one (out of six) staff members who lives in the hostel is Black (Coloured), is because only Supervisors and Housemothers are permitted to live in the hostel, and there are not enough Black staff members in these positions. Therefore, it is recommended that the Housemothers and the Supervisors at the School reflect a racially transformed group.• It is recommended that the SMT membership also be transformed in accordance with the country's racial demographics, because it is found to be unacceptable that
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				only one out of twelve SMT members is Black.
18.	20-Apr-15	Theresa Park Pretoria North	Allegations of racial segregation	<ul style="list-style-type: none"> • The school is a public school and we recommend that the matter should be referred to Tshwane West District to facilitate Transformation in the school. • It is recommended that the District Director should oversee the recruitment process of the school including the transfer of personnel and ensure that there is at least minimum or equal representation of race in the SMT or educators post. • The District Director to report the HOD on progress of such transformation within 6 (six) upon receipt of this report.
19.	22-Feb-16	GDE Head Office	Racial behaviour at GDE Head Office	<ul style="list-style-type: none"> • There is no sufficient evidence to support a claim of unfair racial discrimination and the case should be dismissed. • In relation to the contravention of the parking policy by the complainant, the Policy does not contain specific remedies for non-contravention which makes it impossible to make any further recommendations in this regard.
20.	23-Apr-18	Hoerskool Voortrekkerhoogte	Allegations of racism by an educator	<ul style="list-style-type: none"> • It is recommended that given that Claassen is an SGB employee, the SGB should facilitate a mediation process between Mbuqe and Claassen to address the perception of racism. • It is recommended that both Mbuqe and Maleka [NAPTOSA Union Representative] be encouraged to come forward and disclose these alleged incidents of racism and be given opportunity to deal with the perception of racism at Voortrekkerhoogte. • It is recommended that in the event that the SGB takes a decision to institute disciplinary proceedings against Claassen it should do so in accordance with the applicable laws referred to above. • It is recommended that there be a mediation process between Mbuqe and Claassen with a view to reconcile the two.

