



KWAZULU-NATAL PROVINCIAL ADMINISTRATION

PROVINCIAL POLICY FRAMEWORK FOR GRANTING BURSARIES

This Provincial Policy Framework was approved by the Premier of the Province of KwaZulu-Natal on 28/02/12.

Signed:

A handwritten signature in black ink, appearing to read 'L. Mkhize', written over a horizontal line.

Honourable L. Mkhize

Premier: Province of KwaZulu-Natal

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1. INTRODUCTION

- 1.1 The KwaZulu-Natal Provincial Administration acknowledges the right of each person to have access to education and training in compliance with the Constitution of the Republic of South Africa 1996. To this end, the Administration, through reasonable measures, is committed to making further education available and accessible to serving employees through the implementation of a bursary scheme. This affords employees and prospective employees the opportunity to equip themselves in a formally structured manner on the basis of identified requirements in the interest of the Administration, with enhanced knowledge and skills to undertake present and/or future duties diligently and satisfactorily.
- 1.2 This policy framework will give employees as well as prospective employees ongoing and equitable access to training geared towards achieving an efficient, non-partisan and representative public service. Training should become increasingly driven by both individual and the Administration's needs and link strategically to broader human resource management practices and programmes aimed at enhancing employment equity, representativeness and service delivery.
- 1.3 Provincial Departments may adopt this policy framework in its current form. However, if there are unique circumstances within a Department that necessitate the modification of the policy framework, departments may customize the policy to suit those prevailing circumstances but ensure that they remain within the minimum and maximum provisions of the provincial policy and submit the customized policy to the KwaZulu-Natal Public Sector Coordinating Bargaining Council for ratification through the Office of the Premier.

2. PURPOSE

The purpose of this policy framework is to set out the parameters in terms

of which the Administration may financially assist serving employees and prospective employees to acquire the necessary qualifications that will enable them to perform specific occupational tasks, general administrative tasks and technical tasks aimed at establishing a more dynamic and service oriented public service.

3. OBJECTIVES

The objectives of this policy framework are to:

- (a) grant financial assistance to serving and prospective employees who undertake studies in specifically identified areas where there is a critical shortage of employees with suitable qualifications and/or scarce/critical skills within the Administration, and where these posts cannot be readily filled through the recruitment of suitably qualified persons;
- (b) give effect to affirmative action initiatives of the Administration and support and promote the principles of employment equity in terms of departments' employment equity policies and plans;
- (c) assist those serving employees and prospective employees who have the potential but lack the financial resources to further their studies with educational institutions in the fields and priority areas that would add value to departments; and
- (d) assist prospective employees to enter the labour market; and assist departments to acquire the necessary competencies to achieve their functional and strategic objectives.

4. DEFINITION OF TERMS

For the purposes of this policy framework, unless the context indicates otherwise, the following definitions are set out for the terms indicated:

“Administration” means the Office of the Premier: KwaZulu-Natal and the KwaZulu-Natal provincial departments.

“base qualification” means a qualification of a minimum of three (3) years or as prescribed by the recognised educational institution for the attainment of a national diploma or a degree.

“breach of contract” means that the bursary holder or relevant provincial

department failed to perform his/her/its obligations as set out in the bursary contract.

"bursary" means the financial assistance granted by the Administration to a serving or prospective employee.

"critical skills" means those skills which are crucial and unique to a provincial department to ensure efficient service delivery or essential to meeting the strategic objectives of a department.

"designated groups" means black people, women and people with disabilities.

"employee" means a person contemplated in terms of the Public Service Act, 1994 as amended.

"general education" means the compulsory school attendance phase as referred to in Section 3 of the South African Schools Act 84 of 1996.

"higher education" means higher education as defined in Section 1 of the Higher Education Act 101 of 1997.

"Human Resource Development Committee" or "HRDC" means a departmental body evaluating bursary applications and related matters.

"post-tertiary qualification" means a B-Tech, Honours, Masters, Doctorate, Post Graduate Diploma or Certificate or equivalent qualification.

"pre-tertiary qualification" means general education, specifically the National Senior Certificate.

"prospective employee" means a person outside the employment of the public service but whose studies are financed by the Administration. Such persons may be obliged to serve the relevant Provincial Department for a specified period once they have obtained their pursued qualifications.

"Provincial Bursary Committee" means the Committee established in terms of section 7.1 of this policy framework consisting of representatives

from all provincial departments who oversee the implementation of this policy framework.

“Public Finance Management Act 1 of 1999” or “PFMA” means the Act established to regulate financial management in the Public Service to ensure that all revenue, expenditure, assets and liabilities of those governments are managed efficiently and effectively; to provide for the responsibilities of persons entrusted with financial management in those governments and to provide for matters connected therewith.

“qualification” means the formal recognition of the achievement of the required number and range of credits and such other requirements at specific levels of the National Qualifications Framework as may be determined by the relevant bodies registered for such purpose by the South African Qualifications Authority (SAQA).

“registration fee” means the fee payable on registration at a tertiary institution but excludes the payment of registration for sports and other clubs, SRC levies and other non-essential optional fees not related to the academic course for which the student is registering.

“scarce skills” means those skills which are difficult to recruit and expensive to replace.

“serving employee” means an employee who is currently employed in a permanent capacity by the Administration.

“tuition fees” means the fees determined by the educational institution for tuition in the study courses for which a bursary recipient has registered in a particular year.

5. AUTHORISATION

Constitution of the Republic of South Africa 1996

Public Service Act, 1994 as amended (Proclamation 103 of 1994);

Public Service Regulations, 2001 as amended;

Skills Development Act 97 of 1998;

National Skills Development Strategy 2010-2014;

Promotion of Administrative Justice Act 3 of 2000;
Public Finance Management Act 1 of 1999; and
Treasury Practice Note FM-18 of 2006 (Amendment 1 of 2008).

6. APPLICABILITY

This Policy Framework shall apply to all employees of the Administration employed in terms of the Public Service Act, 1994 (as amended) and prospective employees.

7. POLICY PROVISIONS

7.1 PROVINCIAL BURSARY COMMITTEE

The Provincial Bursary Committee is hereby established and has the following functions:

- a) Monitor the implementation of the Provincial Policy Framework for Granting Bursaries.
- b) Facilitate the determination of scarce skills for the granting of bursaries in the identified fields.
- c) Facilitate the submission of reports by provincial departments and prescribe the format of such reports.
- d) Make recommendations on the review of the policy framework.
- e) Assist with the appropriate placement of bursary student graduates in provincial departments.

7.2 CRITERIA FOR AWARDING BURSARIES TO SERVING EMPLOYEES

The following criteria must be considered when granting bursaries to serving employees:

- a) Employees must be permanently employed.
- b) Preference must be given to employees who are South African citizens and residents of KwaZulu-Natal.
- c) Employees who display potential for academic success and determination, but have limited financial resources must be given preference.
- d) Bursaries or financial assistance may not be awarded to a serving employee who wishes to obtain a qualification equal in value to one he/she has already obtained. The exception to the rule will only

apply where it is deemed to be in the best interest of the relevant provincial department.

- e) The relevant provincial department must take into account any specific plans to meet the training and development needs of designated groups when awarding bursaries.
- f) A serving employee must study at a tertiary institution, which is the most economical and least disruptive to the official hours of work of the provincial department in which he/she is employed. This could include changing from part-time study attendance to distance or correspondence learning.
- g) The granting and taking over of bursaries must have direct relevance to the functions performed within the provincial department which is granting or taking over the bursary.
- h) Bursaries or financial assistance may not be awarded to employees who do not comply with the admission requirements of the respective educational institutions.
- i) Provincial departments must ensure that bursaries and/or financial assistance are awarded to candidates who wish to study in fields that will assist departments to realize their objectives and service delivery needs with due regard to scarce and critical skills.
- j) Preference must be given to employees pursuing first degrees or diplomas or a base qualification relating to their work. The order of priority is the National Senior Certificate, First Diploma or Degree, Post Graduate or Honours or B-Tech, Masters and Doctoral degrees.

7.3 CRITERIA FOR AWARDING BURSARIES TO PROSPECTIVE EMPLOYEES

- a) Preference must be given to applicants who wish to study in fields requiring scarce or critical skills.
- b) Preference must be given to prospective students between the ages of 18 and 35, those with disabilities, orphans, those from rural areas and women.
- c) Preference must be given to applicants who are South African citizens, residents of KwaZulu-Natal and/or to applicants whose parents are residents of KwaZulu-Natal.

- d) Preference must be given to youth who were enrolled in or have completed the Youth Ambassador Programme.
- e) Bursaries must be granted in accordance with the strategic objectives of the relevant provincial department.
- f) The applicant or his/her parent or guardian (if under 21 years of age) must have limited means of paying for his/her studies and must complete an income and expenditure statement.
- g) Preference must be given to academically deserving students who are able to demonstrate the potential for academic success (academic records i.e. Grade 12 - June examination results, or records supported by tertiary institutions).
- h) Preference must be given to prospective employees who during or after attaining their qualifications are prepared to bind themselves contractually to serve in specific geographic areas where there is a critical shortage of personnel with the identified qualifications.
- i) Preference must be given to students who have chosen to study at a tertiary institution in KwaZulu-Natal except where the qualification is not offered at a tertiary institution in KwaZulu-Natal or the student was not accepted by any of the tertiary institutions in KwaZulu-Natal.
- j) An applicant must not be granted a bursary if he/she is receiving funding from any other source except where there are arrears fees which preclude the student from registering because the funding received may not be used in the payment of student debt. In these cases a bursary may be granted for the payment of the arrears fees only.

7.4 CONTRACTUAL OBLIGATIONS

The serving or prospective employee must enter into a written contract to serve the Administration after attainment of the relevant qualification as follows:

- (a) an employee or prospective employee who undertakes full-time study must redeem the bursary by serving the Administration on the basis of one (1) year of service for each year of study or part thereof once the qualification is obtained;

- (b) an employee who undertakes part-time study must redeem the bursary by serving the Administration for at least one (1) year after attaining the relevant qualification;
- (c) where an employee receives financial assistance towards the attainment of a National Senior Certificate, he or she will not be required to serve the Administration after attaining the qualification.
- (d) where the contractual obligations cannot be fulfilled due to ill health or incapacity as a result of the mental disability of the bursary holder or due to ill-health retirement, or in the case of a prospective employee only, death, any liability for the repayment of any monies, which may be due in terms of the contract, shall lapse;
- (e) if an employee leaves the service of the Administration before completing his/her studies, does not make satisfactory progress towards obtaining the qualification, and/or elects not to continue with his/her studies, he/she will be liable for the repayment of the bursary amount, paid by the Administration to date, including interest at a rate determined by the Minister of Finance in terms of Section 80(1)(b) of the PFMA. In the case of a serving employee leaving or resigning from the public service, the amount owing to the Administration must be recovered from the individual, failing which an "out of service" debt must be set up;
- (f) in the event an employee or prospective employee wishes to temporarily suspend or discontinue his/her studies or where he/she made unsatisfactory academic progress, it will be incumbent upon him/her to immediately request a deferment of contractual obligation from the department. He/she must present the Administration with a proposal to enable him/her to complete the relevant course(s) or qualification on his/her own time and at his/her own expense to avoid immediate steps being taken to institute a recovery of the bursary amount. However, this deferment shall not exceed a period of two (2) years without prior approval of the Administration; and
- (g) in the case of the prospective employee who fails to complete his/her studies satisfactorily and/or does not fulfill, for any reason other than those mentioned in paragraph 7.4(d) above, his/her service obligation, an "out of service" debt will be instituted against him/her

and he/she may be liable for the full payment of the bursary amount (including interest) which was granted to him/her.

7.5 ADMINISTRATION'S PAYMENT OBLIGATION

- (a) The Administration shall cover the costs of prospective students' arrears fees (where applicable), registration, tuition, and examination fees, prescribed books, meals and accommodation excluding the payment for any supplementary examinations or modules which must be rewritten due to failure.
- (b) The Administration shall pay to prospective students a subsistence stipend in cases where private accommodation or residence accommodation is provided without the inclusion of meals.
- (c) The Administration shall cover the costs of serving employees' registration, tuition and examination fees excluding the payment for any supplementary examinations or modules which must be rewritten due to failure.

8. RELEASE FROM DUTY TO STUDY FULL-TIME

- 8.1 Serving employees must not be permitted to study at a tertiary institution on a full-time basis with retention of salary if they are granted financial assistance. An exception to the rule only applies where it is deemed to be in the best interest of the Administration.
- 8.2 If a particular field of study directly relevant to the core functions of the provincial department concerned, cannot be undertaken through correspondence or on a part-time basis and where the employee is not granted financial assistance, he/she may be released from duty to study full-time at a tertiary institution with retention of salary, provided it can be proven that the person cannot function in the Administration without acquiring this qualification.
- 8.3 It must be clearly noted that this type of state assistance is not recommended but, should it be necessary, substantial motivation

must be submitted to the Administration to ensure that valid reasons exist for the deviation.

- 8.4 An employee must complete the contractual obligation and submit proof of payment to the Administration before he/she is released from duty.

9. CHANGE IN STUDY DIRECTION

- 9.1 Authority may be granted to an employee or prospective employee to change his/her direction of study provided that the new field of study complies with the criteria laid down in section 7.2 or 7.3 of this framework.
- 9.2 An employee or prospective employee must consult with and make application in writing to the Director-General or the Head of the relevant provincial department requesting authority to change his/her study course, any modules or study direction.

10. OVERSEAS STUDY

- 10.1 Serving employees' requests to study overseas with retention of salary must be sent to the Executive Authority via the Administration for consideration. Upon submission of such a unique request, detailed motivation must be provided as to why it is in the best interest of the Administration for the employee to embark on such studies.
- 10.2 Requests from prospective students to study overseas must take into account any existing prescripts or agreements governing exchange programmes with other countries that are currently in place which may accommodate such requests. Such requests require the approval of the Head of Department.

11. TAKE-OVER OF BURSARIES AND/OR STUDENT DEBTS

- 11.1 Heads of Department are encouraged to negotiate the take-over of a bursary contract provided that the employee's study direction when considered in the context of the functions of the receiving department complies with the criteria set out in section 7.2 of this

framework or waive the debt in cases where the receiving department is unable to take over the bursary obligation from the granting department.

- 11.2 The take-over of a bursary contract may include the receiving department financially reimbursing the department, which initially granted the bursary, for any year of study, which has not yet been redeemed by service obligation. The responsibility for any future financial or service obligations resulting from the granting of the bursary will be borne by the receiving department.
- 11.3 In specific identified areas where there is a critical shortage of qualified personnel within the Administration and where the post cannot be readily filled through recruitment, the Administration may as an added incentive take-over a student's study debt on recruitment. The student will, in exchange, complete a contract approved by Treasury to redeem this debt by service obligation. Any breach of this contract will result in the measures contained in section 7.4 being instituted. The length of the service obligation will equal the number of year's study, which the debt spans.

12. REPORTING PROCEDURE

Provincial departments and the Office of the Premier are required to report to the Provincial Bursary Committee through the Office of the Premier in writing on a quarterly basis in the prescribed format.

13. YOUTH DEVELOPMENT

- a) A structured approach must be followed to ensure youth development and empowerment.
- b) The Office of the Premier: KwaZulu-Natal shall, through a Youth Ambassadors Programme, identify youth from all social backgrounds (rural, semi-rural, urban and peri-urban areas) with preference given to youth with disabilities, orphans and women and place them in the Youth Ambassadors' Programme for a period of two (2) years.

- c) On completion of the Youth Ambassadors' Programme qualifying youth shall be awarded bursaries to suit their academic requirements.
- d) After completion of their qualifications former youth ambassadors must be considered for appointment as interns under departmental internship programmes.
- e) Preference must be given to former youth ambassadors who have been granted bursaries and awarded internships when recruitment and selection takes place in provincial departments.

14. ROLES AND RESPONSIBILITIES

14.1 Provincial Bursary Committee

- a) oversee the awarding of bursaries by provincial departments;
- b) provide advice and support on the awarding of bursaries;
- c) facilitate the determination of scarce and critical skills in departments to inform decisions regarding the awarding of bursaries;
- d) prescribe the format of reports and facilitate the submission thereof by departments;
- e) make recommendations on the review of the policy framework; and
- f) assist with the appropriate placement of bursary student graduates in provincial departments.

14.2 Human Resource Components of Provincial Departments must:

- a) ensure that the content of this policy is communicated to all senior managers, line managers and employees in the Administration;
- b) customise its departmental policy within the framework of this policy, if necessary;
- c) ensure that new areas of review, which are of a transversal nature, are brought to the attention of the Chief Directorate: Human Resource Development in the Office of the Premier; and
- d) provide quarterly reports to the Provincial Bursary Committee in the prescribed format.

14.3 The Office of the Premier's Chief Directorate Human Resource Development must:

- a) ensure that the policy and the procedure manual are reviewed in line with amended national legislation and recommendations from the Provincial Bursary Committee and include input from the provincial department's human resource components;
- b) ensure that the provincial departments apply the provisions of this policy consistently; and
- c) assist the Provincial Bursary Committee by monitoring and evaluating the implementation of the policy framework.

15. FINANCIAL IMPLICATIONS

The Director-General and the Heads of the provincial departments must ensure that funds are available to implement this policy.

16. RIGHT TO WRITTEN REASONS, APPEAL AND REVIEW

- 16.1 The Administration must within a reasonable time after a decision has been taken notify all the applicants of the outcome of their applications.
- 16.2 The Accounting Officer of the Administration must set up an appeal authority to review decisions and hear appeals emanating from the internal bursary committees.
- 16.3 The Administration must record in writing all decisions taken and shall at the time of notifying the applicants of the outcome of their applications, inform them of their right to request written reasons for their unsuccessful applications.
- 16.4 Where reasons are not automatically furnished, applicants shall have ninety (90) days from date of receipt of notification to request reasons.
- 16.5 The Administration must inform the applicants on the procedure and the time frame within which to apply for review of the decision.

17. MANAGEMENT OF COMPLAINTS, DISPUTES AND GRIEVANCES

(a) Complaints

An employee, who has a complaint related to the implementation of this policy or alleges being unfairly discriminated against, may submit the complaint to his/her respective Directorate: Human Resource Management. However, this does not prevent an employee from directly lodging a formal grievance with his/her respective Directorate: Labour Relations.

(b) Grievances and Disputes

Should a grievance remain unresolved, it may be dealt with through the existing dispute resolution procedures contained in PSCBC Resolution 14 of 2002. A representative from the Directorate: Human Resource Management should be present at all hearings.

18. MONITORING, EVALUATION AND REVIEW

Monitoring and evaluation are crucial elements of this policy framework and shall be done on an ongoing basis. The Provincial Bursary Committee will monitor and evaluate this policy framework. The Chief Directorate: Strategic Human Resources in the Office of the Premier: KwaZulu-Natal will review and amend this policy framework as and when necessary in line with the recommendations of the Provincial Bursary Committee.

19. PROCEDURAL REQUIREMENTS

The KwaZulu-Natal Provincial Administration Procedure Manual for Granting Bursaries is issued in terms of this policy.

20. IMPLEMENTATION DATE

01 MAR 2012

This policy framework will come into effect on

21. ANNEXURES

- a. Annexure A: Application for State Aided Bursary
- b. Annexure B: Bursary Agreement
- c. KwaZulu-Natal Provincial Administration Procedure Manual for Granting Bursaries