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GENERAL NOTICE

NOTICE 325 OF 2015

USE OF OFFICIAL LANGUAGES ACT 12 OF 2012 CALL FOR COMMENTS ON THE LANGUAGE POLICY OF THE DEPARTMENT OF BASIC EDUCATION

I, Angelina Matsie Motshekga, Minister of Basic Education, acting under section 4(1) of the Use of Official Languages Act, 2012 (Act No. 12 of 2012), intend to adopt a language policy for the Department of Basic Education, as set out in the schedule.

All interested persons and organisations are invited to comment on the language policy, in writing, and to direct their comments to –

The Director-General, Private Bag X895, Pretoria, 0001, for attention: Dr M Pillay, tel. 012 357 3361, email Pillay.m@dbe.gov.za, fax 012 323 5448.

Kindly provide the name, address, telephone number, fax number and email address of the person or organisation submitting the comments.

The comments must reach the Department by 1 May 2015.


ANGELINA MATSIE MOTSHEKGA, MP
MINISTER OF BASIC EDUCATION
DATE: 31.03.2015

SCHEDULE



basic education

Department:
Basic Education
REPUBLIC OF SOUTH AFRICA

DEPARTMENT OF BASIC EDUCATION

DRAFT LANGUAGE POLICY

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DEFINITIONS

Act	The Use of Official Languages Act, 2012 (Act No. 12 of 2012)
Constitution	The Constitution of the Republic of South Africa, 1996
DG	Director-General of the Department of Basic Education
LIEP	Language in Education Policy
Minister	The Minister of Basic Education
NEPA	National Education Policy Act, 1996
PanSALB	The Pan South African Language Board, established in terms of the Pan South African Language Board Act, 1995 (Act No. 59 of 1995)
Policy	The Language Policy of the Department of Basic Education
SASA	The South African Schools Act, 1996
Republic	The Republic of South Africa

FOREWORD BY THE MINISTER

The Department of Basic Education's Language Policy has been formulated in line with section 4. (1) of the **Use of Official Languages Act, 2012**. This act stipulates that every national department, national public entity and national public enterprise must adopt a language policy on its use of official languages.

This language policy outlines the various purposes for which language is used in the Department and the official languages to be used for these purposes.

This policy includes the provision for the use of language for the following purposes:

- I. Inter- and intra-government communication
- II. Communicating with members of staff (internal communication)
- III. Communicating with members of the public (official written correspondence)
- IV. Communication with members of the public (oral communication)
- V. Public hearings (Izimbizo) and other official proceedings
- VI. Official publications intended for public distribution and utilisation (notices on the Departmental website, advertisements, forms and signage on buildings)
- VII. International communication
- VIII. Curriculum implementation documents
- IX. Communication with hearing and/or sight impaired stakeholders

The Department of Basic Education will use English as the official language of communication for points I to V (above). However, if a request is made for the provision of communiqués, other documents and interpretation in any of the other official languages, the Department will provide such services. This is due to the fact that the Department is obliged to take the practicability and cost effectiveness of translating all communiqués and documents into all official languages, as well as the provision of interpretation services in all official languages, into consideration. With regard to point VI (above) the Department will use English as the official language of communication;

and as far as VII is concerned, the Department will use English as the official language of communication and/or the preferred language of the country concerned.

VIII (above) relates directly to the core business of the Department of Basic Education and therefore the Department's language policy takes the *Language in Education Policy* into consideration, which states that all the official languages should be taught as subjects and can be used as languages of teaching and learning. The following guidelines will be applied:

- a) In the foundation phase the Department will provide all curriculum documents for both the content subjects and the languages in all the eleven (11) official languages.
- b) In the Intermediate Phase (Grades 4-6), Senior Phase (Grades 7-9) and Further Education and Training (Grades 10-12) documents related to the teaching and learning of languages will be provided in all the official languages of the Republic of South Africa.

With regard to IX (above), the appropriate means of communication, such as South African Sign Language and Braille services will be sourced and utilised as requested and required.

The education landscape is not static and may change when the socio-cultural and political circumstances within South Africa change. Therefore this language policy is required to be dynamic in order to evolve with the changing needs of society.

Teachers, learners, parents and other education stakeholders must note that this language policy does not replace the *Language in Education Policy* (LiEP) but it is partly underpinned by it.

The Department of Basic Education trusts that this policy will open more doors and channels of communication with parents, learners, teachers and all other education stakeholders.


MRS A M MOTSHEKGA, MP
MINISTER OF BASIC EDUCATION
DATE: 31/03/2015

1. INTRODUCTION

The Constitution of the Republic of South Africa recognises that cultural diversity is a valuable national asset and hence promotes multi-lingualism. The Constitution however, also recognises the historically diminished use and status of the indigenous languages of South Africa and compels the State to take practical steps to elevate the status and advance the use of these languages. Historical practices of the past gave prominence to English and Afrikaans, thereby allocating sufficient resources for their use both in public places and at schools. This was of course to the detriment of the country's other indigenous languages, despite the majority of South Africans being IsiZulu speaking.

The Department of Basic Education's Language Policy takes this into consideration and through *the Language in Education Policy (1997)* promotes multi-lingualism and respect for all languages used in the country, including South African Sign Language. The Language in Education Policy is conceived of as an integral and necessary aspect of government's strategy of building a non-racial nation in South Africa. It facilitates communication across barriers of skin colour, language and region; whilst at the same time creating an environment in which respect for languages other than one's own is encouraged. The underlying principle is the maintenance of home language(s) while providing access to and the effective acquisition of additional language(s) by all learners.

The Department of Basic Education's Language Policy takes inter- and intra-government communication; internal communication; official written correspondence with members of the public; oral communication with members of the public; public hearings and other official proceedings; official publications intended for public distribution and utilisation; international communication; curriculum implementation; and communication with hearing and/or sight impaired stakeholders, into consideration.

The Language Policy adopts a decentralised approach to language planning and policy implementation in each Provincial Department of Education, whereby each identifies its own working languages, as the most viable manner in which to promote multilingualism given South Africa's highly pluralistic society.

2. PURPOSE

The Department of Basic Education's Language Policy has been formulated in line with section 4.(1) of the **Use of Official Languages Act, 2012**, which provides that every national department, national public entity and national public enterprise must adopt a language policy on its use of official languages.

Section 4(2) provides that a language policy adopted in terms of subsection (1) must:

- 2.1 identify at least three official languages that the national department, national public entity or national public enterprise will use for government purposes;
- 2.2 stipulate how official languages will be used in effectively communicating with the public, official notices, government publications, and inter and intra-government communication;
- 2.3 describe how the national department, national public entity or national public enterprise will effectively communicate with members of the public whose language of choice is not one of its chosen official languages, or South African Sign Language,
- 2.4 describe how members of the public can access the language policy, and
- 2.5 provide complaints mechanism to enable members of the public to lodge complaints regarding the use of official languages by a national department, national public entity or national public enterprise.

3. OBJECTIVES

The objectives of the Department of Basic Education's Language Policy are as follows:

- 3.1 To promote multilingualism and respect for all languages used in the country, including South African Sign Language.
- 3.2 To facilitate communication across the barriers of skin colour, language and region, whilst at the same time creating an environment in which respect for languages other than one's own is encouraged.
- 3.3 To adopt a decentralised approach to language planning and policy implementation in which each Provincial Education Department identifies its own working languages, as the most viable manner in which to promote multilingualism, given South Africa's highly pluralistic society;
- 3.4 To promote previously marginalised official indigenous languages; and the learning and teaching of all the official languages of the Republic at all levels of schooling.
- 3.5 To give effect to the language rights enshrined in the Constitution through the active promotion of multilingualism.
- 3.6 To facilitate equitable access to government services, information and participation in government processes.
- 3.7 To support, develop and sustain multilingualism within Provincial Education Departments and in their communication and interaction with the public.
- 3.8 To protect language diversity and promote respect for multilingualism and unity.

- 3.9 To provide guidance and direction to Provincial Education Departments in developing their own operational language policies, thus further enhancing functional multilingualism.
- 3.10 To promote good language management for cost-effective and efficient public service delivery and administration.

4. CONSTITUTIONAL AND LEGAL IMPERATIVES

4.1. THE CONSTITUTION

The following are the sections of *the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996)* that have been taken into consideration in the drafting of the Department of Basic Education's Language Policy:

Section 6(1) declares that the official languages of South Africa are Sepedi, Sesotho, Setswana, siSwati, Tshivenda, Xitsonga, Afrikaans, English, isiNdebele, isiXhosa and isiZulu.

Section 6(2) recognises the historically diminished use and status of the indigenous languages of South Africa, and compels the state to take practical steps and design mechanisms to elevate the status and advance the use of these languages.

Section 6(3)(a) specifies that national and provincial governments must use at least two of the official languages for the purposes of government subject to considerations of practicality, expense, regional usage and circumstances, and the needs and preferences of the public as a whole, or in the province concerned.

Section 6(3)(b) stipulates that local governments must take into account the language usage and preferences of their residents.

Section 6(4) obliges national and provincial governments to regulate and monitor their use of official languages to ensure parity of esteem and equitable treatment.

Section 6(5) provides for the establishment of PanSALB to promote and develop the use of all the official languages, as well as Khoi, Nama, San and Sign Languages, and to promote respect for all languages commonly used in communities in South Africa.

Section 9(3) protects citizens against unfair discrimination on the grounds of language. (The state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth.)

Section 29(2) states that everyone has the right to receive education in the official language or languages of their choice in public institutions where that education is reasonably practicable. In order to ensure the effective access to, and implementation of, this right, all reasonable educational alternatives must be considered, taking into account equity, practicability and redress.

Sections (30) and 31(1) uphold the rights of citizens to use the language of their choice.

4.2 RELEVANT LEGISLATION AND POLICIES

4.2.1 LANGUAGE IN EDUCATION POLICY

The main aims of the Department of Basic Education's *Language in Education Policy*, 1997 are:

4.2.1.1 to promote full participation in society and the economy through equitable and meaningful access to education;

4.2.1.2 to pursue the language policy most supportive of general conceptual growth amongst learners, and hence to establish additive multilingualism as an approach to language in education;

4.2.1.3 to promote and develop all the official languages;

4.2.1.4 to support the teaching and learning of all other languages required by learners or used by communities in South Africa, including languages used for religious purposes, languages which are important for international trade and communication, and South African Sign Language, as well as Alternative and Augmentative Communication;

4.2.1.5 to counter disadvantages resulting from different kinds of mismatches between home languages and languages of learning and teaching;

4.2.1.6 to develop programmes for the redress of previously disadvantaged languages.

4.2.2 SOUTH AFRICAN SCHOOLS ACT, 1996

The South African Schools Act (SASA) currently provides for the Minister of Education, subject to the Constitution and after consultation with the Council of Ministers, to determine norms and standards for language policy in public schools. It also specifies that the governing body of a public school may determine the language policy of the school subject to the Constitution, the SASA and any applicable provincial laws.

4.2.3 THE NATIONAL EDUCATION POLICY ACT (NEPA) (1996)

The National Education Policy Act (NEPA) (1996) inscribed into law the policies, the legislative and monitoring responsibilities of the Minister of Education, as well as the formal relations between national and provincial authorities. It laid the foundation for the establishment of the Council of Education Ministers (CEM), as well as the Heads of

Education Departments Committee (HEDCOM), as inter-governmental forums that would collaborate in the development of a new education system. NEPA (1996) therefore provided for the formulation of national policy in general, and further education and training policies for, *inter alia*, curriculum, assessment, language and quality assurance. NEPA embodies the principle of co-operative governance, elaborated upon in Schedule Three of the Constitution.

4.2.4 PAN SOUTH AFRICAN LANGUAGE BOARD ACT, 1995

The *Pan South African Language Board (PanSALB) Act of 1995* provides, *inter alia*, for the recognition, implementation and furtherance of multilingualism, and development of the historically marginalised indigenous languages.

4.2.5 PROMOTION OF ACCESS TO INFORMATION ACT, 2000

The objectives of the *Promotion of Access to Information Act* are to give effect to the constitutional right of access to any information held by the state, private bodies or persons subject to justifiable limitations. Such access might not only refer to physically obtaining the information but must, as far as possible, be in a language of choice of the requester.

4.2.6 NATIONAL LANGUAGE POLICY FRAMEWORK

As Schedule 4 of the Constitution states that the language is a functional area of concurrent national and provincial competence, the National Language Policy Framework (NLPF) stipulates that all government structures (national, provincial and local government), as well as institutions exercising a public power or performing a public function, are bound by it.

In promoting multilingualism provinces are expected to formulate their language policy

frameworks, based on the NLPF, but also taking into account the regional circumstances, needs and preferences of provincial communities. Local governments will then formulate local language policies in line with the provincial policy framework. Government is also encouraged, where necessary, to support the private sector to develop and implement its own language policies in accordance with the above policy frameworks.

5. THE DEPARTMENT OF BASIC EDUCATION LANGUAGE UNIT

The Department of Basic Education relies on the Chief Directorate: Media Liaison and National and Provincial Communication to manage all language related issues in the Department. However, the Department is in the process of establishing a dedicated Language Unit. The Language Unit will submit a report to the Minister and to the Pan South African Language Board (PanSALB) on an annual basis on the activities of the Unit; the implementation of Department's Language Policy; and any complaints received regarding its use of the official languages and the manner in which these complaints were dealt with. The unit will also liaise closely with the Department of Arts and Culture (DAC) and PanSALB.

The Department of Basic Education's Language Unit will manage the implementation of the Department of Basic Education's Language Policy on a daily basis through internally and externally sourced support and services as and when required. The Language Unit will ensure that all editing, translations, terminology development and standardisation of terms take place within a standardised terminology framework that is educationally sound in each language and across all documents.

6. TRAINING AND CAPACITY BUILDING

The Department of Basic Education's Language Unit will advise on possible training and capacity building on an annual basis in order to ensure the effective implementation of the Department of Basic Education's Language Policy.

7. USE OF OFFICIAL LANGUAGES BY THE DEPARTMENT OF BASIC EDUCATION

7.1 The Department of Basic Education will take the following factors into account in arriving at the choice of official language(s) that will be used in each context or situation:

7.1.1 Usage

7.1.2 Practicality

7.1.3 Expense

7.1.4 Provincial circumstances

7.1.5 The needs and preferences of the public it serves

7.2 The table below indicates how the Department of Basic Education will use the official languages:

Department of Basic Education Purposes	Language(s)
Communicating with members of staff (internal communication)	The language of written internal record in the Department of Basic Education will be English. Translations into other official languages and Braille will be made available on request where practically possible with due regard to clause 7.1 above.
Communicating with members of the public (official written correspondence)	The language of written record for external utilisation will be English. Translations into other official languages and Braille will be made available on request where practically possible with

	due regard to clause 7.1 above.
Public hearings (Izimbizo) and other official proceedings	The official languages of the Republic with due regard to the criteria outlined in clause 7.1 above
Communication with members of the public (oral communication)	The official languages of the Republic with due regard to the criteria outlined in clause 7.1 above
Official publications intended for public distribution (notices on the DBE website, advertisements, forms and signage on buildings)	English
Inter- and intra-government communication	English
International communication	English and/or the preferred language of the country concerned
Communication with hearing and/or sight impaired stakeholders	Sign Language Interpreting and conversion of text into Braille or alternatively audio on request will be arranged
Curriculum documentation	The official languages of the Republic with due regard to the criteria outlined in clause 7.1 above

8. COMMUNICATION WITH MEMBERS OF THE PUBLIC WHOSE LANGUAGE OF CHOICE IS NOT ONE OF THE OFFICIAL LANGUAGES OF THE REPUBLIC

8.1 A member of the public who wishes to communicate with the Department of Basic Education in a language that is not one of the official languages of the Republic must notify the Department of Basic Education in writing.

8.2 The Department of Basic Education, through the Language Unit, will arrange for appropriate translation or interpreting within 21 working days of the date of the request having been received by the department.

9. COMMUNICATION WITH MEMBERS OF THE PUBLIC WHOSE LANGUAGE OF CHOICE IS SOUTH AFRICAN SIGN LANGUAGE

9.1 A member of the public who wishes to communicate with the Department of Basic Education in South African Sign Language must notify the Department of Basic Education in writing.

9.2 The Department of Basic Education will arrange for appropriate interpreting within 21 working days of the date of the request having been received by the department.

10. PUBLICATION OF AND ACCESS TO THIS POLICY

10.1 This Policy will be published in all the official languages of the Republic.

10.2 It will be available on the Department of Basic Education's website (<https://www.dbe.gov.za>).

10.3 It will be made available in Braille on request.

11. COMPLAINTS MECHANISM

11.1 Any person who is dissatisfied with a decision of the Department of Basic Education regarding its use of official languages may lodge a complaint in writing to the Director-General of the Department of Basic Education.

-
- 11.2 Any complaint must be lodged:
- 11.2.1 in writing; and
 - 11.2.2 within one month of the complaint arising.
- 11.3 Any complaint lodged must state the name, address and contact information of the person lodging it.
- 11.4 Any complaint lodged must provide a full and detailed description of the complaint.
- 11.5 The Director-General may request a complainant to supply any additional information necessary to consider the complaint and to attend a meeting for the purpose of making an oral enquiry into the complaint.
- 11.6 The Director-General will consider the complaint and respond in writing, not later than one month after the complaint was lodged, informing the complainant of the decision/outcome.

12. REVIEW OF POLICY

This Policy will be reviewed after three (3) years or when the need arises.

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