

**REPORT IN TERMS OF SECTION 182(1) (b) OF THE CONSTITUTION AND SECTION 8(1)  
OF THE PUBLIC PROTECTOR ACT, 1994**



**PUBLIC PROTECTOR  
SOUTH AFRICA**

**REPORT NO 40 of 2007/8**

**REPORT ON AN INVESTIGATION BY THE PUBLIC PROTECTOR ON ALLEGATIONS  
THAT THE PRINCIPAL OF THAMAGANE PRIMARY SCHOOL IRREGULARLY INFLATED  
THE NUMBER OF LEARNERS AT THE SCHOOL**

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## **EXECUTIVE SUMMARY**

1. The Public Protector investigated an anonymous complaint relating to Thamagane Primary School (the school), a public school situated at Capricorn District, Limpopo Province. It was alleged that the principal of the school submitted inflated statistics relating to the number of learners at the school. It was further alleged that due to the inflated number of learners the school was graded incorrectly, resulting in the principal being paid on a higher salary level, the Department supplying the school with surplus teachers, text books, stationery and feeding scheme food.
  
2. The Office of the Public Protector (the OPP) investigated the matter and made the following findings:
  - 2.1 The number of learners at the school was inflated;
  
  - 2.2 Because of the inflated number of learners, the school received surplus stationary, teachers and food supply for the feeding scheme;
  
  - 2.3 Despite the inflated number of learners, the school was properly graded and therefore the principal did not gain monetarily; and
  
  - 2.4 After the commencement of investigations by the OPP, the Acting Circuit Manager launched his own investigation which confirmed that the number of learners at the school was fraudulently inflated. He recommended that a full investigation be conducted, and that the Principal be suspended with full pay in order not to hinder the investigations. He further recommended that any employee at the school who is found to have participated in the inflation of learners be charged with misconduct.
  
3. Consequently, it is recommended
  - 3.1 That the Department initiates a full investigation into the circumstances surrounding the fraudulent inflation of the number of learners at the school;
  
  - 3.2 That the recommendations by the Acting Circuit Manager be implemented in their entirety;
  
  - 3.3 That the Department considers preferring criminal charges to any employee who is found to have committed fraud or forgery in this matter; and

- 3.4 That the Department considers conducting an audit in order to verify the number of learners in primary schools within the Limpopo Province.

## **1. INTRODUCTION**

- 1.1 This report is submitted to the Premier, the MEC and the Head of the Department of Education, Limpopo Province, in terms of section 182(1)(b) of the Constitution of the Republic of South Africa, 1996, and section 8(1) of the Public Protector Act, 1994.
- 1.2 It relates to an anonymous complaint in which it was alleged that the Principal of Thamagane Primary School (the School) had given the Department of Education (the Department) an incorrect number of learners, which led to the School being graded at a higher level, resulting in her being paid at a higher salary scale. It was further alleged that due to inflated number of learners, the Department supplied the school with surplus stationary, food for the feeding scheme and teachers.

## **2. BACKGROUND**

- 2.1 The School is situated at Thamagane village, Capricorn District, Limpopo Province. It falls under the Sepitsi Circuit.
- 2.2 During 2006 the Office of the Public Protector (the OPP) received a complaint that the Principal of the School (the Principal) submitted an inflated number of learners to the Department. As a result she was being paid on a higher salary scale, and more than the required number of teachers, textbooks, stationery and feeding scheme food were provided to the School on the basis of this incorrect information.
- 2.3 The School is from grade 1 to grade 7, and there were 9 educators including the Principal and the HOD of the foundation phase.
- 2.4 According to the 2006 records of the Department there were 307 learners at the School, however the School records indicate that the numbers fluctuated between 225 and 265.
- 2.5 The Acting Circuit Manager indicated that he knew about the problem at the School and had brought this to the attention of his superiors who informed him that they were investigating the matter. He had not heard anything further about the matter as in July 2007.

### **3. POWERS AND FUNCTIONS OF THE PUBLIC PROTECTOR**

- 3.1. The institution of the Public Protector was established in terms of Chapter 9 of the Constitution as one of a number of bodies that support constitutional democracy. The operational requirements of the OPP are provided for by the Public Protector Act, 1994.
- 3.2 The Public Protector is appointed by the President after approval by the National Assembly of a candidate recommended by a joint committee. He/she is independent of government and any political party. The Public Protector receives complaints from aggrieved persons and institutions against government agencies and officials. He/she has the power to investigate these matters, to report on his/her findings and to take appropriate remedial action.
- 3.3 In terms of the Public Protector Act, ‘appropriate remedial action’ includes mediation, negotiation, conciliation, and the making of recommendations to the affected government agency on how any shortcomings found should be rectified and a recurrence of similar deficiencies could be prevented.
- 3.4 The Public Protector reports on the activities of his/her office to Parliament at least once a year. However, the Public Protector can report to Parliament on the findings of a particular investigation whenever he/she deems it necessary.
- 3.5 The findings of an investigation by the Public Protector shall, when he or she deems it fit but as soon as possible, be made available to the complainant and to any person implicated thereby.

### **4. THE INVESTIGATION**

The investigation of the complaint was conducted in terms of Section 7 of the Public Protector Act, 1994 and comprised of the following:

#### **4.1 Initial enquiries**

4.1.1 Upon receipt of the complaint, the OPP communicated with the Department's Head Office, where only an acknowledgement of the enquiry letter was received. Several follow up enquiries were made, but it failed to respond.

4.1.2 The matter was then pursued with the Acting Circuit Manager, who indicated that he heard about the matter and went to the School for inspection. He said that he took a head count of all pupils at the School and found that indeed the figures were inflated. He reported the matter to his supervisors who indicated that an investigation on the matter had started, but did not involve him in any further investigations or give him feed back on how the process was unfolding.

## **4.2 *Inspection in loco***

The failure by the Department to respond to the enquiries made and the responses of the Acting Circuit Manager revealed that there was a serious problem in the School. In order to have a better understanding of the situation at the School, an *inspection in loco* was decided upon and carried out on the 30<sup>th</sup> November 2006, as well as 14 September 2007.

### **4.2.1 *Inspection in loco: 30 November 2006***

The inspection was carried out at the School premises. In attendance were representatives from the OPP, the Principal, and all teachers except a grade 6 teacher who was absent from school on that day. There were no learners at the School as it was after examinations, and teachers were compiling reports.

4.2.1.1 The following documents were collected and scrutinized:

(a) Grade 1 class register and assessment sheets

According to the class register there were 51 learners in the first term, 41 during the second, third and fourth terms. According to the assessment sheets, 41 learners were assessed in grade one.

(b) Grade 2 class register and assessment sheets

According to the class register there were 44 learners during all the four terms, and 24 learners were assessed.

(c) Grade 3 class register and assessment sheets

According to the class register there were 53 learners during the first, 41 in the second term, and 42 in the third and fourth terms. According to the assessment sheets, 42 learners were assessed.

(d) Grade 4 class register and assessment sheets

According to the class register there were 29 learners during all the four terms, 29 learners were assessed.

(e) Grade 5 class register and assessment sheets

According to the class register there were 53 learners during the first, second and third terms and there were 35 learners during the fourth term. 34 learners were assessed.

(f) Grade 6 class register and assessment sheets

According to the class register there were 35 learners during the first term, 34 during the second, third and fourth terms. 34 learners were assessed.

(g) Grade 7 class register and assessment sheets

According to the class register there were 20 learners in all the four terms. There were 20 learners on the assessment sheets but only 19 were assessed.

#### 4.2.1.2 Interviews with the Principal and teachers

(a) Interviews were held with the Principal, all teachers except the grade 6 teacher who was absent, and the Acting Circuit Manager.

(b) Some of the teachers indicated that the Principal instructed them to inflate the numbers in their class registers. She allegedly further indicated that for those who are temporarily employed, they might lose their positions and for those who are



permanently employed, they might be transferred to other schools, which might be far from their homes. Some teachers indicated that they inflated the numbers whereas some refused to do so. Some teachers further indicated that their relationship with the Principal was damaged by the fact that they refused to inflate the number of learners in their class registers.

- (c) During the interview with the Principal, she indicated that the only time she became aware that the numbers were inflated was when the Acting Circuit Manager visited the School during his investigation on the matter.

#### 4.2.1.3 Discussion with Acting Circuit Manager

- (a) After the first inspection the Acting Circuit Manager was informed about the outcome. He indicated that he had heard some rumours from his colleagues that the Principal inflated the number of learners at the school.
- (b) He further said that he went to the School during May 2006 and made a head count and even interviewed learners about their classmates who appeared in the registers but were not in class. The learners allegedly informed him that some of the “ghost learners” were at secondary schools and some were unknown to them.
- (c) The Circuit Manager further indicated that he discussed the matter with the District Senior Manager who informed him that there was somebody who had been appointed to investigate the matter and the investigation was a result of an instruction from the Head Office. Due to the answers that the Acting Circuit Manager received from the District Senior Manager, he could not pursue the matter.

#### **4.2.2 *Inspection in loco: 14 September 2007***

- 4.2.2.1 During August 2007, the OPP received information that there were surplus stationary stashed in cabinets at the School, including exercise books, textbooks and other educational instruments. Some of the stationary was allegedly kept in private households in the village.

4.2.2.2 On 14 September 2007, the OPP, together with the Acting Circuit Manager, went to the School to conduct *inspection in loco*. The inspection of classroom cabinets produced the following results: 691 unused textbooks and hundreds of exercise books and other learning instruments.

4.2.2.3 A search was also conducted in private households and produced the following results: In one of the houses, two boxes of exercise books containing 23 packs each, and each pack containing 5 books, were found. The OPP was informed that other 10 boxes were removed earlier. Other instruments such as pens, pencils, rulers, rubbers and mathematical sets were also found. Occupants of the other houses that were visited confirmed that they were requested to keep numerous boxes containing books which were then collected back, some staying in the houses for more than a year. Nothing was found in the two houses.

4.2.2.4 The Principal indicated that the books were kept in private households for safekeeping. However, the intention of the search was to establish if there was surplus stationary at the School, and the quantity thereof.

### **4.2.3 Observations from inspections *in loco* and interviews**

4.2.3.1 The *inspection in loco* and interviews revealed that the Principal inflated the number of the learners that she submitted to the Department by 82 learners. Some of the “ghost learners” appeared in the class registers whereas others do not even appear. The “ghost learners” who appeared in some of the class registers did not appear in the assessment sheets, and had no marks allocated to them.

4.2.3.2 The Principal was informed about the negative finding against her by a letter dated 01 August 2007, soliciting her response. Her trade union, SADTU, responded on her behalf and refuted the allegations.

### **4.3. Report by the Department**

4.3.1 The Acting Circuit Manager conducted his own preliminary investigations on the matter, and came to the conclusion that the Principal, with the support of some teachers,

fraudulently inflated the number of learners at the School with the result that it ended up with one extra teacher. He also concluded that surplus food was provided to the School, with the Principal ending up encouraging other teachers to share the remaining food. He also recorded surplus stationary.

4.3.2 The Acting Circuit Manager made the following recommendations:

4.3.2.1 That a full scale investigation into the matter be launched;

4.3.2.2 That the Principal be suspended with full pay until the investigation is finalised, in order to allow the investigation to proceed unhindered; and

4.3.2.3 That charges of misconduct be preferred against any educator found to have committed fraud (inflation of pupils).

4.3.3 The Acting Circuit Manager forwarded the report to the District Senior Manager. The District Senior Manager forwarded the report to the OPP, indicating that the recommendations by the Acting Circuit Manager were upheld.

## **5. LEGISLATIVE PRESCRIPTS AND POLICIES**

The Constitution, South African Schools Act, 1996 and Northern Province Education Act, 1995 were considered when investigating this matter.

Section 81 (4) of the Northern Province Education Act provides that the Principal shall promote a high standard of professionalism and management at his or her school. If the allegations against the Principal in this matter are correct, then the Principal failed in her responsibilities as required by this Act.

## **6. FINDINGS**

The following findings were made from the investigation:

6.1 The number of learners at the School was inflated;

- 6.2 Because of the inflated number of learners, the School received surplus stationary, teachers and food supply for the feeding scheme;
- 6.3 Despite the inflated number of learners, the School was properly graded and therefore the principal did not gain monetarily; and
- 6.4 The Acting Circuit Manager made his preliminary investigations and concluded that the number of learners at the School was fraudulently inflated.

## **7. RECOMMENDATIONS**

In terms of section 182(1) (c) of the Constitution and section 6(4) (c) (ii) of the Public Protector Act, 1994, it is recommended:

- 7.1 That the Department initiates a full investigation into the circumstances surrounding the fraudulent inflation of the number of learners at the School;
- 7.2 That the recommendations by the Acting Circuit Manager be implemented in their entirety;
- 7.3 That the Department considers preferring criminal charges to any employee who is found to have committed fraud or forgery in this matter; and
- 7.4 That the Department considers conducting an audit in order to verify the number of learners in primary schools within the Limpopo Province.

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**ADV M L MUSHWANA**  
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**DATE** \_\_\_\_\_

Assisted by:  
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