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## GENERAL NOTICES • ALGEMENE KENNISGEWINGS

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### DEPARTMENT OF BASIC EDUCATION

#### NOTICE 3846 OF 2026

#### SOUTH AFRICAN SCHOOLS ACT, 1996

#### REGULATIONS ON MANAGEMENT OF LEARNER PREGNANCY IN SCHOOLS, 2026

The Minister of Basic Education, intends, in terms of section 61(1)(aA) of the South African Schools Act, 1996 (Act No. 84 of 1996), to make the regulations set out in the Schedule hereto.

Any person who wishes to submit written comments on the draft Regulations is hereby invited to do so within 30 days from the date of publication hereof by—

- (a) posting such comments to the following address:  
Private Bag X895  
PRETORIA  
0001;
  
- (b) delivering such comments by hand at the following address:  
The Department of Basic Education  
222 Struben Street  
Pretoria  
0001; or

(c) e-mailing such comments to the following address:

[LearnerPregnancyRegz@dbe.gov.za](mailto:LearnerPregnancyRegz@dbe.gov.za)

Comments must be addressed to the Director: Legal Services, and marked for the attention of Adv Zukile Ntshwanti. Comments received after the closing date will not be considered.



**SIVIWE GWARUBE, MP**

MINISTER OF BASIC EDUCATION

DATE: 03 December 2025

## SCHEDULE

### Definitions

1. In these Regulations, a word or expression to which meaning has been assigned in the Act bears the meaning so assigned and, unless the context indicates otherwise--

**“child service organisation”** means an entity registered DSD to provide social services, education, healthcare and advocacy to ensure children's rights are upheld in respect of children, particularly those who are vulnerable or at risk;

**“Form 22”** means Form 22 as contained in the General Regulations regarding Children, 2010, and published in Government Notice No. R. 261 of 1 April 2010;

**“internal stakeholder”** means a person, group or organisation with a vested interest or stake in the decision-making and activities of a school;

**“individual support plan”** means an individual support plan contemplated in regulation 8(11);

**“learner”** means a pregnant learner or a learner returning to school after childbirth;

**“non-educator member”** means a person employed at a school to perform support services that are not provided by an educator;

**“SA-SAMS”** means the electronic South African School Administration and Management System platform, that is provided to all schools by the Department;

**“SBST”** means a School Based Support Team established by a school as a school-level support mechanism, whose primary function is to put coordinated school, learner and teacher support in place;

**“sexual offence”** means a sexual offence as defined in the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act No. 32 of 2007); and

**“the Act”** means the South African Schools Act, 1996 (Act No. 84 of 1996).

### **Application**

2. These Regulations apply to all schools in the Republic.

### **Objectives of Regulations**

3. The objectives of the Regulations are to—
  - (a) support a learner to remain in school during pregnancy and to return to school after childbirth and not be subjected to suspension, expulsion or any punitive action based solely on pregnancy;
  - (b) ensure that schools provide a non-discriminatory and non-judgemental environment for learners during pregnancy and following childbirth to protect their physical and psychological health and dignity; and
  - (c) permit pregnant learners to attend ante-natal care, post-natal care and psychosocial support services through collaboration with social and health sector partners and non-government organisations.

### **District based-support team**

- 4.(1) A district-based support team must—
  - (a) take reasonable measures to protect the rights of a learner to basic education and, where necessary, advise on alternative methods for the reasonable accommodation of the learner during pregnancy and after childbirth;
  - (b) capacitate a school-based support team through training on these Regulations;
  - (c) lead and oversee the process of managing the learner pregnancy through mobilising resources and support to schools enabling the provision of access to professional advice, referrals and services; and
  - (d) support schools in strengthening the referral processes to social and health sector partners and non-government organisations.

- (2) Reasonable accommodation of the learner contemplated in subregulation (1) may include

- (a) modification or adjustments to furniture, facilities and equipment required to be used by the learner; and
  - (b) support services,
- that will enable the learner to safely and comfortably continue with her education in school.

### **School-based support team**

5.(1) Every school must establish a school-based support team

(2) A school-based support team must—

- (a) lead and oversee the process of managing learner pregnancy by coordinating a multi-sectoral response and ensuring that every internal stakeholder understands and meets its obligations and mandate at school level;
- (b) review the individual support plan contemplated in regulation 8(2)(d); and
- (c) gather any additional information required and provide direction and support in respect of additional counselling, care and support services, including information on the necessary resources, such as emergency services to strengthen the individual support plan.

### **Obligations of principal**

6.(1) A principal must—

- (a) in collaboration with the governing body, where necessary conduct a meeting targeting internal stakeholders to create awareness and share information on the Regulations;
- (b) record details of pregnant learners on the SA-SAMS in compliance with the Protection of Personal Information Act, 2013 (Act No.4 of 2013);
- (c) report the retention of learners during pregnancy and return of learners after childbirth;
- (d) strengthen the functionality of the school-based support team to ensure the implementation of these Regulations;

- (e) strengthen the referral processes between the health service providers, clinics and any designated child service organisation near the school;
  - (f) ensure that pregnant learners continue to attend school during their pregnancy as provided for in these Regulations;
  - (g) make provision for a learner's absence, due to her pregnancy, during the term of her pregnancy;
  - (h) ensure that after a learner gives birth, the learner returns to the relevant grade to continue her basic education;
  - (i) take reasonable measures to protect the rights of a learner to basic education;
  - (j) provide educational support;
  - (k) agree on leave of absence of the learner, with a parent, caregiver or guardian of the learner during pregnancy and post-childbirth; and
  - (l) protect the confidentiality of information relating to a learner's pregnancy and release information to authorised officials after the learner is advised about the mandatory requirement to report.
- (2) The details contemplated in subregulation (1)(b) include the following:
- (a) the retention of the learner during pregnancy;
  - (b) the return of the learner after childbirth;
  - (c)

### **Delegation of powers**

7.(1) A principal may delegate any power or duty conferred upon him or her under these Regulations to the deputy principal or to a head of a department in the school.

(2) A delegation under subregulation (1) does not prevent the principal from exercising such power or performing such duty.

### **General procedure for management of learner pregnancy**

- 8.(1) A school-based support team must refer a learner to—
- (a) the school health nurse or a health facility for information on access to antenatal and postnatal care; and
  - (b) a social worker or the Department of Social Development for psychosocial support services.
- (2) The principal must—
- (a) refer all pregnant learners to the Department of Social Development or to a social worker from a child service organisation for further assessment;
  - (b) refer the learner to a clinic or health facility for Antenatal Care;
  - (c) the social worker or the Department of Social Development must submit a report to the principal advising on the assessment; and
  - (d) through the school-based support team, develop an individual support plan, contemplated in subregulation (11), for the learner.
- (3) The report contemplated in subregulation 2(c), must state—
- (a) the estimated delivery date;
  - (b) whether the pregnancy is a high or low risk pregnancy at the time of the assessment; and
  - (c) if it is safe for the learner to continue with school.
- (4) A learner must attend school unless a valid reason is presented to the school regarding her absence, and the school must be informed of such absence, as soon as possible.
- (5) A learner may not be requested to reveal the identity of the father of her child.
- (6) Where a learner is under the age of 16 years, the pregnancy must be reported to the relevant provincial Department of Social Development through completing Form 22, and to the South African Police Service.

- (1) When the identity of the father is known and the learner became pregnant due to a sexual offence, the principal must follow the provisions of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007, in taking the process further.
- (8) Where the biological father of the child is an educator or non-educator member of the school, the incident must be reported to—
- (a) the South African Police Service;
  - (b) the Department of Social Development;
  - (c) the Department of Health facilities responsible for Clinical Forensic Medical Services, the South African Council of Educators;
  - (d) the relevant Provincial Department of Education: Employee Relations Directorate; and
  - (e) the Department of Social Development through completing Form 22.
- (9) Where the biological father of the child is a person outside a school, the incident must be reported to—
- (a) the South African Police Service;
  - (b) the Department of Social Development; and
  - (c) the Department of Health facilities responsible for clinical forensic medical services.
- (10) Where the biological father of the child is known and is a learner in the school or another school, the school-based support team must be informed thereof and must refer the said learner to the Department of Social Development for further support.
- (11) An individual support plan contemplated in subregulation (2)(d) must—
- (a) be developed in consultation with the learner and her parents, caregiver or guardian, as the case may be; and

- (b) take into consideration all reports that may be provided by a social worker, the Department of Social Development, a child service organisation, a clinic or health facility.

### **Management of learner pregnancy during assessments and examinations**

9.(1) The school-based support team must ensure that all formative assessment tasks, including classwork, homework and assignments, are packaged and made available to the learner for studying and practice purposes.

(2) A learner must be informed, in writing, of the dates when formal assessment tasks, controlled tests and examinations, are to be administered in the subjects for which the learner is enrolled.

(3) Formal assessment tasks, controlled tests and examinations referred to in subregulation (2) must, respectively—

- (a) be recorded;
- (b) be used for promotional purposes; and
- (c) be administered under controlled conditions.

(4) A learner may be requested, if necessary, to come to school in person to write controlled tests or examinations if it is safe for the learner to do so.

(5) A parent, guardian or caregiver, as the case may be, must provide the principal with a valid medical report stating that the learner concerned is medically fit to sit for an examination or any assessment contemplated in subregulation (6).

(6) A learner who is declared medically fit is permitted to—

- (a) write the National Senior Certificate examinations;
- (b) partake in school-based assessments;
- (c) engage in practical assessment tasks; and
- (d) write end-of-year school examinations.

(7) The principal and staff must take steps to accommodate the learner's learning during the examination period.

(8) A learner must write examinations and be assessed in the same examination or assessment room as other learners unless, a medical note advises otherwise, in which case the necessary arrangements and assistance must be provided to the learner in that regard.

(9) Where a learner falls ill or goes into labour during an examination, the principal must contact the nearest health facility or emergency services and the learner's parent, caregiver or guardian, as the case may be.

(10) A learner who was unable to write or complete an end-of-year final examination for Grades 4 to 11, and who has provided the school with a medical report justifying the leave of absence, must obtain a mark based on that learner's school-based assessments and practical assessment marks.

(11) The management of learner pregnancy during National Senior Certificate Examinations must include the following:

- (a) A principal may not deregister a learner who is registered for the National Senior Certificate examinations;
- (b) where a learner is declared medically unfit to write or is disrupted from completing the examinations, that learner must be allowed to write the next examination scheduled for the National Senior Certificate; and
- (c) in case of an emergency, the school must contact the nearest healthcare facility or the emergency services to assist the learner, and the principal must report the incident to the district office on the same day.

#### **Management of learner pregnancy during extended absence**

**10.(1)** If a learner of compulsory school going age fails to attend school despite—

- (a) the guidance from a medical certificate issued by a registered health practitioner; and
  - (b) the implementation of section 4A of the Act,the principal must report such failure to the Head of Department for further management contemplated in section 3(5) of the Act.
  
- (2) In the case of subregulation (1), the principal must, in writing, inform the learner and her parent, caregiver or guardian, as the case may be, that the matter has been reported to the Head of Department.
  
- (3) The period during which a learner will be away from school must be compared with the Annual Teaching Plans for the subjects that the learner is enrolled for and content that would be covered during the period of absence, in order to ascertain the academic content that was missed by the learner.
  
- (4) The parent, caregiver or guardian, as the case may be, must be informed, in writing, of the content of the academic work missed and must be advised—
  - (a) of the school's expectations of the learner to cover the said missed content; and
  - (b) to make suitable arrangements for the relevant study materials, lesson notes and assignments to be availed to the learner to cover the lost content.
  
- (5) School-based assessment tasks must be continued as far as practically possible whether the learner is at school or at home.
  
- (6) The evidence of assessment and recording contained in the learner's profile and portfolio must be used to inform the learner's progression at the end of the academic year.

**Short title**

**11.** These Regulations are called the Regulations on Management of Learner Pregnancy in Schools, 2025.