



CHIVIRIKANI PRIMARY SCHOOL

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SCHOOL POLICY

School Governing Body Constitution

EFFECTIVE DATE: _____

REVISION HISTORY:

As amended on:

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| 11 October 2016 - South African Schools Act Sections 8(1) and 9(1) |
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| 11 October 2016 - South African Schools Act, 1996 (Act 84 of 1996) |
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| 11 October 2016- S. 18A inserted by s. 6 of Act No. 50 of 2002 |
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WHAT IS THE GOVERNING BODY'S ROLE?

The governing body is tasked with:

drafting the code of conduct after consultation with all role players;

adopting the code of conduct;

making recommendations on the outcomes of learner disciplinary tribunals; and

giving support to the school management team if there are widespread problems with discipline, or a breakdown of discipline in the school. Such support may include backing the management team if necessary, but should also include re-examining the code of conduct to ensure that it is not contributing to the problem.

The legislation emphasises that the governing body is the authority that is actually responsible for the code of conduct.

CONSTITUTION OF THE GOVERNING BODY

Subject to this Act and any applicable provincial law, the governing body of a public school must function in terms of a constitution which complies with minimum requirements determined by the Member of the Executive Council by notice in the Provincial Gazette. (2) A constitution contemplated in subsection (1) must provide for—

- (a) a meeting of the governing body at least once every school term;
- (b) meetings of the governing body with parents, learners, educators and other staff at the school, respectively, at least once a year;
- (c) recording and keeping of minutes of governing body meetings;
- (d) making available such minutes for inspection by the Head of Department; and
- (e) rendering a report on its activities to parents, learners, educators and other staff of the school at least once a year. (3) The governing body must submit a copy of its constitution to the Head of Department within 90 days of its election.

CODE OF CONDUCT OF THE GOVERNING BODY

The Member of the Executive Council must, by notice in the Provincial Gazette, determine a code of conduct for the members of the governing body of a public school after consultation with associations of governing bodies in that province, if applicable.

The code of conduct referred to in subsection (1) must be aimed at establishing a disciplined and purposeful school environment dedicated to the improvement and maintenance of a quality governance structure at a public school.

All members of a governing body must adhere to the code of conduct.

The code of conduct must contain provisions of due process, safeguarding the interests of the members of the governing body in disciplinary proceedings.

The Head of Department may suspend or terminate the membership of a governing body member for a breach of the code of conduct after due process.

DEFINITIONS OF TERMS

- In this constitution, unless understood different from the context, “Governing Body” means the Governing Body of our school as meant in Section 16(1) of the Act:
“Sponsor Body”: a body or group of people approved by the Governing Body and prepared to support the school financially.
- “Head of Department”: the Head of Department of Education in the Province.
- “the Act”: the South African Schools Act, 1996 (Act 84 of 1996), and the measures decreed accordingly.
- “this Constitution”, “Member of the Executive Council”: the member of the Executive Council responsible for education in the Province.
- “measures”: the measures or regulations regarding Governing Bodies of public schools for learners with special educational needs who have been referred or transferred here.
- “education”: teaching, instruction or training provided for learners according to the Act.
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CONTROL AND PROFESSIONAL MANAGEMENT OF THE SCHOOL

- According to the Act, the control of the school is in the hands of its Governing Body, on condition that the Governing Body, or a member of the Governing Body in his or her capacity as a member, may not interfere with the professional activities of an educator in the performing of his or her duties.
- The Governing Body is in a relationship of trust with the school.
- According to the Act and the constitution the professional management of the school should be undertaken by the principal, under the supervision of the Head of the Department.

OBJECTIVES

- To provide the learners with quality education.
- To admit learners and to provide for their educational needs according to the stipulations of Section 5 of the Act, without unfair discriminating.
- To allow no form of racial discrimination in the implementation of the school’s Language Policy, according to the stipulations of Section 6 of the Act.
- To allow religious practice at the school in a fair way and to allow attendance of learners and staff members on a voluntary basis according to the stipulations of Section 7 of the Act.
- To use the school funds, all income derived from it and all other assets of the school only according to the stipulations of Section 37 of the Act.
- To function financially in such a way that the school will be able to fulfil its responsibilities.

- To serve the community by preparing learners to be able to take up their place in the community as well-educated people.
- To provide all staff members with the opportunity to grow professionally, to achieve job satisfaction, and in so doing, to deliver education of the highest quality.
- To make a contribution towards the promotion of sports and cultural activities and to utilise these as educational opportunities to the advantage of the learners at the school.

ACTIVITIES AND ALLOCATED ACTIVITIES OF THE GOVERNING BODY

- According to the stipulations of Sections 20 and 21 of the Act, the Governing Body performs the duties that fall within its capacity and that are necessary for the well-being of the school.
- The Governing Body acts according to the stipulations of Section 37 of the Act regarding the school funds and assets of the school.
- The Governing Body utilises funds in order to achieve the objectives named above according to the stipulations of the Act and this constitution.
- According to the stipulations of the Act and this constitution the Governing Body should provide services and facilities to the advantage of the learners and educators.
- According to the stipulations of Section 43 of the Act the Governing Body should appoint auditors to audit the school's financial records and statements.
- According to the stipulations of Section 8 of the Act the Governing Body should adopt a code of conduct for learners in consultation with the learners, parents and educators of the school.
- According to the stipulation of Section 9 of the Act the Governing Body should suspend learners who violate the code of conduct and/or recommend that they be expelled from the school.
- According to the stipulations of Sections 39, 40 and 41 of the Act the Governing Body is responsible for levying school fees and can enforce payment of such fees.
- The Governing Body develops the motto and mission of the school.

ACCOUNTABILITY OF THE MEMBERS OF THE GOVERNING BODY

A member of the Governing Body is not responsible for any debts, damage or loss to the School, unless he or she acted without authorisation, maliciously or negligently and can therefore be held responsible.

COMPOSITION OF THE GOVERNING BODY

The Governing Body of the school consists of:

- parent members (5)
- educator members (2)
- principal
- non-academic staff

TERM OF OFFICE OF MEMBERS OF THE GOVERNING BODY

- A member of the Governing Body fills the position for a term of three years according to the stipulations of regulation 4.

QUORUM

- At least one more than half of the members of the Governing Body, constituted according to the stipulations of regulations 2(1), forms a quorum for any meeting.

ELECTION OF OFFICE BEARERS OF THE GOVERNING BODY

- According to the stipulations of the regulations office bearers fill their positions for a term of 12 months from the date of their election.
- An office bearer can be re-elected after termination of his or her term of office.

APOLOGY FOR ABSENCE OF MEMBERS OF THE GOVERNING BODY

- The Governing Body accepts apology for absence of a member or members for a period of time as determined by the Governing Body.

INCIDENTAL VACANCIES IN THE GOVERNING BODY

An incidental vacancy in the Governing Body can be filled, if a member:

- resigns
- passes away
- is absent without apology for three consecutive meetings
- becomes unfit as meant in regulation 3(b), (c) and (d)

COMMITTEES

- According to the stipulations of Section 30 of the Act, the Governing Body can appoint one or more committees to advise it and to act on its instructions.
- The Governing Body can alter or set aside any decision of a committee as referred to above.

- The following committees should be constituted from the elected and co-opted members:
 - executive committee/management committee
 - financial committee
 - fund raising committee/refreshment committee
 - sports committee
 - grounds and building committee
 - pastoral care committee/health committee/civil defence committee
 - appointments committee

MINUTES

- The minutes of the proceedings of meetings of the Governing Body should be handled according to the stipulations of the regulations.

BANK ACCOUNT

- The Governing Body should open and maintain a bank account.
- According to this stipulation all funds received by the school, including school fees and voluntary contributions, should be deposited in the school fund.

CLOSING OF THE FINANCIAL YEAR

- The financial year begins on the first day of January and ends on the last day of December.
- The records and statements of the school should then be audited according to the stipulations of Section 43 of the Act.

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SUBMISSION OF FINANCIAL STATEMENTS

- Within six months after the closing of each financial year the Governing Body should submit a copy of the annual audited financial statements to the Head of the Department.

CHANGING OF THE CONSTITUTION

- A decision to change this constitution requires a two third majority of the total number of members of the Governing Body after all members have been informed of the intended change at least two months before.
- If there is no quorum, a second meeting should be called for this purpose exclusively at least two weeks after the first meeting.

