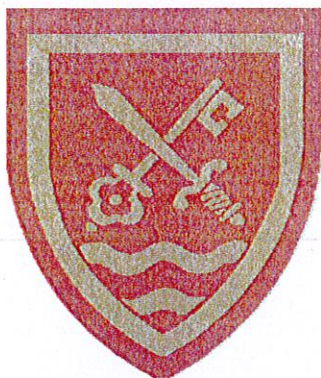


SPRINGVALE PRIMARY SCHOOL

Established 1981



PERSEVERE

Policy

SCHOOL GOVERNING BODY CONSTITUTION

REDRAFTED: 2016
REVIEW: 2018

DOCUMENT CONTROL

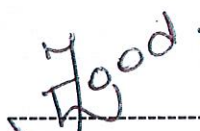
DOCUMENT DETAILS

ITEM	VALUE
Amendments Requested By:	School Governing Body
Document Revision Date:	May 2018
Author/s:	SGB
Security Level:	All Stakeholders
This copy printed on:	1/6/2018
Document Name:	4. Constitution policy 2018

REVISION CONTROL

REVISION	DATED	REVISED BY	DESCRIPTION OF MAJOR CHANGES
1	19 July 2015	Nitesh	Section 7: PTA; Section 11; Section 15 and Section 16
2.	2016	SGB	
3.	May 2018	SGB	Section 15.2 added parent members in majority and Section 19. Outlines attendance requirements

SIGNATORIES



F Wood
Principal



N Vallabh
Chairperson



K Kambule
SGB Deputy Chairperson

Table of Contents

Table of Contents	3
1. DEFINITIONS	4
2. NAME	4
3. STREET ADDRESS OF THE SCHOOL	4
4. POSTAL ADDRESS OF THE SCHOOL	5
5. CONTACTS	5
6. OBJECTIVES OF THE SCHOOL	5
7. COMPOSITION OF THE GOVERNING BODY	5
8. CO-OPTED MEMBERS OF THE GOVERNING BODY	6
9. OFFICE BEARERS OF THE GOVERNING BODY	6
10. RESPONSIBILITIES OF THE GOVERNING BODY	6
11. FUNCTIONS OF THE GOVERNING BODY	6
12. SUB-COMMITTEES	8
13. DUTIES RELATING TO FINANCES, FINANCIAL RECORDS AND STATEMENTS	8
14. REIMBURSEMENT OF MEMBERS OF GOVERNING BODY	9
15. MEETINGS OF THE GOVERNING BODY	9
16. TERM OF OFFICE OF MEMBERS AND OFFICE BEARERS OF THE GOVERNING BODY	10
17. AMENDMENT OF THE CONSTITUTION	10
18. FUNCTIONS OF GOVERNING BODY WITH REGARDS TO HANDOVER	10
19. ATTENDANCE TO MEETINGS	11

1. DEFINITIONS

- “**Act**” shall include both the South African Schools Act, 84 of 1996 and the School Education Act (Gauteng), 6 of 1995 as applicable.
- “**Constitution**” means the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996)
- “**Learner**” means any child enrolled at the school.
- “**Governing Body**” and “**SGB**” means the School Governing Body of Springvale Primary School.
- Office bearers: as per section 29 of the SASA
- Members:
- “**Head of Department**” means the head of Department of the Gauteng Department of Education.
- “**Principal**” means an educator appointed or acting as the head of a school.
- “**Minister**” is the Minister of Education of South Africa.
- “**Parent**” in relationship to the learner, means -
 - (a) *the parent or guardian of a learner;*
 - (b) *the person legally entitled to custody of a learner; or*
 - (c) *the person who undertakes to fulfil the obligations of a person referred to in paragraphs (a) and (b) towards the learner’s education at school*
- “**Regulations**” means the regulation promulgated in accordance with the Act.
- “**School**” means Springvale Primary School.

2. NAME

The name of the Governing Body shall be:

The Governing Body of Springvale Primary School

3. STREET ADDRESS OF THE SCHOOL

Cnr Friederiche and Eland Street

Wierda Park

0149

4. POSTAL ADDRESS OF THE SCHOOL

P. O. Box 51705
Wierda Park
0149

5. CONTACTS

Telephone number: (012) 660-0024
Fax number: (012) 660-2628
E-mail address: springvale@telkomsa.net
SGB e-mail address: sgb@springvale.co.za
Web address: www.springvaleprimary.co.za

6. OBJECTIVES OF THE SCHOOL

VISION

We lay the foundation for future success

MISSION STATEMENT

By creating an inspiring environment which enables individuals to reach their full potential, through:

- Providing excellent education
- Fostering pride in self, our school, community and nation
- Mobilising and utilising individual and community resources

7. COMPOSITION OF THE GOVERNING BODY

The Governing Body shall consist of the following members: -

- 7.1 The Principal of the School – *ex officio*
- 7.2 Elected Educators of the School
- 7.3 Co-opted PTA Representative
- 7.4 Elected non-educators of the school
- 7.5 Elected parents of the school, and
- 7.6 Co-opted members – no vote

8. CO-OPTED MEMBERS OF THE GOVERNING BODY

The Governing Body may at anytime during its term of office co-opt a maximum of two members of the community to assist in discharging its functions.

9. OFFICE BEARERS OF THE GOVERNING BODY

Only a parent member of a governing body who is not employed at the public school may serve as the chairperson of the governing body.

Office-bearers

At the first meeting of the school governing body, the members must elect office bearers, including the following:

- Chairperson,
- Vice-chairperson, (if required)
- Treasurer, and
- Secretary

10. RESPONSIBILITIES OF THE GOVERNING BODY

The governing body: -

- 10.1 Stands in a position of trust towards the school
- 10.2 Is vested with the governance of the school subject to the provisions of the SASA
- 10.3 Recognises the professional management of the school by the principal, under the authority of the Head of Department
- 10.4 May not interfere with the professional work of an educator in the performance of professional duties.
- 10.5 Shall be the official mouthpiece of the parents of learners, the educators and the learners of the school on matters other than those relating to the professional administration of the school.

11. FUNCTIONS OF THE GOVERNING BODY

Subject to the Act, Section 20 of SASA, the governing body **must**: -

- 11.1 promote the best interests of the school and strive to ensure its development through the provision of quality education for all learners at the school;
- 11.2 adopt a constitution;
- 11.3 develop the mission statement of the school;
- 11.4 adopt a code of conduct for learners at the school
- 11.5 support the principal, educators and other staff of the school in the performance of their professional functions;
- 11.6 determine times of the school day consistent with any applicable conditions of employment of staff at the school;

- 11.7 administer and control the school's property, and buildings and grounds occupied by the school, including school hostels, if applicable;
- 11.8 encourage parents, learners, educators and other staff at the school to render voluntary services to the school;
- 11.9 recommend to the *Head of Department* the appointment of *educators* at the *school*, subject to the Employment of *Educators Act*, 1998 (Act 76 of 1998), and the Labour Relations Act, 1995(Act 66 of 1995);
- 11.10 recommend to the Head of Department the appointment of non-educator staff at the school, subject to the Public Service Act, 1994 (Proclamation 103 of 1994), and the Labour Relations Act, 1995 (Act 66 of 1995);
- 11.11 the request of the Head of Department, allow the reasonable use under fair conditions determined by the Head of Department of the facilities of the school for educational programmes not conducted by the school;
- 11.12 discharge all other functions imposed upon the governing body by or under this Act; and
- 11.13 discharge other functions consistent with this Act as determined by the Minister by notice in the *Government Gazette*, or by the Member of the Executive Council by notice in the *Provincial Gazette*;
- 11.14 The governing body may allow the reasonable use of the facilities of the school for community, social and school fund-raising purposes, subject to such reasonable and equitable conditions as the governing body may determine, which may include the charging of a fee or tariff which accrues to the school;
- 11.15 The governing body may join a voluntary association representing governing bodies of public schools;
- 11.16 Subject to this Act, the Labour Relations Act, 1995 (Act 66 of 1995), and any other applicable law, a public school may establish posts for educators and employ educators additional to the establishment determined by the Member of the Executive Council in terms of section 3(1) of the Educator's Employment Act, 1994;
- 11.17 Subject to this Act, the Labour Relations Act, 1995 (Act 66 of 1995), and any other applicable law, a public school may establish posts for non-educators and employ non-educator staff additional to the establishment determined in terms of the Public Service Act, 1994 (Proclamation 103 of 1994).
- 11.18 Subject to *this Act*, the Labour Relations Act, 1995 (Act No. 66 of 1995), and any other applicable law, a *public school* may establish posts for *educators* and employ *educators* additional to the establishment determined by the *Member of the Executive Council* in terms of section 3 (1) (refer to SASA of the Educators' Employment Act, 1994).
- 11.19 An educator and a non-educator employed in a post established in terms of subsection (4 of SASA, p29 / 11.18 above) or must comply with the requirements set for employment in public schools in terms of this Act, the Labour Relations Act, 1995 (Act 66 of 1995), and any other applicable law;

- 11.20 A public school may only employ an educator in a post established in terms of subsection (4 of SASA, p29) if such educator is registered as an educator with the South African Council of Educators;
- 11.21 The staff contemplated in subsections (4 and 5 of the SASA Act, p29) must be employed in compliance with the basic values and principles referred to in section 195 of the Constitution, and the factors to be taken into account when making appointments include, but are not limited to –
- i. the ability of the candidate;
 - ii. the principle of equity;
 - iii. the need to redress past injustices; and
 - iv. the need for representivity.
- 11.22 When presenting the annual budget contemplated in section 38, the governing body of a public school must provide sufficient details of any posts envisaged in terms of subsections (and 5 of the SASA Act, p29), including the estimated costs relating to the employment of staff in such posts and the manner in which it is proposed that such costs will be met.
- 11.23 Despite section 60, the State is not liable for any act or omission by the public school relating to its contractual responsibility as the employer in respect of staff employed in terms of subsections (and 5 of the SASA Act, p29).
- 11.24 After consultation as contemplated in section 5 of the National Education Policy Act, 1996 (Act 27 of 1996), the Minister may determine norms and standards by notice in the Gazette regarding the funds used for the employment of staff referred to in subsections (4 and 5 of the SASA Act, p29) but such norms and standards may not be interpreted so as to make the State a joint employer of such staff.

12. SUB-COMMITTEES

The Governing body may at any time establish sub-committees to advise it and to perform duties for such period and for such purpose as it may require. Such sub-committees are to be chaired by a member of the governing body.

PTA

The SGB establishes the PTA subcommittee which is the fundraising arm of the SGB.

13. DUTIES RELATING TO FINANCES, FINANCIAL RECORDS AND STATEMENTS

- 13.1 The financial year of the school shall commence on the first day of January and end on the last day of December of each year.
- 13.2 The SGB shall establish budget priorities for each year which shows the estimated income and expenditure of the school for the following financial year to be presented to a meeting of the School's parents before final approval by the Governing body.

- 13.3 The SGB must also establish the amount of fees to be charged, approve the criteria for total, partial or conditional exemption from such payment of school fees. Subject to the relevant legislation governing exemptions. (Sect 53 SEA).
- 13.4 Bank deposits and all other transactions are to be executed in the name of the school where a cheque is used, the Principal and SGB chair are signatories.
- 13.5 The governing body must-
- keep records of funds received and spent by the school and of its assets, liabilities and financial transactions; and
 - as soon as practicable, but not later than three months after the end of each financial year, draw up annual financial statements in accordance with the guidelines determined by the Member of the Executive Council to be submitted to the Head of Department for Examination.

14. REIMBURSEMENT OF MEMBERS OF GOVERNING BODY

- 14.1 A member of the Governing body is not personally liable for any debt, damage or loss incurred by the school unless she/he acted without authorisation, with malicious intent or negligence and can therefore be held responsible for such debt, damage or loss.
- 14.2 Necessary expenses incurred by a member of a governing body in the performance of his or her duties may be reimbursed by the governing body.
- 14.3 No member of a governing body may be remunerated in any way for the performance of his or her duties.
- 14.4 No member of the Governing Body or relative of such member may derive financial benefit by virtue of their membership of the Governing Body.

15. MEETINGS OF THE GOVERNING BODY

- 15.1 The Governing body shall meet at least once a month to discuss SGB matters.
- 15.2 A quorum of six (6) members shall be present at such a meeting. The parent members must be in the majority. Should a quorum not be present, the meeting shall be re-scheduled within a week of the first meeting. Should a quorum still not be present decisions will be made according to majority vote by those present (who have voting powers).
- 15.3 Where the Chairperson of the Governing Body will have a casting vote at all SGB meetings.
- 15.4 A member of a Governing body must withdraw from a meeting of the governing body for the duration of the discussion and decision-making on any issue in which the member has a personal interest.
- 15.5 The Governing body shall render a report back on its activities, to the parents, educators and other staff at the school at least once a year.
- 15.6 The Governing body shall schedule extraordinary meetings should the need arise.

15.7 The secretary shall take minutes of all meetings and adopted minutes will be distributed to the Governing Body within one week after the meeting (irrespective of whether all reports have been received).

15.8 The SGB shall use modern methods where possible to improve the SGB's communication and decision making capability to the benefit of the school.

16. TERM OF OFFICE OF MEMBERS AND OFFICE BEARERS OF THE GOVERNING BODY

As provided by the Act:

- 16.1 The term of office of a member of a Governing Body may not exceed three years.
- 16.2 The term of office of an office-bearer of a Governing Body may not exceed one year.
- 16.3 The principal cannot be the chairperson, vice-chairperson or treasurer.
- 16.4 A member or office-bearer of a Governing Body may be re-elected or co-opted, as the case may be after the expiry of his or her term of office.

17. AMENDMENT OF THE CONSTITUTION

- 17.1 A decision to amend the Constitution requires a two-thirds majority of the total membership of the governing body, after all the members have been informed of the proposed amendment at least two months in advance.
- 17.2 If too few members are present at the meeting convened for this purpose, a second meeting must be called exclusively for this purpose at least two weeks after the first.
- 17.3 If two-thirds of the members are not present at the second meeting, the amendment may be effected by two-thirds of the members present.
- 17.4 Amendments to the constitution must be submitted to the Head of Department for ratification that they are consistent with the provisions of SASA and its regulations, and until such confirmation is received, no amendment to the constitution shall be valid.
- 17.5 Each newly elected Governing Body shall draft their own constitution within 90 days of the SGB elections.

18. FUNCTIONS OF GOVERNING BODY WITH REGARDS TO HANDOVER

- 18.1 Before the end of its term, the Governing Body must prepare a handover report for the incoming Governing Body and submit the report to the District Director.
- 18.2 The handover report must inform the incoming Governing Body of all relevant issues relating to the school, including:
 - (a) the governance of the school;
 - (b) the finance of the school;

- (c) contracts entered into by the school;
- (d) the management of the school;
- (e) the educators and educator establishment of the school;
- (f) the learners of the school; and
- (g) the educational standards and results of the school.

18.3 The outgoing Governing Body must meet with the incoming Governing Body at the commencement of the incoming Governing Body's term and discuss the handover report.

18.4 In the event a Governing Body fails to submit a report as contemplated in sub-regulation (1), the member of that Governing Body shall not be eligible for re-election or serving as members in the Governing Body for a period of three years. However, such members may with the permission of the Head of Department still serve in the Governing Body by being co-opted only after eighteen months of the non-compliance with sub-regulation 1 of the Regulations of Governing Bodies of Public School.

19. ATTENDANCE OF MEETINGS

19.1 It is compulsory for the SGB members to attend all the scheduled meetings of the SGB.

19.2 Members must inform the Chairperson and/or Secretary of the SGB of their non-attendance to a meeting at least one day prior to the scheduled meeting date. Where such communication cannot be sent in advance, members must at the earliest possible date thereafter inform the Chairperson and/or Secretary of the SGB of the reason/s for their absence.

19.3 Failure to attend two consecutive meetings of the SGB without formal notification will constitute a breach of a member's governance duties and shall result in a provisional suspension of the SGB membership for such a member.

19.4 The Chairperson and/or Secretary of the SGB shall request such member to provide a written submission within a period of 15 days, stating reasons why his/her membership should not be suspended.

19.5 The member's submissions or non-submissions must be considered by all the members of the SGB who should thereafter make a decision on whether the provisional suspension should be lifted or be made final.

19.6 Where a member fails to attend three consecutive meetings of the SGB but has informed the Chairperson and/or Secretary of the SGB of their non-attendance, the SGB members should deliberate and make a decision on whether such person's membership should be provisionally suspended.

19.7 If a decision is taken to provisionally suspend such member, the process stated in paragraphs 4 and 5 should be followed.

19.8 The SGB shall consider each non-attendance (both apologies and absenteeism) on its own merit depending on the reasons provided by the member concerned. Any vacancies created by such suspension shall be filled in as directed in terms of relevant legislation.

Signatories

All policies will have as a minimum the Chairperson, The Principal. Additional signatories will be added in line with the members