

DEPARTMENT OF EDUCATION



SGB CONSTITUTION

Erasmia Primary School

2021 - 2024

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NAME OF SCHOOL

1. TITLE OF THE POLICY: SGB CONSTITUTION

2. EFFECTIVE DATE:

1 September 2021

3. DATE OF NEXT REVIEW:

1 August 2024

4. REVISION HISTORY

As amended on: (Specify dates)
<ul style="list-style-type: none">• 28 August 2021
<ul style="list-style-type: none">•

5. PREAMBLE

The advent of democracy in South Africa ushered in an era in which government's commitment to parents having a say in the education of their child was emphasised by the involvement of parents in schools through the representation of a school governing body. The governance of the school is vested in its governing body, which is placed in a position of trust towards the school. The governing body may perform only such functions and obligations and exercise only such rights as prescribed by the Act. Any matter relating to the professional management of the school must be undertaken by the Principal under the authority of the Head of Department.

6. PURPOSE OF THE CONSTITUTION

The purpose of the constitution is to set out the parameters within which the school governing body should operate in order to promote the best interest of the school in its quest to provide quality education.

6.1 Objectives

- a) To describe the membership of the School Governing Body and the procedures through which this membership may be obtained or withdrawn;
- b) To set out the functions of the School Governing Body;
- c) To describe basic financial arrangements to be made by the SGB;
- d) To provide for the manner in which the meetings of the SGB should be run and the related roles and responsibilities of the members of the executive committee;
- e) To set out the procedures to be followed when amending the constitution;
- f) To provide for the handing over of documents and activities from the out –going SGB to the incoming SGB.
- g) To regulate the conduct of members of the governing body when performing their roles and functions for and on behalf of the public schools.

7. DEFINITIONS AND ACRONYMS

7.1 Definitions

No.	Term	Definition
1.	Act	means the South African Schools Act, Act No.84 of 1996 as amended
2.	Educator	means any person, excluding a person who is appointed to exclusively perform extra-curricular duties, who teaches, educates or trains other persons or who provides professional educational services, including professional therapy and education psychological services, at a school
3.	Governing body	refers to the body responsible for governance at a school
4.	School	refers to Erasmia Primary School
5.	Learner	means any person registered to receive education at the school.

No.	Term	Definition
6.	Member of staff	refers to any person working at the school
7.	Member	means a member of a governing body elected in accordance with SASA and the Regulations
8.	Principal	refers to an educator appointed or acting as the head of the school
9.	PS staff member/non-educator	means a person other than an educator, employed at a school and who has been elected onto a governing body in terms of these regulations;
10.	Parent	means— (a) the biological or adoptive parent or legal guardian of a learner; (b) 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) or (b) towards the learners education at school
11.	Quorum	refers to a state of attendance to a meeting that determines whether the meeting continues or not.

7.2 Acronyms

	Acronyms	Explanation
1.	AGM	Annual General Meeting for Parents
2.	PS	Public Service
3.	RCL	Refers to the Representative Council of Learners elected to represent the learners in schools from Grade 8 onwards.

	Acronyms	Explanation
4.	SGB	School Governing Body
5.	SACE	South African Council of Educators

8. APPLICATION AND SCOPE OF THE CONSTITUTION

The Constitution shall apply to the governing body of (Name of School) with a view to defining the parameters within which it should operate.

9. LEGISLATIVE FRAMEWORK

- 9.1 South African Schools Act, (Act No. 84 of 1996), as amended
- 9.2 National Education Policy Act , (Act No. 27 of 1996), as amended
- 9.3 The Gauteng Schools Education Act , (Act No.6 of 1995)
- 9.4 The Regulations and Rules – Governing Bodies of Public Schools published under General Notice 786 of 1997 (“ the Regulations”)

10. RELEVANT POLICIES AND PROVINCIAL CIRCULARS

- 10.1 Circular 16 of 2009

11. POLICY STATEMENTS

11.1 School Details

- a) The Governing Body of the School shall be called the School Governing Body of Erasmia Primary School.
- b) The School Governing Body will be available at the following address and the following contact details:

- (i) Address

Physical Address	Postal Address
560 Eli Street Erasmia	PO Box 34061 Erasmia 0023

(ii) Contact Details

Telephone Number	012 3702450/3
Cellphone number	082 557 6403
Facsimile	
e-mail address	info@erasmiaprimary.co.za

11.2 The School Governing Body

11.2.1 Composition and Number of Members

The Governing Body of Erasmia Primary School shall consist of the following stakeholders whose elected members will be determined by Schedule E of the Governing Body Regulations for Public schools):

- a. the Principal of the School, who shall be an ex officio Member;
- b. 6 Parents of Learners at the School;
- c. 2 Educators at the School
- d. 1 Non-educator at the School.
- e. 0 Learners at the School; (Applicable to schools that start from Grade 8 upwards)

Note: A parent who is employed at the School may not represent parents on the Governing Body.

11.2.2 Co –Opted Members

- a. The Governing Body may co-opt a parent or parents, or a member of the community, to assist it in discharging its functions.
- b. A co-opted member does not have voting rights on the Governing Body unless the number of parents at any stage is not more than the combined total of other members with voting rights. In the latter case the governing body must temporarily co-opt parents with voting rights. If a parent is co-opted with voting rights as contemplated in Section 23(10) of the Act the co-option ceases when the vacancy has been filled through a by-election within 90 days after the vacancy has occurred. The number of parent

members must always comprise at least one more than the combined total of other members of the Governing Body who have voting rights.

11.2.3 Term of Office

- a. A member of the Governing Body other than a learner may hold office for a period not exceeding three years.
- b. A learner member of the Governing Body may hold office for a period not exceeding one year.
- c. The term of office of an office-bearer of the Governing Body may not exceed one year.
- d. Members may stand for re-election at the end of the term of office provided they still qualify for election in terms of the Act.

11.2.4 Election Of Governing Body Members

The members of the governing body shall be elected subject to procedures set out by the National/Provincial Department of Education.

11.2.5 Election of Office-Bearers of Governing Bodies

- a. At the first meeting of the governing body, which shall be convened by the principal not less than 14 days and not more than 21 days after the election of the parent members, the members of the governing body with voting rights shall, from among the members of the governing body with voting rights, elect at least the following office-bearers:
 - (i) a Chairperson;
 - (ii) a Treasurer; and
 - (iii) a Secretary.

The duties of each of the office bearers are covered in Annexure A. In the absence of the chairperson and a Deputy Chairperson, the remaining members of the SGB may elect a person to chair the meeting.

- b. No member of the governing body of a school may hold more than one executive position simultaneously, during the term of office of the governing body.

- c. Only a parent member of a governing body who is not employed at the school may serve as the Chairperson of the governing body.
- d. An office bearer of a governing body ceases to hold office as such if he or she ceases to be a member of the governing body, dies or misbehaves/absent him or herself for three consecutive meetings without any apologies.
- e. The Chairperson of a governing body shall convene and chair the meetings of the governing body, and in his or her absence if there is no Deputy Chair, the members of the governing body shall appoint a member to chair the meeting.
- f. The Secretary of a governing body shall perform the duties contemplated in this policy, and in his or her absence the members of the governing body shall appoint a member to perform such duties.

11.2.6 Committees of Governing Body

- a. A governing body may-
 - (i) establish committees, including an executive committee; and
 - (ii) appoint persons who are not members of the governing body to such committees on grounds of expertise, but a member of the governing body must chair each committee.
 - (iii) A governing body of an ordinary public school which provides education to learners with special education needs must establish a committee on special education needs.

11.2.7 Status of Minors on Governing Bodies of Public Schools

- a. A member of a governing body who is a minor may not contract on behalf of a public school.
- b. A member of a governing body who is a minor may not vote on resolutions of a governing body which impose liabilities on third parties or on the school.
- c. A member of a governing body who is a minor incurs no personal liability for any consequence of his or her membership of the governing body.

11.2.8 Removal from Office of Members of Governing Bodies

- a. A member whose conduct in relation to the governing body is prejudicial to the best interests of the school may be removed from office by the Head of Department.
- b. The Head of Department may not act unless he or she has given the member concerned the opportunity to make representations concerning his or her possible removal from the governing body.
- c. A member who is removed from a governing body may, within 30 days after receiving notice of his or her removal, appeal to the Member of the Executive Council in writing, setting out the grounds of the appeal.
- d. Pending a decision of the Member of the Executive Council of an appeal brought under paragraph 11.2.7 (c), the member shall not be entitled to participate in any business of the governing body.

11.3. A Function of The School Governing Body

The following functions stipulated by the “The South African Schools Act” and the Gauteng “Governing Body Regulations” shall determine the scope of the activities of the governing body of (Name of school):

- 11.3.1 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;
- 11.3.2
 - a. Adopt a constitution; and
 - b. Where necessary amend it;
- 11.3.3 Develop the mission statement of the school;
- 11.3.4 Adopt a code of conduct for learners at the school;
- 11.3.5 Determine the dress code of the school;
- 11.3.6 Determine the school fees to be charged for the year and agreed upon in a parents’ meeting;
- 11.3.7 Support the principal, educators and other staff of the school in the performance of their professional functions;
- 11.3.8 Adhere to any actions taken by the Head of Department in terms of section 16 of the Employment of Educators Act, 1998 (Act 76 of 1998), to

address the incapacity of a principal or educator to carry out his or her duties effectively;

- 11.3.9 Determine times of the school day consistent with any applicable conditions of employment of staff at the school;
- 11.3.10 Administer and control the school's property, and buildings and grounds occupied by the school, including school hostels, but the exercise of this power must not in any manner interfere with or otherwise hamper the implementation of a decision made by the Member of the Executive Council or Head of Department in terms of any law or policy;
- 11.3.11 Encourage parents, learners, educators and other staff at the school to render voluntary services to the school;
- 11.3.12 Recommend to the Head of Department the appointment of educators/non -educators at the school, subject to the Employment of Educators Act, 1998 (Act 76 of 1998) and Public Service Act, 1994 (Proclamation 103 of 1994 respectively), and the Labour Relations Act, 1995 (Act 66 of 1995);
- 11.3.13 At 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;

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.
- 11.3.14 Establish and employ educators (registered with SACE)/non –educators additional to the establishment determined by the Member of the Executive Council in terms of relevant legislation such as SASA, Labour Relations Act, 1995 (Act 66 of 1995), Employment of Educators Act, 1998 (Act 76 of 1998) and Public Service Act, 1994) (Proclamation 103 of 1994)
- 11.3.15 Discharge all other functions imposed upon the governing body by the regulations or under the Act; and

- 11.3.16 Discharge other functions consistent with the 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.
- 11.3.17 The governing body may join a voluntary association representing governing bodies of public schools.
- 11.3.18 Develop a School Development Plan (SDP).

11.3 B Allocated Functions of (Name of school) Governing Body.

The Erasmia Primary School governing body applied for the following section 21 functions which were allocated to the school by the MEC: **(Tick those applicable to your school)**

✓	a. Maintain and improve the school's property, and buildings and grounds occupied by the school, including school hostels.
✓	b. Determine the extra-mural curriculum of the school and the choice of subject options in terms of the provincial curriculum policy.
✓	c. Purchase textbooks, educational materials or equipment for the school.
✓	d. Pay for services to the school
	e. Provide an adult basic education and training class or centre subject to any applicable law.

11.4 Status of the SGB and Liability of Members

- a. The school governing body is a juristic person with the legal capacity to perform its functions in terms of SASA, The Gauteng Schools Act and Governing Body regulations for Public schools.
- b. A member of the Governing Body will not be liable for any debt, damage or loss incurred by the school, unless he/she acted without authorisation or with

malicious intent, in which case he/she may be held responsible for such debts, damage or loss.

11.5 Financial Arrangements

11.5.1 Finance Committee and Finance Policy

The governing body of the school will elect a finance committee that shall develop a finance policy to be ratified by the SGB.

11.5.2 Bank Account

The governing body of the school will open and maintain a cheque account in accordance with the Act or any related regulation. All funds received by the school must be deposited into the bank account of the school.

11.5.3 School Fees

In the case of fee charging schools determine the amount of school fees to be charged by the school at an Annual General Meeting and put in place criteria for the total, partial or conditional exemption from school fees.

11.5.4 Audited Financial Statements

The governing body of the school will ensure that by 30 June of every year it would submit copies of audited financial statements to the Head of Department.

11.6 Procedures for Meetings

11.6.1 Meetings of governing bodies

- a. The governing body of Erasmia Primary School shall meet at least once per school term.
- b. A quorum of the governing body shall be 50% of the members eligible to vote on the relevant business of the governing body plus one (Parents should be in majority).
- c. At least one week's notice of any ordinary meeting shall be given by a governing body to the District Director, who shall have the right to attend any meeting of a governing body but not to vote at such a meeting.

11.6.2 Minutes of meetings

- a. The Secretary of a governing body shall keep minutes of the proceedings of every meeting of the governing body and its Executive Committee, and shall submit such minutes for approval at the next meeting of the governing body or its Executive Committee, as the case may be.
- b. The Secretary of a governing body shall ensure that minutes of the proceedings of every meeting of a committee of the governing body are kept and submitted for approval at the next meeting of such committee.
- c. The Secretary of a governing body shall ensure that minutes of the proceedings of a committee of a governing body, once approved, are submitted to the next meeting of the governing body.
- d. The Secretary of a governing body shall keep minutes of the proceedings of every meeting of parents and submit such minutes for approval at the next meeting of parents.
- e. The Secretary of a governing body shall ensure that all approved minutes of the SGB meetings, Annual General Meeting of Parents and Special General Meetings are filed for easy access.
- f. The minutes of meetings shall be made available to the Head of Department or an official acting on his behalf.

11.6.3 Apologies

- a. A member who is unable to attend a meeting due to circumstances beyond his/her control must tender a written apology with clear reasons.
- b. Only in exceptional cases and subject to the decision of the SGB will a verbal apology with clear reasons be accepted.
- c. In cases where a member absents himself/herself for three consecutive meetings without a valid reason will his membership to the SGB cease.

11.6.4 Annual General Meeting of Parents

- a. A governing body shall, between July and November of each year, hold an Annual General Meeting of parents at the school at which -
 - (i) the principal and the Chairperson of the governing body shall submit a joint written report or separate written reports on the school for the previous year;
 - (ii) the latest audited financial statements shall be availed;
 - (iii) the budget for the new financial year of the school shall be presented;
 - (iv) any matter relating to fees may be discussed; and
 - (v) any other matters relating to the school may be discussed.
- b. The chairperson of the SGB shall at least 30 days prior to the date of the Annual General Meeting ensure that a copy of the notice for the meeting reaches the parent.
- c. The notice stated above must also inform parents that the proposed budget will be available for inspection at the school at least 14 days before the Annual General Meeting.

11.6.5 Special General Meeting of Parents

- a. A governing body may convene a Special General Meeting of parents at the school in accordance with the provisions of this policy.
- b. A governing body shall convene a Special General Meeting of parents at the school within 30 days of receipt of a petition signed by at least 20% of parents of learners at the school calling for a special meeting.
- d. The Chairperson shall at least, 10 days prior to the date of the Special General Meeting, ensure through all possible means that a notice of the meeting reaches the parents.

11.6.6 Recusal From Meetings

A member of the 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.

11.7 Amendments to the Constitution

11.7.1 Any decision to amend the Constitution shall require a two-thirds majority of the total Membership of the Governing Body, after all Members of the Governing Body have been informed of the proposed amendments at least two months in advance.

11.7.2 If too few Members are present at the meeting contemplated in (11.6.1) above, a second meeting shall be convened exclusively for this purpose at least two weeks after the first meeting. If two-thirds of the Members are not present, the proposed amendments may be effected by two-thirds of the Members present.

11.6.3 All amendments to the Constitution shall be submitted to the Head of Education for validation and until such time no amendments to the Constitution will be valid.

11.8 Hand – Over of School Governing Body Documents

11.8.1 Within 14 days of the election of a “new” SGB, the principal of the school must co-ordinate a meeting for a handover process between the outgoing and the incoming SGB. The handover process must still take place even when some SGB members have been re-elected.

11.8.2 All the following documents must be recorded and mediated to the incoming SGB:

- All Relevant National and Provincial legislation/Regulations and policies.
- All policies of the school.
- The School Development Plan (SDP).
- Action plans for the current year based on the school development plan
- School budget for the current year.

- Income and expenditure statement for period 1 January to 30 June of the current year including bank statements.
- A 3 year report indicating Targets , Goals, Key Achievements, Challenges
- The Minute book
- The correspondence file
- All financial records (i.e. Cash book, Receipt books, Cheque books, Petty Cash, Bank statements, Audited financial records and proof of investment/s if any).
- Any contracts that were undertaken by the outgoing SGB.
- Copy of Tenth school day statistics

11.8.3 The outgoing SGB members will only participate in the item “Handover” during the meeting.

11.9 Code of Conduct Of The SGB of Erasmia Primary School

Throughout the document there are instances when a member of the School Governing Body will have to conduct himself/herself in a particular manner. This section of the policy will bring together instances previously mentioned and other instances not mentioned in the document as the Code of Conduct of the School Governing Body of Erasmia Primary School

All members of a governing body occupies a position of trust towards his/her public school, therefore in the performance of their function they should:

- a. At all times conduct themselves with respect, honesty and integrity and in the best interest of the school.
- b. Confine themselves to matters related to the governance of the school and not interfere with the professional management of the school
- c. In making a decision as a member of the SGB, ensure that the decision is:
 - (i) Made fair, justifiable and legitimate.
 - (ii) unbiased
 - (iii) Not influenced by ulterior motives
 - (iv) In the interest of the school.

- d. Promote an environment that does not discriminate against any person on the basis of race, colour, ethnicity, gender and creed.
- e. Co – operate with each among each other and with other SGBs and work together harmoniously to achieve the aims of the school.
- f. Govern the public school ethically within the framework of all applicable legislation
- g. Avoid any situation that may place him/her in a situation of conflict between his/her personal interests and the interests of the school. If any such situation arises he/she must declare it in writing to the School Governing Body and recuse himself/herself from such situation.
- h. Not discuss confidential matters with members of the public, use confidential information improperly and use such information only for the purpose that it was intended.
- i. Not accept bribes under any circumstances.
- j. Ensure that the school property is reasonably protected..

12. SHORT TITLE

This policy shall be called **SGB Constitution of Erasmia Primary School**

13. DATE OF APPROVAL:

Recommended by: (Principal) (print name)	CJ Dippenaar	Signature:	
Date:			
Approved by: (SGB Chairperson) (Print name)	R Dinath	Signature:	
Date:			
Verification by GDE: (District Director) (Print Name)	W Bodiba	Signature:	
Date of Verification			
Certified by :(Print Name)		Signature:	
Date			

ANNEXURE A: DUTIES OF OFFICE BEARERS

1. Duties of the Chairperson

A parent member of the SGB, who is not employed at the school, may serve as the Chairperson of the SGB.

The Chairperson shall

- Preside over meetings of the Governing Body,
- Develop a year plan for all meetings of the SGB and the sub –committee.
- Develop agendas for meetings in consultation with the secretary
- Convene meetings in consultation with the secretary.
- Ensure that meetings follow the correct procedure and proper decision –making processes are followed.
- Approve previous minutes after ensuring its correctness.
- Encourage participation of all members
- Where necessary, putting all motions or proposals to the SGB for voting.

2. Duties of the Secretary

The secretary shall:

- Plan and convene meetings in consultation with the Chairperson
- Notify members of meetings timeously.
- Deal with all correspondence addressed to the SGB in consultation with the chairperson.
- Minute all meetings of the SGB
- Ensure the safekeeping of all official documentation of the SGB e.g. minute book, correspondence, etc.

3. DUTIES OF THE TREASURER

The treasurer shall:

- Be the chairperson of the finance committee.
- Be responsible for all financial matters
- Prepare the school budget as required by the SGB
- Prepare and present financial reports, budgets and fee motivation to the governing body and the general parents meeting.

4. DUTIES OF THE FINANCE OFFICER

The SGB will appoint a Finance Officer in writing to look after the day-to-day administration of money and perform his/her duties as stipulated in the finance policy of the school, inter alia:

- a. collect school funds from learners and bank into the account of Erasmia Primary School within 24 hours;
- b. control and record income in the receipt cashbook and expenditure in the payment cashbook.