



SUNLANDS PRIMARY SCHOOL

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GOVERNING BODY CONSTITUTION

CONSTITUTION OF GOVERNING BODY OF SUNLANDS PRIMARY SCHOOL

In terms of the provisions of Section 18 of the South African Schools act, 1996 (Act 84 of 1996), governing bodies of all public schools (including public schools for Learners with special educational needs) must function in terms of a constitution which complies with the minimum requirements determined by the Member of the Executive Council by notice in the Provincial Gazette.

DEFINITIONS

In this Constitution, unless the context indicates otherwise,

“Education” means instruction, teaching or training provided to learners in terms of the Act “governing body” means the governing body of: **Sunlands Primary School** referred to in section 16(1) of the Act

“The School” Sunlands Primary School

“Head of Department” means the head of the Education Department in the Province of the Western Cape

“measures” means the measures relating to the Governing Bodies of ordinary public school (Excluding public schools for learners with special needs) or the measures relating to governing body bodies of public schools for learners with special educational needs including public school for learners sent or transferred thereto in terms of the Child Care Act, 1983 and or the Criminal Procedure Act, 1977 (Act 51 of 1977)

“Member of the Executive Council” means the member of the Executive Council responsible for education in the Province of the Western Cape

“the Act” means the Western Cape Provincial Schools Education Law, 1997 and the regulations published hereunder

“this Constitution” means the Constitution of the Governing Body of the Sunlands Primary School.

“Principal” the Principal of the Sunlands Primary School

“Office Bearer” an office bearer as referred to in section 6.1 of this constitution

“Governing Body” the legally constituted Governing Body of the school

“WCED” Western Cape Education Department

“member” a legally elected person of the Governing Body

“chairperson” the chairperson of the Governing Body

“vice chairperson” the vice chairperson of the Governing Body

“parents” Parent/Legal Guardian of Learner

“learner” a full time pupil of the school

“secretary” the Secretary of the Governing Body

“treasurer” the Treasurer of the Governing Body

Name of School: SUNLANDS PRIMARY SCHOOL (Hereafter referred to as “the school)

Street Address of School: Newent Street, Kenwyn

1. NAME AND STATUS

- 1.1 The name of the Governing Body shall be known as: The Governing Body of Sunlands Primary School
- 1.2 The school is a juristic person with legal capacity to perform its functions in terms of the Law

2. GOVERNANCE AND PROFESSIONAL MANAGEMENT

- 2.1 Subject to the South African Schools Act, 1996 (Act 84 of 1996), the governance of the school is vested in its Governing Body, provided that the Governing Body or a member thereof, in his or her capacity as a member, may not interfere with the professional functions of the educators in the performance of his or her duties
- 2.2 The Governing Body is in a position of trust towards the school.
- 2.3 Subject to the South African Schools Act, 1996 (Act 84 of 1996), the Law and this Constitution, the professional management of the school must be undertaken by the Principal under the authority of the Head Of Department.

3. AIMS AND OBJECTIVES

- 3.1 To ensure the best possible standard of education is provided to learners.
- 3.2 To admit learners, subject to the provisions of the act and provide for their educational needs without discriminating unfairly in any way.
- 3.3 To allow no form of racial discrimination whatsoever in the execution of the language policy of the school and or in terms of the act.
- 3.4 To ensure that no form of racial discrimination whatsoever is practiced amongst the educators, learners and any other persons employed by the governing body and or the WCED
- 3.5 To allow religious observance at the school to be conducted on an equitable basis and attendance at them by learners and members of staff to be free and voluntary.
- 3.6 To function financially in such a way that the school will fulfil its commitments.
- 3.7 To use school funds, all proceeds thereof and any other assets of the school only in accordance with the provisions of the act.
- 3.8 To service the community by preparing learners in such a way that they are as well prepared as possible, to proceed to high school
- 3.9 To provide the opportunities to the staff of the school to grow professionally, to obtain work fulfilment and to deliver education of the highest standard.

- 3.10 To promote the best interests of the school at all times
- 3.11 To administer and manage the school in a responsible and cost-effective manner.
- 3.12 To ensure that any disruption to the education process is prevented and or challenged.
- 3.13 To carry out all duties and responsibilities towards the learners, educators, and other interested parties in such a manner that will always project a positive image of the school and will enhance the standard of education.
- 3.14 To make a contribution to the promotion of sport and culture in general, but specifically to make use of sport and cultural activities as educational opportunities to benefit the learners in the school.

4. DUTIES AND FUNCTIONS OF THE GOVERNING BODY

- 4.1 The Governing Body performs the functions which fall within the powers and which are necessary for the welfare of the school and subject to the provisions of the Act.
- 4.2 The Governing Body makes use of funds raised and other assets of the school in accordance with the provisions of the Act and this constitution for the purpose of realizing the above mentioned aims and objectives
- 4.3 The Governing Body must provide the facilities and services in the interests of the learners and of education, in accordance with the Act and this constitution.
- 4.4 The Governing Body must adopt a code of conduct for the learners, after consultation with the parents, educators and learners.
- 4.5 The Governing Body may suspend and or recommend the expulsion if learners who transgress the code of conduct in accordance with section 9 of the Act
- 4.6 The Governing Body must ensure that all school fees are levied and may enforce the payment thereof in accordance with sections 39, 40 and 41 of the Act.
- 4.7 The Governing Body must draft and adopt a mission statement, after consultation with the parents, educators and learners

5. FINANCE

- 5.1 The Governing Body must open and maintain a banking account at a registered banking institution within the Republic of South Africa.
- 5.2 Subject to section 5.1 of this constitution all monies received by the school, including school fees, voluntary contributions and or any other monies generated specifically for the betterment of the school, must be paid into the school banking account.

- 5.3 The Governing Body must ensure that all finances are efficiently and effectively managed and that the necessary financial reports are made available for scrutiny.
- 5.4 All expenditure will be subject to the provisions as set out in the Financial Policy of the school.
- 5.5 The Governing Body must appoint auditors in accordance with the provisions of the Act, to audit all financial records and statements of the school.
- 5.6 The financial year commences on the first day of January and ends on the last day of December. All records and statements of the school must be audited subsequently in accordance with section 53 of the Act.
- 5.7 The Governing Body must submit to the Head of Department within six months after the end of each financial year, a copy of the annual audited financial statements.

6. COMPOSITION AND OFFICE BEARERS OF THE GOVERNING BODY

- 6.1 The Governing Body shall consist of eight (8) members in total: five (5) elected parents, two (2) elected educators (either from the Governing Body or WCED), and one (1) non-educator (either from the Governing Body or WCED). Principal is part of the Governing Body.
- 6.2 At the first meeting of the governing body, and whenever necessary thereafter the members present will elect the following office bearers
- Chairman
Deputy Chairman
Secretary
Treasurer
And any other Office Bearers as the governing body deems necessary
- 6.3 The position of Chairperson can only be held by a parent who is not employed by the school.
- 6.4 The Office Bearers of the Governing Body shall carry out all business and responsibility as vested in them by the Act.
- 6.5 In the event of the Chairperson being unable to chair a meeting, for whatever reason, the Vice Chairperson must assume the position of chairperson, however should the Chairperson and Vice Chairperson be unavailable then the members present may elect a temporary chairperson. Should the Chairperson be permanently unable to resume his or her responsibilities, the members must then elect a new chairperson.
- 6.6 The Governing Body may also appoint temporary office bearers to oversee any vacancies in the above-mentioned positions.
- 6.7 The Governing Body may co-opt a member or members of the community to assist in its discharge of functions. Co-opted members shall not have voting rights on the Governing Body.

7. PROCEDURES

7.1 QUORUM

A quorum for any meeting of the governing body should consist of one more than half of the number (50% plus 1) of all enfranchised members of the Governing Body who have voting rights.

7.2 TERM OF OFFICE OF OFFICE BEARERS

7.2.1 The term of office of the Members of the Governing Body shall be three (3) years.

7.2.2 The term of office bearer of the Governing Body shall be one (1) year. A member of office bearer of the Governing Body shall be re-elected or co-opted, as the case may be, after the expiry of his/her term of office.

7.3 APOLOGIES FOR ABSENCE OF MEMBERS OF THE GOVERNING BODY

7.3.1 Non-attendance of a member for three consecutive meetings will result in the termination of that member from the governing body.

7.4 TYPES OF MEETINGS AND MEETING PROCEDURES

7.4.1 TYPES OF MEETINGS:

- **Ordinary or Mandatory Meetings.** The **Secretary of the Governing Body** must, at least **fourteen (14) days prior to the meeting**, notify each member in writing of the date, time, and venue of the meeting, as well as the business to be transacted.
- **Urgent Meetings:** The Chairperson may call a meeting to discuss urgent matters. The secretary must give at least **twenty-four (24) hours written notice**. The only business which may be transacted is the business for which the meeting was called.
- **Special Meeting/Meeting at short notice:** Except for urgent meetings, a meeting may be held at a shorter notice than fourteen days; provided that all members at the meeting agree in writing to a meeting being held despite the lack of sufficient notice or the majority of the members present at the meeting called on a short notice, pass a motion condoning the lack of adequate notice.
- **Annual Budget/General Meeting:** During the fourth school term the Governing Body must prepare the budget for the following year and convene a general meeting of parents in order to enable them to consider the budget. At least **thirty days (30)** before the meeting is to be held the Governing Body must direct a letter to all parents to inform them of the **date, time and venue and purpose** of the meeting, and that the proposed budget will be available at the school for inspection for at least **fourteen (14) days** before the date of the meeting. Parents who are present must approve or amend the budget by means of voting. **A quorum shall consist of ten percent (10%) of the parents** of enrolled learners and if the quorum is not reached at the Annual/General Meeting the Chairperson shall determine the date, time and venue for the second meeting and notify parents fourteen days prior to such meeting. The Principal shall, at least seven days prior to the date of the second Budget/General Meeting, distribute a copy of the notice to every learner at

the school with an instruction to hand the notice to the parents; and there shall be **NO QUOROM** required at the Second Budget/General Meeting.

Meeting Procedures:

- 7.4.2 The Governing body and Fincomm shall meet at least **ONCE** per quarter face-to-face or online including urgent meetings.
- 7.4.3 The Governing body shall meet with Learners, Parents, Educators and other Staff at the school, respectively, at least once a year.
- 7.4.4 The Governing Body shall render a report on its activities to Learners, Parents, Educators and other Staff of the school at least once a year, and circulate an annual financial report to Parents.
- 7.4.5 An extraordinary meeting is convened by the chairperson when he or she deems it necessary or when at least five (5) members submit a written request and reason/s for such meeting.
- 7.4.6 Each member of the Governing Body has one (1) vote no proxy votes are accepted at the Governing Body Meetings. At the conclusion of voting, the Chairperson shall, in addition to his or her deliberative vote, have a casting vote.
- 7.4.7 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.

7.5 MINUTES OF PROCEEDINGS OF MEETINGS

- 7.5.1 The minutes of the proceedings of meetings of the Governing Body shall be recorded in writing, circulated to members prior to the next Governing Body meeting.
- 7.5.2 At the following meeting the minutes of the previous meeting shall be corrected (if necessary) adopted and then filed for future reference.
- 7.5.3 All official meetings between the Governing Body, Parents, Educators and other Staff of the school shall also be recorded.
- 7.5.4 Minutes of all meetings will be made available to the Head of Education (HOE) upon request

7.6 COMMITTEES

- 7.6.1 The Governing Body may form the following standing committees,
 - 7.6.1.1 An Executive Committee
 - 7.6.1.2 A Finance Committee
 - 7.6.1.3 And any other committee/s to advise, and, subject to the instruction of the Governing Body, to perform such functions as the Governing Body may determine.

7.6.2 The Governing Body may alter or invalidate any decision of a committee contemplated in section 7.6.1.2 of this constitution.

7.6.3 Executive Committee

7.6.3.1 The Executive comprises the Chairperson, Vice Chairperson, Secretary Treasurer and as many other members as determined by the Governing Body

7.6.3.2 This Committee shall meet at intervals as determined by the Chairperson of the Governing Body

7.6.4 Finance Committee

7.6.4.1 The Finance Committee comprises the Chairperson or Vice Chairperson, Treasurer and as many other members as determined by the Governing Body.

7.6.4.2 This committee shall meet at intervals as determined by the Chairperson of the Governing Body

7.6.5 The terms as set out in sections 7.1, 7.2, 7.3, 7.5.1, 7.5.2 shall govern all standing committee/s

8. E-SIGNATURES

E-signatures will be utilised with the consent of the individual providing the e-signature. All e-signatures are designated exclusively for the Western Cape Education Department and Sunlands Primary School use and will be stored in a secure file on the computer. Documents requiring e-signatures will be emailed to the individual, allowing them to provide their consent for the use of their e-signature.

9. DISSOLUTION

9.1 The Governing Body shall be dissolved if at least two thirds of the members present and voting at a duly constituted meeting of the Governing Body convened for the purpose favour dissolution.

9.2 If upon dissolution of the Governing Body, there remain any assets whatsoever, such assets shall remain the sole property of the school.

10. INDEMNITY

The Office Bearers and members of the Governing Body, as well as each of their heirs, executors, and administrators, shall be indemnified and held harmless out of the funds of the Governing Body from and against all actions, costs, charges, losses, damages, and expenses which they, or any of them, may incur or sustain in connection with the execution of their duties in their respective offices—except where such losses are incurred through their own willful neglect or default. None of them shall be held liable for the acts or defaults of the others, or for any banker or other person to whom any funds or property of the Governing Body may be entrusted or invested, or for any loss, misfortune, or damage arising in the execution of their duties, unless such loss is due to their own willful neglect or default.

11. AMENDMENT TO CONSTITUTION

- 11.1** A decision to amend this constitution requires a two thirds majority of the total membership of this Governing Body after all members have been informed of the proposed amendment/s at least two months in advance
- 11.2** 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 meeting.

