

NEXUS PRIMARY SCHOOL	
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Constitution of Nexus Governing Body

Governing Body



Date of Adoption by SGB _____ Signed: _____

Date of Verification by Department: _____ Signed: _____

1. PREAMBLE

Preamble In terms of the South African Schools Act, No. 84 of 1996 (SASA), NEXUS PRIMARY SCHOOL has been declared a public school. Every public school is required by law to have a governing body which is responsible for the governance and control of the school. This Act further requires that each public school draws up and functions in terms of a constitution according to which the School Governing Body will conduct its own affairs.

This document defines how the SGB of this school will operate. We, the School Governing Body of Nexus Primary, declare that we are aware of and accept our responsibilities and will strive to fulfil our legislative mandate. We shall at all times act within the prescripts of applicable legislation and ensure accountability and transparency.

2. PURPOSE OF THE CONSTITUTION

- To observe proper care, diligence and good faith in the exercise of our powers and the performance of our duties.
- To act in the best interest of the school.
- To promote the best interests of the school.
- To admit learners and serve their educational requirements without unfairly discriminating in any way.
- To determine the language policy of the school, subject to the Constitution, “the Act” (SASA) and any applicable provincial law. No form of racial discrimination will be practised in the implementation of this policy.
- To ensure that religious observances are conducted at the school on an equitable basis and that attendance by learners and staff members is free and voluntary, without compulsion and coercion.
- To adopt a code of conduct for the learners after consultation with the learners, educators and all stakeholders at the school.
- The code of conduct will be aimed at establishing a disciplined and purposeful school environment, dedicated to the improvement and maintenance of the quality of the learning process.
- To establish a school fund and to control and administer it in accordance with directions issued by the Head of Department.

3. DEFINITIONS AND ACRONYMS

This document will use the following definitions:

Parent: Any adult who is legally entitled to custody of a learner

Learner: Any person registered to receive an education at the school

Educator: Any person who is employed at the school in terms of the Employment of Educators Act

Non-Educator: A person employed by the school in any capacity other than an Educator.

Elected Member: Any person elected to serve according to procedures defined in this document

Ex-officio Member: A person, without voting rights who is asked to serve on the school governing body in order to provide a specialized service

Juristic Person: A group recognized by law with defined rights and responsibilities

SASA – South African School Act

SGB – School Governing Body

NEPA – National Education Policy Act

AGM – Annual General Meeting

QLTC – Quality Learning and Teaching Campaign

QMS – Quality Management System

4. APPLICATION AND SCOPE OF THE CONSTITUTION

The terms of this constitution are binding on all members of the Governing Body and as far as is appropriate, on all persons or bodies in their relations with the school and the Governing Body.

Any matter regarding and aspect of the status of the Governing Body, its composition, activities, duties or functioning which is not regulated by this constitution, is regulated by the appropriate general legal provisions concerning such issue.

5. LEGISLATIVE FRAMEWORK

The school shall be governed in accordance with the following applicable National and Provincial Acts and the regulations promulgated thereunder.

- The Constitution of the Republic of South Africa Act, 1996 (Act 108 of 1996), as amended, hereinafter referred to as “the Constitution”
- The National Admission Policy for Ordinary Public Schools, (Government Gazette 19377 of 1998) as promulgated in terms of the National Education Policy Act, 1996 (Act 27 of 1996), as amended [NEPA]
- The South African Schools Act, 1996 (Act 84 of 1996), as amended (SASA)
- The Employment of Educators Act, 1998 (Act no 76 of 1998)
- Public Service Act, 1998 (Proclamation No. 103 of 1994)
- The Labour Relations Act, 1995 (Act 66)
- The Regulations and Rules Governing Bodies of Public Schools published under general notice 786 of 1995.

▪ The Regulations relating to the exemption of parents from the payment of school fees in public schools (Government Gazette 29311 of 18 October 2006) as

promulgated in terms of the South African Schools Act.

▪ The Promotion of Access to Information Act, 2000 (Act 2 of 2000)

▪ The Promotion of Administrative Justice Act, 2000 (Act 3 of 2000)

▪ The Education Policy Act, 1998 (Act No 12 of 1998)

▪ Public Finance Management Act (PFMA) 1 of 1999

▪ Draft National Treasury Regulations issued in terms of the PFMA, November 2012,
GG nr 35939

▪ Auditing Professions Act 26 of 2005 Auditing Professions Act

6. POLICY STATEMENT

In terms of the SASA, the governing body shall:

(a) Promote the best interests of the school and strive to ensure its development.

(b) Adopt a constitution.

(c) Develop a mission statement.

(d) Adopt a Code of Conduct for Learners.

(e) Support the principal, educators and other staff of the school in the performance of their professional functions.

(f) Determine the times of the school day consistent with any applicable conditions of employment of staff.

(g) Administer and control the school's property, and buildings and grounds.

(h) Encourage parents, learners, educators and other staff to do voluntary services to the school

(i) Recommend the appointment of educators to the Secretary (of the provincial department), subject to the Educators' Employment Act 1994, and the Labour Relations Act 1995 (No. 66).

(j) Recommend the appointment of non-educator staff to the Secretary, subject to the Public Services Act 1994 and the Labour Relations Act 1995.

- (k) Allow the reasonable use, under fair conditions of the facilities of the school for educational programs not conducted by the school (churches, societies excluding politics and parties).**
- (l) Meet at least every 3 months.**
- (m) Keep minutes of meetings.**
- (n) On request, make the minutes of meetings available for inspection by the HOD.**
- (o) Prepare an annual budget.**
- (p) Establish and administer a school fund into which all money received by the school must be paid.**
- (q) Raise revenues including voluntary contributions to the school in cash or in kind.**
- (r) Open and maintain a bank account.**
- (s) Prepare an annual financial statement.**
- (t) On request by an interested party, make annual financial statements available for inspection.**
- (u) Annually report to parents, learners, educators and other staff**
- (v) Convene annual meetings respectively with parents, educators and other staff.**

7. THE SCHOOL GOVERNING BODY

7.1 COMPOSITION OF THE SGB

The governing body consists of:

- a. The principal in her official capacity .**
- b. three educators elected by the educators employed at the school,**
- c. One non-educator elected by non-educators employed at the school,**
- d. Six parents elected by parents,**

7.2 CO-OPTED MEMBERS

- (a) Co-opted members are non-councillor members of certain committees, appointed where specialist input is required or where an outside view of the council can be useful in guiding councillors' deliberations.**
- (b) A governing body may co-opt a member or members of the community to assist it in the discharge of its function.**
- (c) Co-opted members do not have voting rights on the governing body**

7.3 TERM OF OFFICE OF MEMBERS

- a. The term of office of elected members, excluding learner representatives elected by the representative council of learners, is three years.**
- b. The term of office of a learner representative elected by the representative council of learners is one year.**
- c. Members of the governing body remain in office after the expiry of their term of office until the election of a new governing body.**
- d. A member of the governing body may be re-elected or co-opted, as the case may be, after the expiration of his / her term of office.**

7.4 ELECTION OF SGB AND OFFICE-BEARERS

- (a) A parent who is employed at the school may not represent parents on the governing body.**
- (b) A governing body may co-opt a member or members of the community to assist it in the discharge of its function.**
- (c) Co-opted members do not have voting rights on the governing body**
- (d) The number of parent members must comprise one more than the combined total of other members of a governing body who have voting rights.**
- (e) The principal of the school presides at any meeting convened to elect the chairperson.**
- (f) The term of office of a member of the SGB may not exceed a period of 3 years.**
- (g) A member or office-bearer may be re-elected after expiry of his or her term of office.**

7.5 DUTIES OF THE GOVERNING BODY BEARERS

- (a) The governing body must from amongst its members elect office-bearers, who must include at least a chairperson, a treasurer and a secretary.**

7.5.1 Duties of the Chairperson

Only a parent member of an 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 and shall in consultation with the principal and secretary convene meetings. Other duties shall include:

- (a) Signing confirmation of the previous minutes.
- (b) Ensuring that the format and procedures of the meeting follow in an organized and uninterrupted manner.
- (c) Allowing all members to participate.
- (d) Where necessary, put all motions or proposals to the SGB for voting.
- (e) Preparing for the following meeting.

7.5.2 Duties of the Vice-Chairperson

The Vice-Chairperson shall deputize for the chairperson in event of absence and perform all appropriate duties.

7.5.3 Duties of the Secretary

- (a) Keeping in close communication with the principal and chairperson.
- (b) Where necessary dealing with correspondence.
- (c) Convening meetings in consultation with the chairperson and the principal.
- (d) Taking minutes and ensuring the safekeeping of all official documentation.
- (e) Providing information and assistance to every member, as required.

7.5.4 Duties of the Treasurer

- (a) The Treasurer is ultimately responsible for all procedures and transactions regarding the school's income, expenditure and assets
- (b) In the second half of the year, the Treasurer, in collaboration with both the principal and finance officer is required to prepare and present to the SGB, budget scenarios for the coming year, for confirmation of the budget by the majority of the parents at the Annual General Meeting.

Other Duties include:

- (c) Ongoing support and assistance to the Finance Officer
- (d) Scrutinizing monthly income and expenditure
- (e) Holding responsibility for the payment of the school's accounts
- (f) Ensuring the preparation and presentation of the monthly financial statement
- (g) Liaising, in collaboration with Finance Officer
- (h) Leading the presentation of the forthcoming budget scenarios and finances.

7.5.5 Duties of the Finance Officer

The SGB will appoint, in writing, a Finance Officer to look after the day-to-day administration of money.

8. COMMITTEES OF GOVERNING BODY

The governing body may:

- (a) Establish committees including and executive committee.**
- (b) Appoint any persons who are not members of the body to such committees on grounds of expertise, but an SGB member must chair each committee.**
- (c) This school will establish the following committees:**
 - Finance**
 - Maintenance**
 - Fund Raising**
 - QLTC (Quality teaching and learning campaign)**
 - Sports**
 - Safety**
 - NSNP (National School Nutrition Policy)**

9. STATUS OF MINORS ON GOVERNING BODIES OF PUBLIC SCHOOL.

A member of a governing body who is a minor may not contract on behalf of a public school. 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.

10.REMOVAL FROM OFFICE OF SGB MEMBERS

An incidental vacancy in the governing body occurs when a member –

- a)submits a written resignation;**
- b)dies;**
- c) is relieved of his office in accordance with the Regulations;**
- d) is absent for three consecutive meetings without the permission of the governing body; or**
- e) is found to be incompetent as defined in the Regulations.**

11. MISSION STATEMENT

11.1 Vision

To become the best institution in transforming learners into successful and responsible global citizens.

11.2 Mission

We aim to achieve this by:

- **Providing a conducive and caring teaching and learning environment.**
- **Inviting and involving all committed stake holders.**
- **Ensuring that all learners are exposed to dynamic curricular and extra-curricular activities.**
- **Ensuring that all learners are prepared for the Fourth Industrial Revolution at an early age.**

Core Values

- **Responsibility**
- **Respect**
- **Innovation**
- **Creativity**
- **Punctuality**
- **Passion**
- **Love**
- **Co-operation**
- **Commitment**
- **Diligence**

12. POWERS OF THE GOVERNING BODY

The governance of the school in terms of SASA is vested in the SGB of the school. In terms of SASA the SGB shall:

- **Determine the admissions policy of the school**
- **Determine the language policy of the school**
- **Determine the policy for religious observance**
- **Determine the school's Code of Conduct for Learners**
- **Determine change and enforce the payment of school fees payable by parents and learners**
- **Join voluntary associations representing governing bodies of public schools**

13. COMPULSORY FUNCTIONS OF THE GOVERNING BODY

Functions of the governing body (1) In terms of “the Act”, the governing body must

- 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;
- adopt a constitution
- develop the mission statement of the school
- adopt a code of conduct for learners at the school (please attach learner code of conduct as an appendix to this policy)
- support the principal, educators and other staff of the school in the performance of their professional functions
- determine times of the school day consistent with any applicable conditions of employment of staff at the school
- administer and control the school's property, buildings and grounds occupied by the school including the school hostel (if applicable)

14. ALLOCATED FUNCTIONS OF GOVERNING BODY

Allocated functions of the governing body (if applicable) The governing body may, subject to the provisions of the Act, apply to the Head of Department in writing to be allocated any of the following functions:

- (i) Maintain and improve the school's property, buildings and grounds occupied by the school, including hostels, if applicable;
- (j) (ii) Determine the extra-mural curriculum of the school and the choice of subject options in terms of provincial curriculum policy;
- (k) (iii) Purchase textbooks, educational material and equipment for the school; (iv) Pay for services rendered to the school;
- (l) (v) Provide an adult basic education and training class or centre subject to any applicable law; or
- (vi) Discharge other functions consistent with the Act and any applicable provincial law

15. MEETINGS

15.1 PROCEDURE OF MEETING

Procedures of meetings

a. All apologies and non-attendance must be recorded and dealt with in terms of the conditions as set out under section "non-attendance of meetings by SGB members" below.

b. The School Governing Body will deal with matters of which prior notice has been given, and with other matters (matters arising) provided that approval of the meeting is obtained.

c. Any person may attend and speak at an SGB meeting provided that approval of the meeting is obtained.

d. Each member of the SGB has one vote. At the conclusion of voting, the Chairperson will exercise a casting vote if necessary. No member shall be allowed to nominate a proxy to vote on his/her behalf.

e. The minutes of any meeting will be read or taken as read at the opening of the next meeting, and if approved will be signed by the Chairperson and the Secretary.

f. When the SGB convenes parent meetings it must report on and discuss matters relating to the school. The Secretary must prepare and distribute to parents and educators at the school written reports on its activities.

Non-attendance of meetings by SGB members A member of the SGB who fails to attend three consecutive meetings of the Governing Body without notifying the Chairperson / Secretary of his or her absence from the meeting and without a valid reason shall be deemed to have resigned from office.

15.2 CONDUCTING MEETINGS

(a) A meeting of the SGB shall be held at least once every term

(b) Separate meeting of the SGB, will be held at least once a year, with each of the following stakeholder groups: Learners, parents, educators and other staff

(c) The SGB will meet with the following regularly parents

(d) Notice will be given as follows:

(e) The agenda will be determined as follows:

(f) The following will constitute a quorum (50 plus 1):

(g) If the meeting will be postponed for at least 5 days, no matter how many turn up at the new date, they will be considered a quorum

(h) Members will recuse themselves from discussion under the following circumstances:

- (i) Decisions will be taken in the following manner:**
- (j) Individuals may only vote once the vote is made in writing**

15.3 MINUTES OF THE MEETING

Minutes of proceedings of meetings

- (1) The secretary shall keep minutes of the proceeding of every meeting.**
- (2) The minutes of the proceedings of every meeting;**
 - (a) Shall at the next meeting of the governing body, be submitted for approval; and**
 - (b) Shall at all times be open for inspection by the members and the Head of Department, or any office duly instructed by him or her, a parent, or a member of the staff of the school.**
- (3) Upon the dissolution of the governing body or the expiry of its term of office, all minutes and other documents shall be handed to the principal.**

15.4 ANNUAL GENERAL MEETING (AGM)

The Chairperson is required to call a General Meeting of all parents at least once a year. Parents must be given at least 30 days' notice of the meeting. The purpose of the meeting will be as follows:

- (a) To resolve by majority of parents attending that school fees shall be levied**
- (b) The Treasurer shall prepare and present a budget for each year. The budget should estimate the income and expenditure for the year**
- (c) The Treasurer shall present to the meeting, the examined financial statements of the school with respect to the previous year**
- (d) Each committee chairperson shall present a report on the activities of that committee**
- (e) The chairperson shall present a report on the general affairs of the school.**

A quorum at the Annual general meeting shall be 15% (1/30) of the parents of the school or a minimum of 175 parents.

15.5 RECUSAL FROM THE MEETING

Recusal of Member of the Governing Body - 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.

15.6 REIMBURSEMENT OF MEMBERS OF GOVERNING BODY

- Necessary expenses incurred by a member of the governing body in the performance of his or her duties may be reimbursed by the governing body out of school funds.
- No member of a governing body may be remunerated in any way for the performance of his or her duties as a governing body member.

16. PROHIBITION OF POLITICAL ACTIVITIES DURING SCHOOL TIME

No party-political activities may be conducted at a school during school time determined by the governing body of the school in terms of section 20 (1) (f).

(2) The party-political activities contemplated in subsection (1) include, but are not limited to

- (a) campaigning;
- (b) the conducting of rallies;
- (c) the distribution of pamphlets and fliers; and
- (d) the hanging or putting up of posters and banners.

(3) A member of a political party may not, for the purposes of conducting party-political activities, encroach on the school time.

(4) A school may not allow the display of material of a party-political nature on its premises unless such party-political material is related to the curriculum at the school. [S. 33A inserted by s. 11 of Act No. 15 of 2011.]

17. VACANCIES ON THE SCHOOL GOVERNING BODY

(a) Members wishing to resign will observe the following procedure

- Writing a resignation letter.

(b) Members may be dismissed under the following circumstances:

- Fail to attend three consecutive meetings

(c) How can we replace resigned or dismissed members?

- As the SGB members we make the parents aware that the member has resigned because they are no more qualifying, as they have no children at school then we will do by elections.

18. HAND-OVER OF SCHOOL GOVERNING BODY DOCUMENTS

- Section 19(2) of the South African Schools Act (SASA), 1996 (Act 84 of 1996), as amended, requires of a principal, and other officers, to assist governing bodies in the performance of their functions in terms of the Act.
- The principal of a school is the official representative of the Head of the FREE STATE Education Department (FSED) while serving on the governing body. He or she is therefore obliged to ensure that there are adequate administrative measures in place aimed at sustaining the administrative and records management processes.
- The revised Procedures for the Establishment and Election of Governing Bodies at Public Schools Regulations, 2017, published in Provincial Gazette Extraordinary No. 7810 of 17 August 2017, requires that the principal convenes the first meeting of the newly elected governing body within seven days after the parent election.
- The principal must facilitate the handover process which must take place within 14 days of the first meeting of the new governing body.
- The principal must conduct the handover process by officially providing all relevant governance files, including the governing body constitution, policies and procedures, to the new governing body.
- The principal must, in the same meeting, conduct an induction session for the new members and answer any questions that the new governing body may have.
- A handover certificate (Annexure A), signed by both the incoming and outgoing chairperson, must be completed and kept safely at the school.
- Principals are reminded that the FSED is audited annually and evidence of the actual handover process must be properly minuted and recorded.

19. CODE OF CONDUCT OF THE SCHOOL 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. (2) 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.
- (2) 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.

- (3) 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.
- (4) A member of the governing body may appeal to the Member of the Executive Council against a decision of a Head of Department regarding the suspension or termination of his or her membership as a governing body member. [S. 18A inserted by s. 6 of Act No. 50 of 2002.]

20. AMENDMENTS TO THE CONSTITUTION

Amendments to the Constitution

- (a) The following procedure will be followed to amend the constitution:
 - Members will be informed 30 days before the meeting.
- (b) The following majority will be required in a vote to change the constitution:
 - 2/3 of majority (7 members)

21. DECLARATION OF CONSTITUTION BY ALL SGB MEMBER

This Constitution shall become operative and effective on the

_____ (Day) _____ (Month) _____ (Year)

22. APPROVAL

Signatures of school governing body members indicating adoption of the constitution:

1. CHAIRPERSON	
2. DEPUTY-CHAIRPERSON	
3. SECRETARY	
4.TREASURE	
5.PRINCIPAL	
6.MEMBER	
7.MEMBER	
8.MEMBER	
9.MEMBER	
10.MEMBER	
11.MEMBER	