

Newfields Primary School



SGB Constitution

1. Definitions

In this constitution, unless the context indicates otherwise, “Governing Body” means the governing body of Newfields Primary School referred to in section 21 of law:

“Head of Department” means the head of the educational department in the province of the Western Cape.

“Measures” means the measures relating to governing bodies of ordinary public schools (excluding public schools for learners with special educational needs) or the measures relating to governing bodies of public schools for learners with special educational needs (including public schools for learners sent or transferred thereto in terms of the Child Care Act, 1983 (Act 74 of 1983), and/or the Criminal Procedure Act (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.

“Sponsoring Body” means a body or group of persons approved by the governing body and which is prepared to assist the school financially.

“The law” means the Western Cape Provincial School Education Law, 1997 and the regulations published there-under.

“This constitution” means the constitution of the Governing Body of Newfields Primary School.

2. Name of School

The name of the school is NEWFIELDS PRIMARY SCHOOL hereafter referred to as “the school”.

3. Street / Postal address

ANDREWS ROAD
NEWFIELDS ESTATE
7764

4. Status of School

The school is a juristic person with legal capacity to perform its functions in terms of the Law.

5. Governance and Professional management

5.1 Subject to the South African Schools Act 1998 (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 functioning of the school.

5.2 The governing body stands in a position of trust towards the school.

6. Objectives of the school

6.1 To provide education as defined in section 1 of the law to learners.

6.2 To admit learners, subject to the provisions of section 5 of the South African Schools Act, 1996 (Act 64 of 1996), and provide for their educational needs without discriminating unfairly in any way.

6.3 To allow no form of racial discrimination whatsoever in the execution of the language policy of the school, subject to the provisions of section 6 of the South African School Act, 1996 (Act 84 of 1996).

6.4 To allow religious observances at the school to be conducted on an equitable basis and attendance at them by learners and members of staff to be free and voluntarily, subject to the provisions of section 7 of the South African Schools Act, 1996 (Act 84 of 1996).

6.5 To use the school fund, all proceeds thereof and any other assets of the school only in accordance with the provisions of section 37 of the South African Schools Act, 1996 (Act 84 of 1996)

6.6 To function financially in such a way that the school will fulfil its commitments.

6.7 To serve the community by preparing learners in such a way that they will take their place in the community as well-educated people.

6.8 To provide the opportunities to the staff of the school to grow professionally, to obtain work fulfilment and to deliver teaching of the highest quality.

6.9 To make a contribution to the promotion of sport and culture in general, but specifically to use sport and culture activities as educational opportunities to benefit the learners of the school.

7. Feeder Areas

The school traditionally serves the following areas:

7.1 Newfields

7.2 Hanover Park

7.3 Mountview

8. Functions and allocated functions of the Governing Body

- 8.1 The governing body performs the functions which fall within its powers and which are necessary for the welfare of the school, subject to the provisions of the South African Schools Act, 1996 (Act 84 of 1996).
- 8.2 The governing body uses the school fund and assets in accordance with the provisions of section 37 of the South African Schools Act, 1996, Act 84 of 1996).
- 8.3 The governing body uses funds in accordance with the provisions of the Law and this Constitution, for the purpose of realizing the above-mentioned objectives.
- 8.4 The governing body must provide services and facilities in the interest of the learners and of education, in accordance with the provisions of the Law and this Constitution.
- 8.5 The governing body must appoint auditors in accordance with the provisions of section 53 of the Law, to audit the financial records and statements of the school.
- 8.6 The governing body must adopt a code of conduct for the Learners, after consultation with the parents, educators and learners of the school in accordance with the provisions of section 8 of the South Africans Schools Act, 1996 (Act 84 of 1996).
- 8.7 The governing body must suspend and/or recommend the expulsion of learners who transgress the code of conduct in accordance with the provisions of section 9 of the South Africans Schools Act, 1996 (Act 84 of 1996).
- 8.8 The governing body must see to it that the school fees are levied and may enforce the payment thereof in accordance with the provisions of sections 39, 40 and 41 of the South African Schools Act, 1996 (Act 84 of 1996).
- 8.9 The governing body drafts the credo and the mission of the school.

9. Liability of members of the Governing Body

A member of the governing body is not liable for any debt, damage or loss incurred by the school unless he or she acted without authorisation, with malicious intent and negligence and can therefore be held responsible for such debt, damage or loss.

10. Composition of the Governing Body

The governing body of the school is composed in accordance with the provisions of measure 2 of the measures.

11. Term of office of members of the Governing Body

The term of office of a member of the governing body who is not a learner shall be determined by measure 4 of the measures.

12. Quorum

At least one more than half of the members of the governing body composed in accordance with the provisions of measure 2 (1) of the measures, shall constitute a quorum at any meeting.

13. Election of office-bearers of the Governing Body

At the first meeting of the governing body, the governing body elects from its ranks office-bearers who will include at least a chairperson, a treasurer and a secretary provided that only a parent member who is not employed by the school may be elected as chairperson of the governing body.

14. Term of office of office-bearers

14.1 Subject to the provisions of the measures, the term of office for the office-bearers shall be 12 months from the date of the election.

14.2 An office-bearer may be re-elected after the expiry of his/her term of office.

15. Apologies for absence of members of the Governing Body

The Governing body accepts leave of absence of a member or members for a period determined by the governing body. Should a member be absent from 3 consecutive meetings without an apology, such a member will be dismissed from this body.

16. Casual vacancies in the Governing Body

A casual vacancy that occurs will be filled in accordance with the provisions of the measures.

17. Committees

17.1 The governing body may, in accordance with the provisions of section 23 of the Law, appoint one or more committees to advise it, and, subject to the instruction

of the governing body, to perform such functions as the governing body may determine.

17.2 The governing body may alter or invalidate any decision of a committee contemplated in 17.1

18. Meetings

18.1 The governing body shall meet at least once per term.

18.2 The governing body shall meet with learners, parents, educators and other staff at the school at least once a year.

18.3 The governing body shall render a report of its activities to parents, educators , learners and other staff at least once a year.

18.4 Meetings of the governing body are held in accordance with the provisions of the measures.

18.5 An extra-ordinary meeting is convened by the chairperson when he or she deems it necessary or when at least (5) five members submit a written request and reasons for such a meeting.

18.6 Each member of the governing body has one vote. At the conclusion of voting, the chairperson shall, in addition to his or her deliberative vote, have a casting vote.

18.7 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.

19. Minutes of proceedings of meetings

The minutes of the proceedings of meetings of the governing body shall be dealt with in accordance of the provisions of the measures.

20. Bank Account

20.1 The governing body must open and maintain a bank account at a banking institution in the Republic of South Africa.

20.2 Subject to paragraph 20.1, all money received by the school, including school fees and voluntary contributions must be paid into the school fund.

21. Closing the financial year

The financial year commences on the first day of January and ends on the last day of December. The records and statements of the school must be audited subsequently in accordance with provisions of section 53 of the Law.

22. Submission of financial statements

The governing body must submit to the head of education, within six months after the end of each financial year, a copy of the annual audited financial statements.

23. Amendment to the Constitution

A decision to amend this constitution requires a two-thirds majority of the total membership of the governing body after all members have been informed of the proposed amendment at least two months in advance.

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.

(Original document signed by chairperson and secretary)

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Chairperson

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Secretary

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Date

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Date