



BAY PRIMARY SCHOOL CONSTITUTION

Preamble

At Bay primary, we will promote **an ethos** of respect and equality in accordance with the Constitution of our country, to recognize and value cultural and lifestyle differences, and to increase the awareness of each learner's cultural heritage, and further agree that we will create opportunities intended to develop unity and understanding as a school, and as a community.

As a learning community, we will aspire to:

1. Show reverence toward the spiritual;
2. Develop genuine friendships;
3. Respect the worth and dignity of the individual;
4. Widen the area of common agreement by which decisions are made and actions taken;
5. Develop personal integrity and moral courage;
6. Help individuals to develop their talents and skills;
7. Reflect disapproval of behaviour wherein one individual does or says things harmful to another, or to the good name of the School; and
8. Encourage a continuous evaluation of things as they are with a view to improvement.

We will furthermore encourage individuals to:

- a. accept their **civil and communal** responsibilities;
- b. use democratic methods to achieve group agreement;
- c. consider the common good before group or personal loyalties, and
- d. live in accordance with agreed-upon standards.

1. DEFINITIONS

1. **The National Education Policy Act No 27 of 1996** and **The South African School's Act, No. 84 of 1996**, as published in the **Government Gazette No. 17579, of 15 November 1999**, hereinafter referred to as the **School's Act**.
2. **The Regulations** promulgated in accordance with this School's Act mentioned in no.1 hereinafter referred to as the regulations.
3. **The Governing Body of BAY PRIMARY SCHOOL** as defined in section 16(1) of the School's Act hereinafter referred to as the Governing Body.
4. **The Head of Education** is the National Minister of Education hereinafter referred to as the Minister
5. **The Executive Director of Education** is the Provincial Head of Department, Western Cape Education Department hereinafter referred to as Head of Department.
6. **The Member of Executive Council** means the member of the Executive Council of a Province who is responsible for education in that province hereinafter referred to as the MEC.
7. **An Educator** means an employee of the Western Cape Education Department employed to teach hereinafter referred to as an educator.
8. **A Parent** means a parent, guardian, person with legal custody or a person who undertakes to fulfil the obligations towards a learner's education at school hereinafter referred to as the/a parent.

9. **A Learner** is a child registered as a full time learner at a public or independent school for the purposes for study hereinafter referred to as a learner.

2. THE NAME OF THE SCHOOL

BAY PRIMARY SCHOOL is to be the name of the school for purposes of identification, banking and trading. Bay Primary School hereinafter referred to as the School, has two campuses namely, Junior Primary Campus, hereinafter referred to as JPC and the Senior Primary Campus, herein after referred to as SPC. Bay Primary School is a Section 21 School according to regulation 21 of the School's Act.

3. STREET ADDRESS OF SCHOOL

The SPC - Clairvaux Road, Kalk Bay, 7975 - the correspondence address used by the school and the administrative head office of the school as selected by the Western Cape Education Department in their letter of permission to merge dated 25 November 1996.

The JPC - Lower Tenth Avenue, Fish Hoek, 7975 – the financial and Fund Raising Committee head office of the school.

4. POSTAL ADDRESS OF THE CAMPUSES

The SPC - Clairvaux Road, Kalk Bay, 7975.

The JPC - Lower Tenth Avenue, Fish Hoek, 7975.

5. SCHOOL MISSION AND OBJECTIVES

Bay Primary School strives to be an intimate, caring school that provides opportunities created by the staff and parents, for the child as an individual, to develop their full potential by using any property, facility and income available to the school, to benefit the learners attending the school.

In order to achieve this goal, our objectives are:

5.1 *to maintain a high-level of comprehensive education by:*

- * *adopting an ethically acceptable and meaningful academic standard*
- * *providing for the development of cultural and social skills*
- * *maintaining a sociably acceptable standard of discipline*
- * *providing an active sports programme.*

(above done in accordance with regulation 8, 9 and 10 of the School's Act)

5.2 *to be a caring family school by:*

- * *radiating a caring attitude toward the learners*
- * *focusing on the need of the individual learner, and her or his relation to others*
- *striving toward the participative and full involvement of each family*
- *including and supporting learners and their families who are living with **HIV/ Aids***

5.3 *to be based on the following **principles** by:*

- * *fostering faith in God*
- *recognising the rights of others to pursue their own religious beliefs*

- *encouraging a respect and sensitivity for differences, especially religious beliefs*
- * *encouraging pure, wholesome moral values*
- * *teaching principles that are based on human dignity, the achievement of equality and the advancement of human rights, responsibilities and freedoms.*

5.4 *to ensure efficient management of the infrastructure by:*

- * *seeking appropriately qualified staff based on merit, but with awareness and sensitivity to issues of equal opportunities and representivity*
- * *maintaining strong, open communication between educators, parents, Governing Body and the Fund Raising Committee.*
- * *maintaining all the school facilities in good order and*
- * *maintaining good relationships with other educational organisations and the community.*

6. FEEDER AREA

The school traditionally serves the Cape Peninsula south of Muizenberg, Fish Hoek Valley and surrounds. These areas will firstly be accommodated before accepting learners from further a field.
(in accordance with section 5 of the School's Act)

7. RESPONSIBILITIES AND FUNCTIONS OF THE GOVERNING BODY

The Governing Body, while holding official office, will strive:

1. *to plan for and create a desired and sustainable future for Bay Primary School, academically, sociably, spiritually, technically and on the sporting front; and to provide the leadership required of us in enabling this future.*
2. *to adopt a socially acceptable code of conduct to enable the smooth running of the school and without prejudicing any educator, learner and parent .*

(in accordance with section 8 of the School's Act)

3. *to maintain the school buildings, grounds, educational and sporting equipment in a serviceable state and any school vehicles in a roadworthy condition.*
4. *to appoint personnel in accordance with the School's need, on merit and in accordance with the School's Act and the policy of the School and support the current staff employed by the State and Governing Body.*

(above done in accordance with regulation 16, 17, 20, of the School's Act)

5. *to make and withdraw investments in the name of the School or the School fund in such a way as to benefit the financial growth of the school funds in accordance with regulation 15 and 37 of the School's Act..*

6. *to raise and administer an annual budget, in which school fees are set in accordance with regulation 35 and 38 of the School's Act.*
7. *to development the facilities of the of the School in such a manner to coincide with any growth the school may experience in order to accommodate such growth in accordance with regulation 21 and 36 of the School's Act..*
8. *to raise and utilize funds, in accordance with the stipulations of the School's Act and The Norms and Standards of School Funding, for the purpose of realising the objectives of the School's Constitution in accordance with section 39, 40 and 41 of the School's Act.*
9. *to keep accurate financial records of all transaction and have them audited in accordance with section 42, 43 and 44 of the School's Act.*
10. *to meet in accordance with section 18 of the School's Act.*
11. *to perform School's activities which, besides other stipulations, fall within the powers of the Governing Body and which are necessary for the welfare of the school excluding the professional running of the school unless the principal is incapable.*
12. *to provide services and facilities in the interest of the pupils and of education in accordance with the School's Act and the constitution of the school.*
- ?? 13. *to obtain and alienate moveable property under regulation 15 and in accordance with regulation 21 of the Western Cape Education Department.*

8. RECUSAL BY GOVERNING BODY MEMBERS

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.

9. LIABILITY OF THE 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/she acted without authorization, beyond the daily/weekly/monthly running of the School's financial matters. A member of the Governing Body who acted with malicious intent or neglect can be held responsible for such debt, damage or loss.

10. LEGAL PERSONALITY

The school is a body corporate which, ex officio, is represented by the chairperson of the Governing Body or, when necessary, by a substitute nominated by the Governing Body at a meeting.

11 Composition of the Governing Body

The Governing Body of the school is constituted as follows: 5 elected parents, two elected educators, one elected non-educator plus the principal. By general agreement or vote, any person with particular expertise, may be seconded for a

set period of time or permanently depending on the needs of the Governing Body at the time. Such a person shall not have a vote in accordance with regulation 23 and 24 of the School's Act. The Governing Body may establish committees and appoint members who are not elected Governing Body members to those committees, on grounds of expertise, but an elected Governing Body member must chair the specially established committee.

11.1 Selection procedure of members of the governing body

Candidates that make themselves available for election of the Governing Body will be required to do the following:

10.1 Introduce themselves at the election meeting in an oral presentation of no longer than 10 minutes;

10.2. as part of this presentation, give a synopsis of how they see their role on the Governing Body, as well as their **vision** for the school;

10.3. Answer questions from the parents and teachers at this meeting, relating to issues referred to in their presentation.

11.2 Term of office

Those members of the Governing Body who are elected by the parents hold a term of office for three years or as determined by the Minister. The election of all office bearers lapses after one year and must be re-elected or co-opted after expiry of his/her term of office, in accordance with regulation 31 (30 and (4) of the School's Act.

12. QUORUM

Four members of the Governing Body form a quorum. If no quorum is present, a meeting shall be held seven days hence at which those members present shall constitute a quorum.

13 OFFICE BEARERS

During the first meeting of the newly elected Governing Body's term of office; the Governing Body, under the chairpersonship of the principal, shall elect a chairperson, vice chairperson, treasurer and secretary from among its own elected members who will serve for the first twelve months of the three years term of office. On expiration of the twelve months term of office-bearing, the Governing Body shall re-elect fresh office bearers. This shall continue until the three-year term of office has run its course.

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 in accordance with the stipulations of paragraph 16 of this Constitution.

16. VACANCIES

1. A vacancy in the Governing Body occurs when a member:
 - a. dies;
 - b. submits a written resignation;
 - c. is relieved of his/her office in accordance with the Regulations;
 - d. is absent for three consecutive meetings without the permission of the Governing Body;

OR

- is found to be incompetent as defined in the Regulations.
2. A vacancy may be filled by way of co-option by remaining members until the next annual school meeting when a member will be elected.

17. POWERS OF THE GOVERNING BODY

1. The Governing Body controls and manages the School according to sections 20, 21, 26, 28, 29, 30, 31, 36, 37, 38, 39, 41, 42, 43 and 45, subject to regulation 16(3) and 20(1)(e) of the School's Act. The Governing Body exercises control over the School's activities provided that a Governing Body or a member thereof in his capacity as a member, does not interfere with the professional activities of the School or of a member of staff in the performance of his/her duties. The responsibility of the professional aspects of the school is the solely that of the principal and his/her staff members.
2. The Governing Body may appoint committees to advise it and, subject to the instruction of the said Governing Body, to perform such functions as the Governing Body may determine. The Governing Body may appoint, to a committee, a person or persons who are not members of the Governing Body, provided that the Governing Body shall appoint one of its members as chairperson of such committees.
3. The Governing Body may alter or invalidate any decision of a committee, as indicated in paragraph 17.2.
4. The Governing Body may levy school fees and enforce the payment thereof in accordance with regulation 40 and 41 of the School's Act.

18. MEETINGS

1. The Governing Body must meet at least once a quarter.
2. **Extra-ordinary meetings** are convened by the principal on behalf of a member or by the chairperson when he deems it necessary or when at least four members submit a **written request**, two days prior to the date of such a meeting, together with a list of the matters to be discussed at the meeting.
4. **Agenda.** The Governing Body deals with matters of which the chairperson or any other member has put on the agenda. Any person may, upon invitation of the Governing Body, attend a meeting of the Governing Body, and participate in the discussions, but without the right to vote. The Governing Body, with the principal's permission and that of the staff member, may summon a staff member of the school to attend a meeting for the purpose decided on by the Governing Body and in agreement with the principal and staff member.

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The following documents must be taken into consideration when addressing a staff member on issues of misconduct and/or unsatisfactory delivery of service.

1. Employment of Educators Act No76 of 1998,
 2. South African Council for Educators procedures
 3. Education Labour Relations Council and
 4. Labour Relations Act No66 of 1995.
 5. A Union representative should be invited
5. **Votes.** Each member of the Governing Body has one vote. If requested by a member, a secret ballot may be held. At the conclusion of voting the chairperson has the casting vote.
6. **Minutes.** The secretary of the Governing Body minutes all decisions taken by **the meeting** and provides each member of the committee with a copy thereof within seven days after the date of meeting. A member is at liberty, with or without a concise statement of reason, to have it noted that he/she voted against a specific decision, or that he/she was not present when the decision was taken.
7. **Approval of minutes.** The minutes of a meeting must be approved at the next meeting by a proposer and seconder then signed by the chairperson.
8. **Standing orders and procedures.** The chairperson decides on a matter of standing order and procedure. Should a member question such decision, the question is submitted to the meeting without further discussion.

The chairpersons of sub-committees must submit reports, preferably in writing. Proposals must be made and then voted on by the Governing Body. The names of proposers and seconds of any successful proposal should be minuted. Concerns regarding the running of the school should be discussed with the principal before placing such matters on the agenda.

Future matters for agenda are tabled with the necessary background but without discussion thus allowing research to be carried out allowing informed decisions to be made.

19. BANK ACCOUNT

Bank deposits and all other financial transactions are executed in the name of the School. The School's cheques, bills and other such documents are signed on behalf of the school by two persons from the number of persons appointed by the Governing Body.

20. THE TRUST FUND

The Trust Fund shall consist of four elected Governing Body members as follows, (1) principal, (2) treasurer, (3) bursar, (4) chairperson and one other member should one of the first four not be willing or able to stand.

21. CLOSING THE FINANCIAL YEAR

The financial year ends on the 31st day of December each year, after which the accounts and account books are brought to finality then forwarded to an external, registered auditor for checking, after which the final statements are drawn up for presentation at the School's Annual General Meeting.

22. SUBMISSIONS OF FINANCIAL STATEMENTS

The financial statements of the school, audited in terms of existing legislation, are submitted annually to the relevant Provincial Education Department as prescribed.

23. PARENT COMMITTEES

The Governing Body may establish a parent committee to advise it and to perform such functions as the Governing Body determines.

24. AMENDMENT OF THE CONSTITUTION

A decision to amend this constitution requires a two-thirds majority of the total membership of the Governing Body at a special meeting after all members have been notified of the proposed amendment fourteen days 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 fourteen days after the first meeting. Those present if a two-thirds majority of the members is not present then effect the changes. Thereafter the changes to the constitution must be submitted to the relevant Provincial Education Department for approval.