



## CONSTITUTION OF THE GOVERNING BODY

### SUN VALLEY PRIMARY SCHOOL

#### 1. Name:

The name of the governing body is the Governing Body of Sun Valley Primary School (hereinafter referred to as "the governing body").

#### 2. Status:

2.1 The governing body governs the Sun Valley Primary School (hereinafter referred to as "the school"), a juristic person, in accordance with the provisions of the South African Schools Act, 1996 (Act no 84 of 1996) and the (name of provincial education act) and appropriate regulations and provisions, national and provincial legislation and the provisions of this Constitution.

2.2 In every instance where the governing body is required to take any step or action, it will be represented by its chairperson or in his/her absence by its vice-chairperson or any other member, after having been authorized thereto by a resolution of the governing body.

#### 3. Objectives:

The objectives of the governing body of are –

3.1 the able, responsible and cost-effective governance of the school;

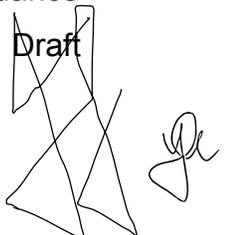
3.2 the promotion of the best interests of the school;

- 3.3 the maintenance and development of the vision, mission and policy of the school;
- 3.4 the promotion of the highest possible quality of education to the learners of the school;
- 3.5 the exercising of all the rights, powers and responsibilities of the governing body as imposed by South African Schools Act, 1996, Draft Western Cape Provincial School Education Amendment Bill, 2016 (the Draft Amendment Bill), proposed to amend the Western Cape Provincial School Education Act, 1997 (Act 12 of 1997) appropriate regulations and provisions, appropriate national and provincial legislation and the provisions of this Constitution;
- 3.6 the maintenance of the rights of all learners, parents, educators and other staff members attached to the school;
- 3.7 the development and promotion of the responsibility of parents, educators, other staff members and learners for the organisation, control and financing of the school in partnership with the State;
- 3.8 the raising of funds for purposes of effective governing of the school;
- 3.9 the control and management of all funds and assets of the school;
- 3.10 the maintenance of order and discipline at the school.

#### **4. Membership:**

- 4.1 The members of the governing body are as prescribed in the South African Schools Act, 1996 and the Draft Western Cape Provincial School Education Amendment Bill, 2016 (the Draft Amendment Bill), proposed to amend the Western Cape Provincial School Education Act, 1997 (Act 12 of 1997).

The election of members of the governing body will take place in accordance with the provisions of the South African Schools Act, 1996 and the Draft



Western Cape Provincial School Education Amendment Bill, 2016 (the Draft Amendment Bill), proposed to amend the Western Cape Provincial School Education Act, 1997 (Act 12 of 1997) and the applicable regulations promulgated in terms thereof.

4.3 The governing body is entitled to co-opt additional members.

4.4 The term of office of members of the governing body is as prescribed in the South African Schools Act, 1996 and the Draft Western Cape Provincial School Education Amendment Bill, 2016 (the Draft Amendment Bill), proposed to amend the Western Cape Provincial School Education Act, 1997 (Act 12 of 1997). and the applicable regulations promulgated in terms thereof.

## **5. Rights, Powers and Responsibilities:**

5.1 The governing body is entitled to and performs all the rights, powers and responsibilities granted to it in terms of the applicable legislation and which is reasonably necessary in order to give effect and to perform all such rights, powers and responsibilities.

5.2 Where necessary specific rights, duties or responsibilities will be exercised on behalf of the governing body by the chairperson or such other member or members authorized by the governing body to do so.

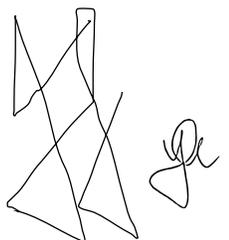
## **6. Office Bearers:**

6.1 At the first meeting of the governing body the members present must elect the following office bearers:

6.1.1 chairperson;

6.1.2 vice-chairperson;

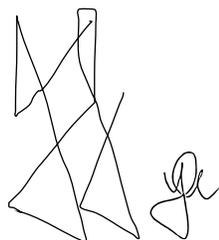
6.1.3 treasurer;



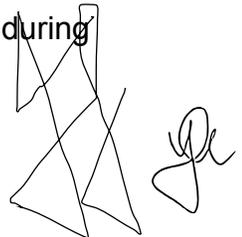
- 6.1.4 secretary;
- 6.1.5 any other office bearer who may be required in the discretion of the governing body.
- 6.2 The office bearers of the governing body exercise all the rights, duties and responsibilities which may be required of them in terms of the Constitution.
- 6.3 The chairperson of the governing body will act as chairperson of all meetings of the governing body as well as all meetings of the governing body with learners, parents or staff members of the school.
- 6.4 In the absence of the chairperson or in the event of the chairperson not being able to carryout his/her duties as chairperson, the vice-chairperson must act as chairperson and if he/she is likewise unable to act as such, the governing body must appoint another member as chairperson during the period of absence or inability of the chosen chairperson or vice-chairperson.
- 6.5 The term of office of the office bearers of the governing body is as prescribed in the South African Schools Act, 1996 and Draft Western Cape Provincial School Education Amendment Bill, 2016 (the Draft Amendment Bill), proposed to amend the Western Cape Provincial School Education Act, 1997 (Act 12 of 1997)..

### **Meetings:**

- 7.1 The governing body meets as regularly as circumstances require but not less than once every school quarter.
- 7.2 The chairperson has a discretion to convene meetings of the governing body and to determine the date, time and venue thereof but he is obliged, if requested to do so in writing by at least four members of the governing body, to convene a meeting of the governing body.



- 7.3 The secretary or someone else instructed by the chairperson must give at least fourteen days' (or such shorter period as the governing body may unanimously approve) notice of any meetings of the governing body and such notice must be given to all members of the governing body.
- 7.4 In the case of a matter which the chairperson considers to be urgent, only 24 hours prior notice of a meeting need be given to the members of the governing body.
- 7.5 Unless unanimously agreed otherwise by the governing body, notices of all meetings of the governing body must be in writing and accompanied by the following:
- 7.5.1 an agenda;
  - 7.5.2 the minutes of the previous meeting, if applicable;
  - 7.5.3 all other information that is reasonably required to enable members of the governing body to prepare properly for the meeting.
- 7.6 The secretary or such other person appointed for this purpose by the governing body, records the proceedings at all governing body meetings. If requested to do so, the secretary will provide a copy of the minutes to the Head of the Provincial Education Department.
- 7.7 The minutes of the proceeding of a governing body meeting must be approved by the governing body at the next meeting and will at all times be available for inspection by members of the governing body and the Head of Education in the province.
- 7.8 Anyone who is not a member of the governing body may, by invitation of the governing body, attend a governing body meeting and may take part in the discussions and may address the governing body should the duties of the governing body require it. Such person will however not have a vote during



the meeting and has to leave the meeting when the governing body so decides.

7.9 The governing body may demand that any staff member of the school attends the meeting of the governing body in connection with any matter that has to do with the functions of the governing body.

7.10 The majority of the number of members of the governing body forms a quorum for any meeting of the governing body.

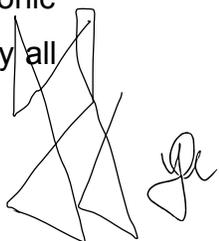
7.11 A member of the governing body must excuse himself from a meeting of the governing body for the duration of any discussion and decision-taking on any matter in which such member has a personal interest.

7.12 On the dissolution of the governing body or the expiration of its term of office, all minutes and other documents of the governing body or any of its committees must be handed to the principal of the school.

7.13 At the permanent closing of the school the principal must hand all minutes and other documents of the governing body or any of its committees to the relevant district office of the provincial Education Department for safekeeping.

7.14 The Governing Body may conduct a meeting entirely by electronic communication, or provide for participation in a meeting by electronic communication so long as the electronic communication facility employed ordinarily enables all persons participating in that meeting to communicate concurrently with each other without an intermediary, and to participate effectively in the meeting. The quorum for an electronic meeting (e-meeting) is 75% of members, including fully elected and co-opted members. Decisions made electronically (e-decisions) are to be agreed upon by 80% of the members in attendance.

7.15 The Governing Body may discuss and make decisions entirely by electronic communication where needed. Additionally, a written resolution, signed by all

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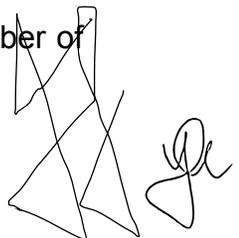
of the Board members shall be as valid and effectual as if it had been passed at a meeting of the Board duly called and constituted. These resolutions shall be included in the records and minute book of the Board.

## **8. Proceedings and Voting:**

- 8.1 Meetings of the governing body are conducted according to the accepted and well-known rules and principles of meeting procedures in South Africa.
- 8.2 Should a dispute arise as to the procedure at meetings, the chairperson shall have the right to determine the procedure.
- 8.3 All decisions of the governing body shall, as far as possible, be taken by consensus.
- 8.4 If in the opinion of the chairperson it appears that consensus in regard to a particular discussion point cannot be reached, the members with voting rights shall vote on such motion by way of the raising of hands or such other method as the meeting may decide.
- 8.5 In the event of a tie in the voting the chairperson shall, apart from his normal vote, have a casting vote.
- 8.6 Apart from a decision to amend this Constitution, all decisions of the governing body may be taken by an ordinary majority vote.

## **9. Committees:**

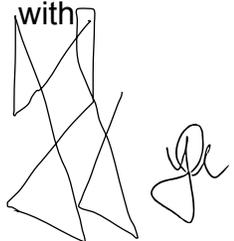
- 9.1 The governing body is entitled to establish committees to assist it in the performance of its functions and duties.
- 9.2 The chairperson of a committee of the governing body must be a member of the governing body.

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- 9.3 Committees of the governing body are responsible to the governing body and exercise only those functions allocated to it by the governing body.
- 9.4 Committees of the governing body must report to the governing body as often as may be required by the governing body and must submit all their decisions to the governing body for approval.
- 9.5 Minutes of the meetings of committees of the governing body must at all times be available for inspection by the governing body.

## **10. Finance Committee and Finance Procedures:**

- 10.1 The governing body appoints a finance committee consisting of the treasurer, one representative from the parent component, the principal, one representative from the educator component and the financial officer of the governing body.
- 10.2 The treasurer of the governing body acts as chairperson of the finance committee.
- 10.3 The principal acts as accounting officer of the school.
- 10.4 The finance committee of the governing body:
- 10.4.1 advises the governing body on financial policy and determines guidelines for the financial administration;
  - 10.4.2 is responsible for the performance of all duties of the school in connection with the keeping of financial records, the appointment of a bookkeeper or auditor, the auditing of the financial records, the provision of information on the school's finance matters, the preparation of a budget, the determination of the school fees, the exemption or partial exemption from the payment of school fees and all other matters of a financial nature in accordance with generally accepted accounting practice.



10.5 All decisions of the finance committee are subject to approval by the governing body.

**11. Reports to and Meetings with Stakeholders:**

11.1 The governing body meets at least once every school year with parents, educators and other staff members of the school.

11.2 The governing body decides whether such meetings will be held with parents, educators and other staff members separately or in combination.

11.3 During the meeting contemplated in clause 11.1 above, the governing body reports on its activities and discusses such matters that may serve to promote the objectives of the governing body.

**12. Amendment of the Constitution:**

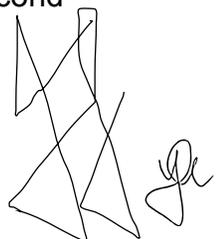
12.1 Any provision of this Constitution may be amended at a meeting of the governing body, provided that:

12.1.1 the members of the governing body have been given notice of such proposed amendment at least one calendar month before the meeting at which the amendment is to be considered;

12.1.2 reasonable particulars of the proposed amendment were given simultaneously with the aforesaid notice of the meeting;

12.1.3 any amendment of the Constitution be approved by at least two thirds of all the members of the governing body with voting rights.

12.2 Should there not be sufficient members present at a meeting contemplated in clause 12.1.3, a further meeting will be called at least two weeks after the first meeting, with the exclusive purpose of considering the proposed amendment. Should there still not be two thirds of the members present at the second

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meeting, the proposed amendment may be approved by two thirds of the members present at the second meeting.

**13. Rules and Policy:**

13.1 Subject to any legal provision and this Constitution, the governing body may in its discretion make rules or determine policy in connection with any matter concerning its functioning or the functioning of any of its committees or in the manner in which any office bearer or authorized representative of the governing body should perform his or her functions.

13.2 Such rules and policy do not form part of this Constitution and any amendment thereof need not comply with the provisions relating to the amendment of the Constitution.

This Constitution was accepted at a meeting of the governing body of Sun Valley Primary School at Sun Valley on \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_



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**CHAIRPERSON**



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**SECRETARY**

Signed on 14 April 2020

FEDSAS is the national representative organisation  
for School Governing Bodies

