THE SCHOOL GOVERNING BODY OF THE ABCDE SCHOOL
Code of particular practice for SGB members

1 Preamble
The education system in South Africa recognises that the teaching of young people is a responsibility shared by the state, schools, pupils, families and members of the community. School Governing Bodies are the vehicle chosen by government to ensure opportunity, excellence, inclusivity and the accountability of the school. The elected and co-opted governors are the representatives of the school community chosen to give effect to this policy.

2 Legal framework
This code of practice is an extension of the expectations and requirements of the South African Schools Act, as well as national and provincial guidelines on the requirements and expectations facing governors in schools.

3 Purpose
The purpose of this code is to establish a disciplined and purposeful environment at ABCDE School, aimed at the maintenance of high-quality governance at the school. It lays down the minimum standards of conduct and action expected of members of the School Governing Body.

4 Scope and application of the code of conduct
4.1 This code of conduct for members of the ABCDE School Governing Body applies to all members of that body, irrespective of whether they are elected or co-opted members.
4.2 It is intended to be a living document. Succeeding governing bodies should revisit it on a regular basis and, where relevant or applicable, amend it from time to time.
4.3 It is incumbent on the school to ensure that Governing Body members are made aware of the contents of this code, and that, in pursuance thereof, copies of the code are made available to every member immediately after election.
4.4 It is thereafter incumbent on all members to abide by, respect and implement the provisions of the code.

5 The role of the school governing body
5.1 Governors are responsible for the governance of the School, not its operational management.
5.2 Governance authority exists only while the governing body is in session.
5.3 Governance is a collective action, which means that the SGB and its members must accept collective responsibility, and may not act on an individual basis.
5.4 The day-to-day running of the school is in the hands of the Principal’s Management Team.
5.5 The governing body of a public school shall:
   5.5.1 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.
   5.5.2 Adopt or confirm the constitution of the school’s Governing Body; develop, adapt or adopt a mission statement; and adapt or accept policy documents on matters such as language, admissions, religion, etc.
   5.5.3 Determine (or confirm) the subject choice and extra-mural offering of the school, adopt (or cofirm) a uniform, raise funds, pay for services, purchase prerequisites, etc.
5.5.4 Adopt or confirm a code of conduct for learners and employees at the school.

5.5.5 Support the principal, educators and other staff members of the school in the performance of their professional functions.

5.5.6 Determine the times of the school day, consistent with applicable regulations and conditions of employment of members of staff at the school.

5.5.7 Administer and control the school’s property, as well as the buildings and grounds occupied by the school, including school hostels, while accepting that the exercise of this power shall not in any manner interfere with or otherwise hamper the implementation of a decision made by the Provincial Minister or Head of Department in terms of any law or policy.

5.5.8 Encourage parents, learners, educators and other staff at the school to render voluntary services to the school.

5.5.9 Recommend to the Head of Department the appointment of educators at the school, subject to the Employment of Educators Act and the Labour Relations Act.

5.5.10 Recommend to the Head of Department the appointment of non-educator staff at the school, subject to the Public Service Act and the Labour Relations Act.

5.5.11 Adhere to any actions taken by the Head of Department in terms of section 16 of the Employment of Educators Act to address the incapacity of a principal or educator in carrying out their duties.

5.5.12 When presenting the annual budget contemplated in section 38 of the South African Schools Act, provide sufficient details of any posts created, which are additional to the establishment. The details provided shall include the estimated costs relating to the employment of staff in such posts and the manner in which it is proposed that such costs will be met.

5.5.13 At the request of the Head of Department, allow the reasonable use under fair conditions determined by the him/her of the facilities of the school for educational programmes not conducted by the school.

5.5.14 Discharge all other functions imposed upon the governing body by or under the South African Schools Act; and discharge other functions consistent with the South African Schools Act, as determined by the National Minister by notice in the Government Gazette, or by the Provincial Minister by notice in the Provincial Gazette.

5.6 The governing body of a public school may:

5.6.1 Allow the use of the facilities of the school for community, social and school fund-raising purposes, subject to such reasonable and equitable conditions as the governing body may determine, and which may include the charging of a fee or tariff which accrues to the school.

5.6.2 Join a voluntary association representing governing bodies of public schools.

5.6.3 Subject to any applicable law, establish posts for educators and employ educators additional to the establishment determined by the Provincial Minister in terms of section 5 (1) of the Employment of Educators Act.

5.6.4 Subject to any applicable law, establish posts for non-educators and employ non-educator staff additional to the establishment determined in terms of the Public Service Act, 1994.
6 General conduct of governors
6.1 It is accepted as a fundamental tenet of the governing body that all members enjoy equal status on the governing body.
6.2 The overriding concern of Governors will at all times be the welfare of the school and the best interests of learners.
6.3 Governors also accept the accountability placed upon them by delegation or the allocation of responsibilities and tasks, and accept an overarching responsibility to contribute to the development and maintenance of the ethos and character of the school, as well as its physical and educational fabric.
6.4 It is expected that, in pursuance of their role, all governors will:
   6.4.1 Accept that the legal authority of the SGB is derived from the SA Schools Act.
   6.4.2 Acknowledge that the duties and responsibilities of governors are of a fiduciary nature (i.e. are built on mutual trust) and should be discharged with the utmost good faith and in the best interests of the school and its pupils.
   6.4.3 Accept that they have a responsibility towards monitoring, reviewing and amending the school’s policies, budgets, plans and procedures, as and when the need arises.
   6.4.4 Recognise the dual role of the principal, who serves on the SGB both in his/her official capacity as representative of the Education Department, but also as a full member of the School Governing Body with responsibility to act in the best interests of the school.
   6.4.5 Recognise further that the principal’s role includes priority responsibility for:
      6.4.5.1 The professional and operational management of the school.
      6.4.5.2 The professional management of all employees.
      6.4.5.3 The implementation of all educational programmes, whether intra- or extra mural.
      6.4.5.4 The safekeeping of all school records.
      6.4.5.5 Reporting on school activities to the governing body as well as to the provincial Education Department, where this is required in terms of legislation, regulations or guidelines.
      6.4.5.6 The performance of delegated functions as per the SA Schools Act or as required in the various guidelines, circulars, minutes and/or notices from the relevant Education Department.

7 Approach to governance
It is expected that governors:
7.1 Acknowledge that their acceptance of membership of the school’s SGB involves a commitment to putting in a significant amount of voluntary time and energy.
7.2 Will involve themselves actively in the work of the governing body, which involvement will include regular attendance at meetings, and at school as well as SGB activities.
7.3 Will read all minutes and reports beforehand so that meeting time is not taken up by lengthy feedback.
7.4 Will attend regularly a representative cross-section of functions at the school.

8 Relationships
Governors recognise that the SGB and individual governors alike have a responsibility to fulfil their governance role as prescribed in the SA Schools Act or relevant provincial legislation, and that every member:
8.1 Is part of a team, with responsibilities to that team.
8.2 Has a responsibility to work towards effective working relationships with pupils, parents, staff and the local community.
8.3 Agrees to follow the protocols determined by the SGB of which he/she is a member.
8.4 Shall, outside of governing body meetings, whether in public or in private, desist from undermining decisions taken by the SGB.
8.5 Is precluded from deriving personal profit or gain from his or her position on the governing body.
8.6 Agrees to observe confidentiality at all times, and accepts that it is the role of principal and governing body chair to make public comment on any issue.
8.7 Will respond to criticism or complaints concerning the school, it's governance, it's management or its members (whether employees, parents or learners) by following the complaints procedures established by the governing body.

9 General protocols and meeting procedures

9.1 Voting
9.1.1 At an SGB meeting, all members have the right to participate in discussion, but only the elected members and the principal have voting rights.
9.1.2 In sub-committee meetings, all members have the right of participation and the right to vote.

9.2 Quorum
9.2.1 No decision shall be made or business transacted at a meeting at which a quorum is not present.
9.2.2 The legal quorum is half of the total membership of the relevant committee or sub-committee plus 1 (e.g. on a body of 14 this translates into 14 ÷ 2 = 7 + 1 = 8).
9.2.3 The quorum is always calculated based on the full membership: i.e. there is no sub-quorum of sub-groups (parents, educators, learners) required.

9.3 Confidentiality
9.3.1 Openness and transparency is recommended between the Governing Body and all stakeholders (parents, staff and pupils), but this does not negate the need for confidentiality: while decisions should be communicated to relevant stakeholders, then, deliberations are always confidential.
9.3.2 Members should check with the Chair or the Principal if they are in doubt regarding the confidentiality of an issue, and not comment on the matter publicly until its status is clear.

9.4 Making statements and indulging in other forms of communication
9.4.1 Communication with individual parents concerning school or governing body matters, or between the parent or pupil body and the SGB, will always take place via the principal, except that the SGB Chair shall be entitled to put out an informational newsletter or report, or call a general meeting of parents for the transmission of general information. (NB: It should be highly unusual for the SGB to embark on such an activity without the knowledge and approval of the Principal, and should be resorted to only under the most extreme of circumstances.)
9.4.2 Report-backs or feedback to particular constituencies such as the educators, non-educators or pupils will also normally be undertaken by the principal or, if so decided, by the Chair. The exception to this rule will be report-back on the most
generalised level by the educator, non-educator or learner representatives to their own constituencies, but then always taking account of two principles:
• ‘debate/disagree constructively and dissent but then commit’; (i.e. members may voice disagreement when an issue is on the table, but are obliged to commit to the ultimate decisions of the SGB of which they are a part); and
• ‘decisions are communicated, deliberations are confidential.’

9.5 Recusal by members
9.5.1 A member of the governing body must withdraw from any meeting of the SGB or SGB sub-committees for the duration of both discussion and decision-making on any issue in which s/he has a personal interest.
9.5.2 Staff members, given their employee status, are deemed to have a personal interest in any matter dealing with: (the SGB needs to consider what to include here)
  9.5.2.1 The disciplining of staff.
  9.5.2.2 Staff remuneration.
  9.5.2.3 Staff appointments.
  9.5.2.4 Formal, summative staff appraisal processes in which staff members are scored/ranked in order of effectiveness.
9.5.3 Learner members, largely because of their status as minors, will be recused while the following business is transacted by the SGB or a sub-committee of the SGB: (Select and add your own to those listed in red)
  9.5.3.1 Matters related to the disciplining of learners.
  9.5.3.2 Matters related to the disciplining of staff.
  9.5.3.3 Matters related to remuneration.
  9.5.3.4 Matters related to staff appointments.
  9.5.3.5 Formal appraisal processes in which staff members are scored/ranked in order of effectiveness.
  9.5.3.6 Matters related to the entering into of contracts for which they are not legally accountable.
  9.5.3.7 Matters relating to the creation of liabilities on third parties or the school.

9.6 The Sub-committees of the Governing Body
9.6.1 The Governing Body has seven Sub-committees: while an elected parent must chair the SGB itself, and a member of the SGB (not necessarily an elected member: could be a co-opted member) must chair each sub-committee, people from inside or outside of the school who are not members of the SGB may be co-opted to serve on a subcommittee.
9.6.2 All co-options must be by decision of the full SGB, not individual members of the SGB (principal, chair.)
9.6.3 These Sub-committees usually meet once per quarter, except when there are specific issues to be dealt with, and in the case of the Finance Sub-committee, which meets on a monthly basis.
9.6.4 Monthly Finance meetings are preceded by a short Executive Committee meeting, dealing with urgent Governing Body matters which may have arisen since the previous Governing Body meeting, and which may need urgent attention. All Governing Body members (including/ excluding co-opted members?) are invited to attend the Executive meetings if they wish.
9.6.5 The following are the Sub-committees of the Governing Body: List them: for example:
9.6.5.1 Legal and Discipline (meets on *ad hoc* basis according to need.)
9.6.5.2 Human Resources.
9.6.5.3 Finance.
9.6.5.4 ICT.
9.6.5.5 Physical Amenities.
9.6.5.6 Marketing & Fund Raising.
9.6.5.7 Hostel.

9.7 **Meetings**

9.7.1 Meetings of the full SGB will take place quarterly.
9.7.2 Sub-committees meet quarterly, except for the Finance and Executive Committees, which meet monthly.
9.7.3 *Ad hoc* committees meet as directed by the SGB or as decided by themselves.
9.7.4 SGB meetings and Sub-committee meetings shall be scheduled annually for the full year, placed on a schedule of dates, and circulated to the full membership by the end of the preceding December.
9.7.5 Such schedule shall be accepted as having given two weeks notice of meetings.
9.7.6 Confirmation of meetings shall be circulated to all members, together with an agenda and relevant preparatory documentation as may be required, sufficiently far ahead of the meeting date to allow all members at least a full weekend in which to prepare for the meeting.
9.7.7 Minutes will be circulated within ten days of the meeting having taken place, and again with the Agenda.
9.7.8 Any matter to be raised with the SGB should be referred to the principal or chair, with a request that it be placed on the agenda. Meetings should not be ‘surprised’ by matters raised, and there should be sufficient time to investigate them before the meeting.

9.8 **Misgivings**

9.8.1 A member who has misgivings about any aspect of school governance or management shall, in the first instance, raise such misgivings with the chair (where the misgivings concern the chair in his/her personal or governance capacity, the misgivings may be raised with the Vice Chair or Principal.)
9.8.2 The Chair (or alternate, where the chair is the subject of the misgivings), should, on receipt of such information, take the matter further with the member (in the case of a governor) or the principal (in the case of a member of staff, parent or learner.)
9.8.3 Except in the case of another governor, any action shall be taken by the Principal who reports thereon to the Chair: the two will then decide whether the matter is to be regarded as complete/settled, whether it is to be reported on to the full SGB for noting, or whether it should be referred to the SGB for further action.

10 **Monitoring**

10.1 The SGB is required by legislation and regulation to monitor the performance of the school.
10.2 Such monitoring will normally be via statistical means or by general, overarching observation.
10.3 Members should not monitor or observe by entering classrooms, taking in books, intervening in sports or cultural practices, or like activities/actions/undertakings.
10.4 Where the global monitoring per paragraph 10.1 and 10.2 above identifies shortcomings in school performance or behaviours, the matter will be referred to the Management team of the school for action.

10.5 Only where such action is demonstrably ineffective or is not carried out, should the SGB intervene further, and then always through the SGB Chair, with, if necessary, the collaboration of departmental officials.

It needs to be understood and recognised by parents that all extra-curricular activities of the school remain educational activities and should not be confused or conflated with professional activities, however attractive it may appear to be to act or perceive differently. This means that educational criteria may be applied by educator staff when deciding who to include or exclude when it comes to team selections or school activities; which activities, genres, or titles/topics are to be included or excluded on particular occasions; and how they will be interpreted. Governors should not interfere with such decisions, with team selections, with allocations of duties to staff or learners, or with other similar matters which fall into the realm of educational management rather than the governance terrain.

11 Specific protocols related to decision making

11.1 General SGB Decisions

11.1.1 All decisions of the SGB and its (sub)-committees will, as far as possible, be made by consensus.

11.1.2 If a vote is called for (which should be avoided wherever possible) each member shall have one vote.

11.1.3 If the votes are tied, the chair of the particular meeting at which the vote is taken will have a deliberative as well as a casting vote.

11.1.4 A casting vote may not be used to bring about a tie.

11.2 Sub-committee decisions

11.2.1 Sub-committees may make decisions which fall within their locus of responsibility, provided that this is done on the basis of generally accepted best practice, and that the decisions are in line with all measures in this Code of Conduct and accepted school policies.

11.2.2 Such decisions are referred to the full SGB for noting.

11.3 Decisions with financial ramifications

11.3.1 Any committee/meeting taking decisions with financial implications for the school must include the principal.

11.3.2 Financial decisions, whether taken at meetings or by isolated discussion, will be guided by the following general principles: (Select and insert your own.)

11.3.2.1 Where an item of action/expenditure has been decided upon, authorised and included in the budget (e.g. classroom C3 will be fully curtained, furnished with built-in desks and equipped with a smartboard, 33 computers, two black-and-white printers, a colour-printer, a data projector and internet connectivity, as well as a teacher’s monitoring device, for which an amount of R250 000 is included in the annual budget for the current year), the committee or individual to whom it is delegated for implementation may proceed to investigate, discuss, decide upon and proceed with its implementation.
11.3.2.2 The decision and related actions will be reported to the full governing body for noting.
11.3.2.3 Where a project is authorised for investigation, but not budgeted for, the same process will be followed, except that the project will, after investigation, be referred to the Governing Body for permission to proceed and for authorization of expenditure.
11.3.2.4 No expenditure will be authorised by the SGB unless funding is available to cover it.
11.3.2.5 Where ‘funding available’ is dependent on ongoing fundraising (including collection of school fees in subsequent years) it will be the norm that no project will proceed or contract be entered into which extends beyond the term of office of the current SGB.
11.3.2.6 Where the magnitude of a project and its expenditure is such that the previous condition is impractical, the project will be approved at a general meeting of parents of the school (which may be the AGM, a special general meeting or the annual budget meeting.)

11.4 Other decisions
11.4.1 Governance decisions may only be made by a formal meeting of the SGB, while in session in terms of its constitution, and in accordance with the governance authority vested in it through the election of its members.
11.4.2 Notwithstanding paragraphs 11.4.1 and also 11.3.2.1 and 11.3.2.2 above, the SGB may delegate any task or responsibility to a sub-committee “for investigation and report-back”, in which case the sub committee will not be empowered to take a final decision.
11.4.3 Where the sub committee concerned is the Disciplinary Committee of the Governing Body (whether in respect of staff or pupil infractions) the Disciplinary Committee is empowered to make a final decision, which will be reported to the SGB for noting.
11.4.4 The SGB, (consisting as it does of members who have not heard at first hand the evidence lead at the disciplinary hearing), shall not be entitled to overturn the decision of the disciplinary committee (whose members have heard and debated the evidence) except where it is brought to the attention of the Governing Body that the decision was based on processes which were procedurally unfair or assumptions which were substantively unfair.

12 Failure to comply with the code of conduct
12.1 Any conduct or behaviour by a member which violates any part of this code will constitute a breach of the code.
12.2 Any conduct or behaviour by a member which goes beyond the accepted standards of behaviour incumbent on a member of the school community, and/or expected by the community that it serves, will likewise constitute a breach of this code.
12.3 Such conduct may lead to disciplinary action against the member concerned.
12.4 Any member who:
   12.4.1 transgresses any law;
   12.4.2 repeatedly or singly but with serious repercussions/implications for the school or SGB, transgresses any stipulation or obligation of this code;
12.4.3 repeatedly acts in a way that has a detrimental effect on the functioning of either the school or the SGB;
12.4.4 repeatedly acts in such a way which is detrimental to good human relationships in the school;
will be guilty of breach of this code and may have his or her attendance suspended for a fixed series of meetings/activities by the SGB by way of a vote of no confidence, or a recommendation for termination of membership may be forwarded to the HoD by way of a formal resolution after due process has been followed.

12.5 A disciplinary action in respect of this code will be in line with the stipulations of normal fair play and natural justice, but also of any national or provincial regulations or code of conduct laid down by the education authorities.

13 Termination of membership

13.1 Should a Governor be the subject of a vote of no-confidence by a majority of members of the governing body, he/she agrees to resign his/her membership of this school’s governing body forthwith.

13.2 Membership is also accepted as terminating at the end of the term of office for which the member was elected/co-opted or upon the departure of his/her child from the school, whichever shall occur first.

13.3 The membership of a governor will automatically be terminated if he/she is absent from three consecutive meetings without having, in advance, registered an apology and provided a reason for the relevant absence which is deemed by the SGB to be valid and acceptable.

©TJG/GBF

Updated March 2013