



NORTHERN CAPE EDUCATION DEPARTMENT

SCHOOL GOVERNING BODY AND SCHOOL MANAGEMENT TEAM ACTIVITIES EMANATING FROM LEGISLATIVE FRAMEWORK

COMPLIANCE TO THE LEGISLATIVE FRAMEWORK BY SCHOOL GOVERNING BODIES AND SCHOOL MANAGEMENT TEAMS IS PIVOTAL IN REALISING THE QUEST FOR QUALITY PUBLIC EDUCATION AS WELL AS SERVICE DELIVERY.

ACTIVITY	LEGAL LEGISLATIVE FRAMEWORK	DUE DATE
(1) Duty of schools to provide information	<p>The South African Schools Act Section 59 states:</p> <p>(1) A school must make information available for inspection by any person, insofar as such information is required for the exercise and protection of such person's rights.</p> <p>(2) Every school must provide such information about the school as is reasonably required by the Head of Department or the Director-General of the national Department of Education in consultation with the Head of Department.</p>	When reasonably required
<p>(2) Elections for Representative Councils Of Learners</p> <p>Schools with grade 8 and higher to submit election dates annually during November.</p>	<p>Official Notice 10 of 2003: Guidelines for the Establishment, Election and Functioning of Representative Council for Learners in Public Schools in the Northern Cape.</p> <p>Section 5 (1) states:</p> <p>"The election of a representative council of learners (RCL) must take place annually"</p>	During the first four weeks (Jan - Feb) of the first term.
(3) Submission of the of School Governing Body Constitution	<p>South African Schools Act Section 18 (3) states:</p> <p>"The governing body must submit a copy of its constitution to the Head of Department within 90 days of its election".</p>	Triennially before 30 June
(4) School academic performance improvement plan tabled at a governing body meeting at the beginning of the year.	<p>South African Schools Act Section 16A (c) (1) states:</p> <p>"The principal of a public school identified by the Head of Department in terms of section 58B must annually, at the beginning of the year, prepare a plan setting out how academic performance at the school will be improved".</p>	Annually in January – applicable to any identified public school that is under performing
(5) Financial Records and Statements of Public Schools	<p>South African Schools Act Section 42 (b) states:</p> <p>The governing body of a public school must –</p> <p>(b) "as soon as practicable, but not later than three months after the end of each financial year, draw up annual financial statements in accordance with the guidelines determined by the Member of the Executive Council, i.e. on or before end March annually."</p>	Annually before end of March

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<p>(6) Annual Audited Financial Statements</p>	<p>South African Schools Act Section 43 (5) states:</p> <p>"A governing body must submit to the Head of Department, within six months(30 June annually) after the end of each financial year, a copy of the annual financial statements, audited or examined".</p>	<p>On or before the end of June annually</p>
<p>(7) Term Of Office For Office - Bearers Of School Governing Bodies</p> <p>The Principal must submit the names of the newly elected office-bearers to the relevant Circuit Manager and IMGD unit at District level for future reference and record purposes as per the SGB Data Form.</p>	<p>South African Schools Act Section 31 (3) states:</p> <p>"The term of office of an office-bearer of a governing body may not exceed one year".</p> <p>All School Governing Bodies are expected to adhere to the aforementioned section on or before the end of March. Principals must support the Governing Body during this process which includes notifying the IMGD district officials on the logistics of the meeting and chairing the meeting when the chairperson needs to be elected.</p>	<p>Annually during March – specific date when Executive was elected</p>
<p>(8) Annual Application For The National School Nutrition Programme and Supplier Contracts</p> <p>After the call for quotations from prospective suppliers by the Provincial Office, followed by a selection process by the feeding committee at school level, a twelve month contract (April to March the following year) must be entered into between the SGB and the approved supplier/s. The same contract period is also applicable to food handlers.</p>	<p>South African Schools Act Section 21 (e)</p> <p>The Provincial School Nutrition Programme dictates that School Governing Bodies that are interested in the Nutrition Programme must apply for funding in order for the school to qualify.</p>	<p>First quarter (January – March) annually</p>
<p>(9) By Elections</p> <p>A governing member with a child in the exit grade (7 or 12) must inform the governing body chairperson and principal three months in advance.</p> <p>The submission of such information three months in advance will assist the school to plan ahead, issue notices for the by election and have the actual by – election in January when schools re-open. It is the responsibility of the Principal and SGB Chairperson to provide the District Director of such vacancies in writing. The District Electoral Officer will appoint a School Electoral Officer in writing.</p>	<p>South African Schools Act Section 23 [subsections (2) (9) (10) (11) (12)] states:</p> <p>"If a person elected as a member of a governing body ceases to fall within the category for which he or she was elected, he or she ceases to be a member of the governing body".</p>	<p>Within 90 days after the identified vacancy</p>
<p>ACTIVITY</p>	<p>LEGAL LEGISLATIVE FRAMEWORK</p>	<p>DUE DATE</p>

<p>(10)A governing body may apply to the employer for approval to pay a state employee any payment contemplated.</p> <p>Such application must be lodged in writing in the office of the employer and must state— (a) full details of the nature and extent of the payment; (b) the process and resources that will be used to compensate or remunerate the state employee.</p>	<p>South African Schools Act Section 38 (A)</p> <p>"Prohibition of payment of unauthorised remuneration or giving of financial benefits or benefit in kind to certain employees".</p>	<p>At least four months prior to the finalisation of the school's budget.</p>
<p>(11)Annual Budget Of Public Schools and Planning</p> <p>The Finance Committee, School Management Team must assist the SGB in monitoring the activities of the budget against the actual expenditure very closely.</p>	<p>South African Schools Act Section 38 (1) states:</p> <p>"A governing body of a public school must prepare a budget each year according to prescriptions determined by the Member of the Executive Council in a Provincial Gazette, which shows the estimated income and expenditure of the school for the following financial year".</p> <p>Notice 17 Of 2000: Guidelines for the Preparation of a Budget of a Public School</p> <p>9. Evaluation of the Budget</p> <p>9.1 The School Governing Body must submit the School budget to the Regional Office of the Department within seven (7) days of the meeting of the budget presentation for evaluation.</p> <p>9.3 After evaluation of the School budget, the Department may ask a School Governing Body to review its budget and to bring it in line with the requirements of the Department.</p>	<p>Guidelines for the Budget and Planning cycle:</p> <ol style="list-style-type: none"> 1. School Self Evaluation and annual review of School Development Plan September 2. School Improvement Plan linked to the Budget – October 3. Notice (30 days) to parents – September –October. 4. Compiling and tabling of a Draft Budget presentation - November 5. Review Budget - April the following year after receiving final allocation letter.
<p>(12) The School Governing Body must apply to the Head of Department for compensation of learners exempted from paying school fees in the previous year where applicable.</p>	<p>Amended National Norms and Standards for School Funding, Government Gazette no.33971</p> <p>"Compensation for fee exemptions"</p>	<p>Not later than 30 June each year</p>