



**CAMPS BAY
PRIMARY SCHOOL**

**SCHOOL GOVERNING BODY
CONSTITUTION**

1. DEFINITIONS

In this Constitution, unless the context indicates otherwise:

"the Act" means the South African Schools Act, 1996 (Act 84 of 1996), as amended and the regulations and/or measures published thereunder from time to time.

"education" means instruction, teaching or training provided to learners in terms of the Act.

"governing body" means the governing body of **CAMPS BAY PRIMARY SCHOOL** referred to in the section 16(1) of the Act.

"head of department" means the head of the education department in the Province of the Western Cape.

"measures" means the measure relating to the governing bodies of ordinary public schools (excluding the public schools for learners with special education needs).

"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 the body or group of persons approved by the governing body and which is prepared to assist the school financially.

"this Constitution" means the Constitution of the Governing Body of CAMPS BAY PRIMARY SCHOOL

2. NAME OF SCHOOL

CAMPS BAY PRIMARY SCHOOL (hereinafter referred to as "the school")

3. STREET ADDRESS OF SCHOOL

PRIMARY CAMPUS
DUNKELD ROAD
CAMPS BAY
8005

PREPARATORY CAMPUS
THE DRIVE
CAMPS BAY
8005

4. POSTAL ADDRESS OF SCHOOL

PRIMARY CAMPUS
P.O. BOX 32477
CAMPS BAY
8040

PREPARATORY CAMPUS
P.O. BOX 32035
CAMPS BAY
8040

5. STATUS OF SCHOOL

The school is a public school with Section 21 rights and as such is a juristic person with legal capacity to perform its functions in terms of the Act.



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6. GOVERNANCE AND PROFESSIONAL MANAGEMENT

- 6.1 Subject to the Act, the governance of the school is vested in the governing body: such governance being distinct from management.
- 6.2 The governing body stands in a position of trust towards the school.
- 6.3 The governing body shall be entitled, in accordance with the provisions of Section 30 of the Act, to appoint one or more sub-committees to advise it or perform such functions as the governing body may determine.
- 6.4 The governing body shall be entitled to delegate to sub-committees, appointed and controlled by it, such of its functions as it deems desirable for the effective carrying out of such functions, and provided that such functions or actions do not bring the governing body or its members into conflict with paragraph 6.6 below.
- 6.5 The governing body may alter or invalidate any decision of a committee contemplated in paragraph 6.3 above.
- 6.6 The above notwithstanding, and subject to the Act and this Constitution, the professional management of the school must be undertaken by the principal and senior management team, under the authority of the Head of Department. In this regard, it is provided therefore that the governing body or member thereof, in his or her capacity as a member, may not interfere with the professional functions of an educator in the performance of his or her duties.

7. OBJECTIVES OF THE SCHOOL

- 7.1 To provide learners at the school with a rounded, complete education, incorporating all aspects of personal development, including, but not limited to academic, physical, ethical, moral, spiritual, sporting, cultural and personal development.
- 7.2 To provide such education equally to boys and girls in grades R to 7 and aged 6 to 14, given the legal status of the school as a co-educational primary school.
- 7.3 To provide such education through the medium of English, given the legal status of the school as a school where the language of learning and teaching (LOLT) is English.
- 7.4 To uphold, maintain and improve the school's established reputation for excellence, to provide the infrastructure to do so, , and:
 - 7.4.1 To strive to maintain the highest principles of freedom, democracy and fair play, and to avoid any form of unfair discrimination through the school's admission practices or in the provision of educational services.



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- 7.4.2 In carrying out its duties, to adhere not only to the provision of Sections 5,6 and 7 of the SA Schools Act, but to the wording and spirit of the Constitution of the Republic of South Africa and, accordingly, to avoid any form of unfair discrimination in its admission policy, language policy, religious observance policy, or any other of its policies.
- 7.5 To hold, maintain, invest, supplement, and utilize the school fund and any assets of the school in accordance with the provisions of the Act and particularly Section 37 of the Act; to ensure that the school functions within the strictures of its funding limitations, and is able to meet its financial commitments and undertakings at all times, and to apply principles of sound financial planning and management to its mandate.
- 7.6 To put in place and maintain such human resource approaches and practices, as well as related policies and infrastructure, as are necessary in order to provide opportunities to the staff of the school to grow professionally and personally, to obtain work fulfillment, and to deliver education of the highest quality.
- 7.7 To advance and promote academic, service, sporting and cultural activities in general, but specifically as educational opportunities to benefit the learners of the school and the community it serves, as well as the school as an entity.
- 7.8 To accept financial and other assistance from any foundation, trust, person or entity prepared to assist the Governing Body to achieve its objectives.

8. FUNCTIONS AND ALLOCATED FUNCTIONS OF THE GOVERNING BODY

Subject to the limitation placed thereon by the Act and regulations promulgated thereunder, and to the extent permitted by the relevant authorities, the governing body shall have the fullest and widest powers practicable to function adequately and perform those tasks allocated to it in the Act.

Without in any way derogating from the generality of the foregoing, the governing body shall be entitled to perform all the functions set out in Sections 20 and 21 of the Act, including, but not necessarily limited to the following:

- 8.1 The utilization of the school funds and assets in accordance with the provisions of Section 37 of the Act, and matters ancillary thereto, including the establishment and operation of a bank account, the investment from time to time of surplus funds, and the application and utilization of funds and assets for the purposes of enhancing the quality and nature of the educational offering of the school.
- 8.2 To ask for, demand, sue for recovery and receive all debts or sums of money, goods, effects and things whatsoever which now are or hereafter may become due and owing to, or belong to the school.
- 8.3 To levy school fees and enforce the payment thereof in accordance with the provisions of Section 39, 40 and 41 of the Act.
- 8.4 To adjust, settle, compromise and submit to arbitration accounts, debts, claims, demands, disputes and matters which may subsist or arise between the school and any person, or persons, company, corporation, trust or any other bodies whatsoever.



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- 8.5 To enter into letting and usage agreements and collect and receive rents and levies, and take such legal steps as are necessary in regard thereto, for the purpose prescribed in Section 20(2) of the Act, and for the furtherance of the objectives of the school generally.
- 8.6 To open and operate an account with a financial institution in all manners, as freely and fully for the purposes of carrying out its functions and duties under this Constitution as it could do if it were an individual.
- 8.7 To commence, prosecute, defend, compound and generally to take part in all actions, suits, claims and demands in relation to the school, its property, assets, funds and/or affairs, in or before any court or other body or persons in the Republic of South Africa and in any territory or country anywhere in the world, in order to carry out its functions in terms of this Constitution.
- 8.8 To attend all meetings of, and participate in the proceedings of any person, group of persons, organisation or other association or legal persona of any nature or kind, whenever the governing body is of the view that such involvement would further the interests of the school.
- 8.9 To do, execute and suffer any such act, deed, matter or thing whatsoever as the governing body shall believe is necessary or requisite, in order to achieve the objectives set out elsewhere in this Constitution, and, without in any way restricting or limiting the aforementioned general powers or authorities, to do all or any of such acts, matters and things in relation to the business of the school, alone or in conjunction with others anywhere in the Republic of South Africa, or elsewhere in the world.
- 8.10 To ensure that records are kept in accordance with Section 42 of the Act, and to appoint an auditor in terms of Section 43 of the Act.
- 8.11 To adopt a code of conduct for learners in the school, and, having adopted such code of conduct, to apply such code in accordance with the provisions of Section 8 of the Act.
- 8.12 To sanction in accordance with the code of conduct for learners the provisions of Section 9 of the Act (which sanction may include suspension and/or recommendation for expulsion) such learners who transgress the code of conduct.
- 8.13 The governing body shall at all times and in all its activities adhere to the credo and mission of the school.

9. LIABILITY OF MEMBERS OF THE GOVERNING BODY

A member of the governing body shall not be liable for any debt, damage or loss incurred by the school, unless he or she acted without authorisation or with malicious intent.

10. COMPOSITION OF THE GOVERNING BODY

The governing body of the school shall be composed in accordance with the provisions of the Act.

11. TERM OF OFFICE OF MEMBERS OF THE GOVERNING BODY

The term of office of all members of the governing body shall be as set out in the Act.



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12. QUORUM

At least 51% of members of the governing body, such governing body having been composed in accordance with the provision of Section 23(9) of the Act, shall constitute a quorum at any meeting.

13. ELECTION OF OFFICE-BEARERS OF THE GOVERNING BODY

Subject to the provisions of the measures, the governing body shall elect from its ranks at the first meeting and from time to time, office-bearers who will include at least a chairperson, a secretary and a Chair of the Finance Committee.

14. TERM OF OFFICE OF OFFICE-BEARERS

14.1 The terms of office of the office-bearers shall be as set out in the Act.

14.2 An office-bearer may be re-elected after the expiry of his or her term of office, provided that, other than in the case of the Chair, who shall be an elected parent member of the governing body, she / he remains a member of the governing body.

15. APOLOGIES FOR ABSENCE OF MEMBERS OF THE GOVERNING BODY

The governing body may accept apologies for absence or grant leave of absence to any member or members for such period as is determined by the governing body.

16. CASUAL VACANCIES IN THE GOVERNING BODY

Any casual vacancy occurring shall be filled in accordance with the provisions of the Act.

17. MEETINGS

17.1 The governing body shall meet at least once every school term.

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

17.3 The governing body shall render a report on its activities to parents, educators, learners and other staff of the school at least once a year, and circulate an annual financial report to the parents.

17.4 Meetings of the governing body shall be held as determined by them, and in accordance with the provisions of the Act.

17.5 An extraordinary meeting shall be convened by the chairperson when he or she deems it necessary, or when at least three members of the governing body submit a written request and reasons for such a meeting.



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17.6 The principal, elected members of the governing body and parent members co-opted with voting rights in terms of section 23 (10) of the Act, each have one vote. In the event of equality of votes, the chairperson shall, in addition to his or her deliberative vote, be entitled to a casting vote.

17.7 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.

18. MINUTES OF THE PROCEEDINGS OF MEETINGS

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

19. BANK ACCOUNT

19.1 The governing body must open and maintain a banking account.

19.2 Subject to paragraph 20.1 above, all money received by the school, including school fees and voluntary contributions, shall be paid into the school account, as directed by the Act.

20. FINANCIAL YEAR

The financial year of the school 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 the provisions of Section 43 of the Act.

21. SUBMISSION OF FINANCIAL STATEMENTS

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

22. AMENDMENTS TO THIS 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 or amendments at least one month 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, at which second or subsequent meeting the same conditions will apply.

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For Website Publication (YES) (NO)

Date approved: 13 May 2024

SGB Chair:

