

CONSTITUTION OF THE GOVERNING BODY OF RBPS

Constitution

DATE: 6 AUGUST 2008

1. **DEFINITIONS**

In this Constitution, unless the context indicates otherwise –

“education” means instructions, teaching or training provided to learners in terms of the Act;

“governing body” means the governing body referred to in section 16(1) of the Act and for the purposes of this Constitution is the Governing Body of Rondebosch Boys' Preparatory School;

“Head of Department” means the head of the education department in the Province of the Western Cape;

“measures” means the measures relating to governing bodies of ordinary public schools (excluding public schools for learners with special education needs) issued by the M.E.C.;

“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 a body or group of persons approved by the governing body and which is prepared to assist the school financially;

“the Act” means the South African Schools Act (Act 84 of 1996); and

“this Constitution” means the Constitution of the Governing Body of Rondebosch Boys' Preparatory School.

2. **NAME OF SCHOOL**

Rondebosch Boys' Preparatory School
(hereinafter referred to as “the School”)

3. **STREET ADDRESS**

78 Campground Road
Rondebosch
7700

4. **POSTAL ADDRESS OF SCHOOL**

78 Camp Ground Road
RONDEBOSCH
7700

5. STATUS OF SCHOOL

The school is a juristic person with legal capacity to perform functions in terms of the Act.

6. GOVERNANCE AND PROFESSIONAL MANAGEMENT

6.1 Subject to the Act, the governance of the school is vested in the governing body provided that the governing body or a 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.

6.2 The governing body stands in a position of trust towards the school.

6.3 Subject to the Act and this Constitution, the professional management of the school must be undertaken by the principal under the authority of the Head of Department.

7. OBJECTIVES OF THE SCHOOL

7.1 To provide education of learners.

7.2 To admit learners, subject to the provisions of section 5 of the Act, and provide for their educational needs without discriminating unfairly in any way.

7.3 To allow no form of racial discrimination whatsoever in the execution of the language policy of the school, subject to the provisions of section 6 of the Act.

7.4 To allow religious observances at the school to be conducted on an equitable basis and attendance at them by learners and members of staff to be free and voluntary, subject to the provisions of section 7 of the Act.

7.5 To use the school fund, all proceeds thereof and any other assets of the school only in accordance with the provisions of section 37 of the Act.

7.6 To function financially in such a way that the school will fulfil its commitments.

7.7 To serve the community by preparing learners in such a way that they will take their place in the community as well-educated people.

7.8 To provide the opportunity to the staff of the school to grow professionally to obtain work fulfillment and to deliver education of the highest quality.

7.9 To make a contribution to the promotion of sport and culture in general, but specifically to use sport and culture activities as educational opportunities to benefit the learners of the school.

8. FUNCTIONS AND ALLOCATED FUNCTIONS OF THE GOVERNING BODY

- 8.1 The governing body performs the functions which fall within its powers and which are necessary for the welfare of the school, subject to the provisions of sections 20 and 21 of the Act.
- 8.2 The governing body uses the school fund and assets of the school in accordance with the provisions of section 37 of the Act.
- 8.3 The governing body uses funds in accordance with the provisions of the Act and this Constitution, for the purpose of realising the abovementioned objectives as well as other objectives approved by the governing body.
- 8.4 The governing body must provide services and facilities in the interest of the learners and of education, in accordance with the provisions of the Act and this Constitution.
- 8.5 The governing body must appoint auditors in accordance with the provisions of section 43 of the Act, to audit the financial records and statements of the school.
- 8.6 The governing body must adopt a code of conduct for the learners, after consultation with the parents, educators and learners of the school, in accordance with the provisions of section 8 of the Act.
- 8.7 The governing body must suspend and/or recommend the expulsion of learners who transgress the code of conduct in accordance with the provisions of section 9 of the Act.
- 8.8 The governing body may determine and charge school fees and may enforce the payment thereof in accordance with the provisions of sections 39, 40 and 41 of the Act.
- 8.9 The governing body drafts the credo and the mission of the school.

9. LIABILITY OF 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 or she acted without authorisation, with malicious intent and can therefore be held responsible for such debt, damage or loss.

10. COMPOSITION OF THE GOVERNING BODY

The governing body of the school is composed in accordance with provision 2 of the measures for the election of a governing body.

11. TERM OF OFFICE OF MEMBERS OF THE GOVERNING BODY

The term of office of a member of the governing body who is not a learner shall be as determined by provision 4 of the measures for the election of a governing body.

12. **QUORUM**

At least one more than half of the members of the governing body composed in accordance with provision 2(1) of the measures 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 elects from its ranks, at the first meeting of the governing body, office bearers who will include at least a chairman, a treasurer and a secretary.

14. **TERM OF OFFICE OF OFFICE-BEARERS**

14.1 Subject to the provisions of the measures, the term of office of the office-bearers shall be 12 months from the date of their election.

14.2 An office-bearer may be re-elected after the expiry of his or her term of office.

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.

16. **CASUAL VACANCIES IN THE GOVERNING BODY**

A casual vacancy occurs and is filled in accordance with provision 22 of the measures.

17. **COMMITTEES**

17.1 The governing body may, in accordance with the provisions of section 30 of the Act, appoint one or more standing or ad hoc committees to advise it, and subject to the instruction of the governing body, to perform such functions as the governing body may determine.

17.2 The governing body may alter or invalidate any decision of a committee contemplated in paragraph 17.1.

17.3 Any committee appointed/contemplated in 17.1 shall be chaired by a member of the governing body.

18. **MEETINGS**

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

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

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- 18.3 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 parents.
- 18.4 Meetings of the governing body are held in accordance with the provisions of the measures.
- 18.5 An extraordinary meeting is convened by the chairperson when he or she deems it necessary or when at least 25% members (the governing body determines the number of members) submit a written request and reasons for such a meeting.
- 18.6 Each member of the governing body has one vote. At the conclusion of voting, the chairperson shall, in addition to his or her deliberative vote, have a casting vote.
- 18.7 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.

19. MINUTES OF PROCEEDINGS OF MEETINGS

The minutes of the proceedings of meetings of the governing body shall be dealt with in accordance with provision 21 of the measures.

20. BANK ACCOUNT

- 20.1 The governing body must open and maintain a banking account.
- 20.2 Subject to paragraph 21.1, all money received by the school, including school fees and voluntary contributions, must be paid into the school fund.

21. CLOSING OF THE FINANCIAL YEAR

The financial year 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.

22. 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 financial statements.

23. AMENDMENT OF 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 at least two months in advance.

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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.

Date last amended: 14 August 2006

Date last reviewed: 14 August 2006

SIGNED:

Chairman RBPS Governing Body

