

Tom Newby School

Policy Document



SGB

Code of conduct

SOUTH AFRICAN SCHOOLS ACT, 1996

CODE OF CONDUCT FOR MEMBERS OF GOVERNING BODIES

THE Member of the Executive Council has, in terms of Section 18 A of the South African Schools Act, 1996 (Act No. 84 of 1996), determined the Code of Conduct for members of governing bodies in the Schedule.

Schedule

DEFINITIONS

1. In this Code any expression to which a meaning has been assigned in the South African Schools Act, 1996 (Act No. 84 of 1996) has that meaning.

GENERAL CONDUCT OF MEMBERS OF A SCHOOL GOVERNING BODY

2. A member of the governing must -

- (a) conduct himself or herself at all times in the best interests of the school and not become involved in an action which may bring him or her into disrepute;
- (b) not become involved in any action which may bring the school into disrepute, or in any way harm the good name of the school, a governing body or any member of the school or governing body;
- (c) conduct himself or herself at all times in a manner which brings credit to the governing body and the school;
- (d) conduct himself or herself in a responsible and sensible manner in the performance of his or her duties as a member of the governing body;
- (e) work at all times to the best of his or her abilities and skills to ensure that the work of the governing body is carried out in terms of the requirements of the law and the stipulations of the constitution of the governing body;
- (f) refrain from doing anything that may harm the relationship of trust between the governing body and the school; and
- (g) conduct himself or herself at all times in a manner conducive to the smooth running of the school and meetings of the school governing body.

FINANCIAL MATTERS

3. A member of a governing body must -

- (a) maintain the highest standards of ethical behaviour in matters pertaining to money and the management of school funds;
- (b) ensure impeccable honesty in dealing with documentation and records pertaining to the financial matters of the school.

- (c) do all in his or her power to ensure that the financial and other resources of the school are responsibly utilised;
- (d) ensure that all financial dealings are conducted honestly and in terms of the applicable policies, rules, regulations and prescripts as determined by the Head of Department of the KwaZulu-Natal Department of Education and the governing body;
- (e) ensure that all dealings with commercial banks are conducted in a proper manner and in terms of relevant policies and practices; and
- (f) timeously inform the governing body of his or her immediate relative's interests in financial matters related to the governing body.

DISCLOSURE OF INFORMATION RELATING TO THE GOVERNING BODY, THE SCHOOL, A PARENT, A LEARNER OR THE EMPLOYEE OF THE SCHOOL

4. (1) A member of the governing body may -

- (a) not make statements to the media or to any person or provide the media or any person with information related to the governing body, any member of the governing body, the school, the parent, the learner or any employee of the public school unless it is done in terms of the approved policy or rules of the governing body; and
- (b) not disseminate false information or unsubstantiated allegations about the governing body or any member of the governing body, the school, a parent, a learner or any employee of the school.

(2) Each member of the governing body must treat all information that he or she obtains in his or her capacity of being a member of the governing body as confidential unless the law prescribes otherwise.

(3) The governing body may prescribe, at its discretion, any information as confidential.

BEHAVIOUR WITH REGARD TO THE EMPLOYEES AT THE SCHOOL

5. A member of the governing body must at all times -

- (a) refrain from doing anything that may be construed as interference in the professional management of the school or with any educator's performance of his or her professional and other tasks; and
- (b) refrain from doing anything that may be seen as interference with the work of a non-educator in the performance of his or her duties at the school.

MISCONDUCT

6. A member of a governing body is guilty of misconduct if he or she -

- (a) transgresses any stipulation or obligation of this Code of Conduct; and

(b) transgresses any common or statutory law, which has a direct link with his or her membership of the governing body, or which in any way disadvantages the school or the governing body or brings them into disrepute.

PROCEDURE IN THE EVENT OF ALLEGED MISCONDUCT

7. (1) All complaints about the conduct of a member of a governing body must be directed to the chairperson of the governing body.

(2) The principal of the school shall receive a complaint or allegation of misconduct against the chairperson of the governing body.

(3) The chairperson or the principal, as the case may be, shall, on receipt of written allegations of misconduct, examine the information presented to him or her and determine whether the allegations are of a serious nature or not.

(4) The Chairperson may reprimand a member if the complaint filed against the member is not of a serious nature.

(5) If allegations are of a serious nature and seem to warrant referral to the governing body, the chairperson shall call an extraordinary meeting of the governing body to discuss the matter and take a resolution.

(6) If the principal determines that there is a prima facie case, he or she must request the vice chairperson of the governing body to call an extraordinary meeting of the governing body.

APPOINTMENT OF COMMITTEE

8. (1) At its meeting contemplated in clause 7 (5) and (6) the governing body must appoint a committee comprising of at least three persons to probe the allegations against a member.

(2) The governing body may appoint persons who are not governing body members as members of a committee referred to in sub-clause (1).

(3) The committee must:-

(a) within a reasonable time of its appointment, provide the member with a written description of the allegations of misconduct;

(b) give the member an opportunity to make written representation within 21 days from the date of the provision of written description of allegations of misconduct;

(c) consider such representations; and

(d) make a recommendation to the governing body.

RECOMMENDATION BY THE COMMITTEE

9. (1) The committee may recommend that -

(a) a member must be absolved because there was no substance in the allegations of misconduct leveled against him or her;

(b) the member must be reprimanded ;or

(c) a recommendation be made to the Head of Department for the suspension or termination of the membership of a member from the governing body.

(2). If the Committee recommends the suspension or termination of membership of a member from the governing body and the governing body accepts such a recommendation, the governing body shall immediately refer all documents relating to the matter to the Head of Department for decision

DECISION BY THE HEAD OF DEPARTMENT

10. (1) The Head of Department must, on receipt of the recommendation of SGB -

(a) consider all documents referred to him or her;

(b) satisfy himself or herself that the procedure as stated in clause 8 was followed,

(c) consider the merits of the matter; and

(d) take a decision whether to confirm or reject the recommendation of the governing body to suspend or terminate membership of a member from the governing body.

(2) If the Head of Department confirms the recommendation of the governing body he or she must-

(a) inform the member in writing as soon as practically possible;

(b) provide written reasons for his or her decision; and

(c) inform the member that he or she may appeal against the decision to the Member of the Executive Council.

(3) Pending the finalisation of the appeal the member is excluded from performing any functions of the governing body.

APPEAL BY MEMBER OF GOVERNING BODY TO THE MEMBER OF THE EXECUTIVE COUNCIL IN TERMS OF SECTION 18A(6)

11. (1) The appeal must -

(a) be made within 21 days from the date of receiving a written decision of the Head of Department;

(b) be in writing; and

(c) set out the grounds for appeal.

(3) The Member of the Executive Council must -

(a) consider the appeal; and

(b) confirm or set aside the decision by the Head of Department.

(4) Pending the finalisation of the appeal the member is excluded from performing any functions of the governing body

FAILURE BY THE GOVERNING BODY TO TAKE ACTION AGAINST ITS MEMBERS

12. (1) The Head of Department may direct the governing body to take action against its members as contemplated in clause 8 within 14 days if there are allegations that-

(a) a member or members of the governing body have materially breached this Code;

(b) the allegations of breach are prima facie of a serious nature to warrant a suspension or termination of membership of a member from a governing body; and

(c) the governing body has failed or neglected or been unable to take action against its member or members

(2) If the governing body fails to take action within 14 days, the Head of Department may, on reasonable grounds, suspend or terminate membership of a member or members from a governing body.

(3) The HoD may not take action under sub-clause (2) unless he or she has -

(a) in writing, given the member or members of the governing body who are alleged to have committed a breach a notice of his or her intention to suspend or terminate their membership of the governing body;

(b) set the description of the alleged breach and stated the reasons for his or her intention;

(c) granted the member or members an opportunity to make representation to him or her relating to such breach and his or her intention within 21 days from the date of receiving such notice;

(d) given due consideration to any such representation received.

(4) When the Head of Department decides to suspend or terminate membership of the governing body he or she must -

(a) inform the member in writing of his or her decision;

(b) provide written reasons for his or her decision; and

(c) inform the member that he or she may appeal against the decision to the Member of the Executive Council