



CODE OF CONDUCT FOR GOVERNING BODY MEMBERS  
OF BOSMANSDAM HIGH SCHOOL

**All governing body members stand in a fiduciary relationship to their school as well as the people by whom they have been elected, and therefore have a fiduciary duty towards the school. This requires that members at all times conduct themselves as follows:**

**GENERAL CONDUCT OF GOVERNING BODY MEMBERS**

- 1. Governing body members must at all time:**
  - 1.1 conduct themselves with fidelity, honesty, integrity, in good faith, and in the best interest of the school, and should not become involved in any action that may bring the school and governing body into disrepute;**
  - 1.2 be responsible for the governance of the school, and should leave the professional management of the school to the school principal;**
  - 1.3 govern the school ethically and in accordance with the following applicable legislation:**
    - 1.3.1 the Constitution of the Republic of South Africa, Act 108 of 1996;**
    - 1.3.2 the South African Schools Act, Act 84 of 1996;**

- 1.3.3 the provincial schools act of the relevant province; and
- 1.3.4 the stipulations of the constitution of the school governing body;  
in a manner that provides effective, transparent and accountable school governance and management, ensures that decisions are justifiable and well founded, as well as encourages effective education and learning in schools;
- 1.4 steer clear of involvement in any action that may harm the school, in any way bring the school and governing body into disrepute, or harm the fiduciary relationship between the governing body and the school or any member of the school or governing body;
- 1.5 conduct themselves in a manner that enhances the governing body and the school's credibility;
- 1.6 ensure that their decisions as governing body members are procedurally fair and supported by valid reasons;
- 1.7 act honestly and rationally, and not arbitrarily or capriciously;
- 1.8. steer clear of conduct that raises a reasonable suspicion of bias;
- 1.9 remain uninfluenced by ulterior motives or hidden agendas;
- 1.10 combat all forms of unfair discrimination and intolerance, by ensuring that all learners, irrespective of race, colour, ethnicity, gender, language or creed, receive quality education within the framework of the school's policy;
- 1.11 conduct themselves in a manner conducive to the smooth running of the school and meetings of the school governing body; and
- 1.12 govern and manage the school not only so as to maintain the school during the governing body's term of office, but also to contribute positively to the development of the school and the governance and management structures.

## FINANCIAL MATTERS

### **2. The governing body must:**

- 2.1 prepare an annual budget for adoption by the school parents;**
- 2.2 approve the annual financial statements upon the recommendation of the Finance Committee;**
- 2.3 provide and maintain an accounting system, and establish and administer a school fund;**
- 2.4 act in accordance with Clause 1 when administering, governing and managing school finances;**
- 2.5 ensure impeccable honesty in dealing with documentation and records pertaining to the financial matters of the school;**
- 2.6 do everything in their power to ensure that the financial and other resources of the school are utilised responsibly and accountably;**
- 2.7 make an effort to secure sponsorships, donations or voluntary contributions in aid of the school, from individuals and businesses in the community served by the school, in order to improve the quality of education that the school provides to learners, though subject to the conditions stipulated in the applicable legislation;**
- 2.8 ensure that all financial dealings are conducted honestly and in terms of the applicable policies, rules, regulations and prescripts, as determined by both the head of the provincial education department and the governing body;**
- 2.9 ensure that all dealings with commercial banks are conducted in a proper manner and in terms of relevant policies and practices;**
- 2.10 timeously establish that no member of the governing body, or immediate relatives of governing body members, have any interests in financial matters related to the governing body, without fully disclosing such interests; and**

- 2.11 take effective and appropriate steps to prevent or recover irregular, fruitless and wasteful expenditure; losses resulting from criminal or irregular conduct, and any expenditure in breach of school policy.**

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

**3. Governing body members:**

- 3.1 may not make statements to the media or to any person, or provide the media or any person with information relating to the governing body, any member of the governing body, the school, a parent, a learner or any employee of the public school, unless it is done in terms of the approved policy or rules of the governing body;**
- 3.2 may not disseminate false information or make 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;**
- 3.3 must treat all information that they obtain in their capacity as governing body members as confidential, unless the law or school policy prescribes otherwise;**
- 3.4 may not disseminate any information that the governing body regards as confidential;**
- 3.5 must, in the execution of their duties, have access to private and confidential information relating to learners, parents and employees of the school, which information must at all times be treated as confidential;**
- 3.6 must, both during and following their term of office:**
- 3.6.1 use confidential information for the purpose for which it was disclosed only;**
- 3.6.2 respect the privacy and maintain the confidentiality of any such information; and**
- 3.6.3 not divulge any such information, except in so far as is deemed necessary to enable them to perform their duties as required by law or school policy.**

## CONDUCT WITH REGARD TO THE EMPLOYEES OF THE SCHOOL

- 4.1 Governing body members must at all times refrain from doing anything that may be construed as interference in the professional management of the school, or in educators' performance of their professional and other duties.
- 4.2 Governing body members must refrain from doing anything that may be regarded as interference in the work of non-educators in the performance of their duties at the school, without the governing body's authorisation.
- 4.3 Governing body members must at all times ensure that the governing body is kept abreast of the management of the school and employees in the performance of their duties.

## DUTIES OF GOVERNING BODY MEMBERS RELATING TO GOVERNING BODY MEETINGS

- 5. Members of the governing body must:
  - 5.1 meet at least once every school term;
  - 5.2 at least once a year meet with each of the following groupings:
    - 5.2.1 parents;
    - 5.2.2 learners;
    - 5.2.3 educators; and
    - 5.2.4 other staff;
  - 5.3 at least once a year report to parents, learners and educators;
  - 5.4 minute all meetings;
  - 5.5 attend all meetings held by the governing body, or governing body subcommittees on which they serve; and
  - 5.6 thoroughly apply their minds to and consider matters that are to be addressed at governing body meetings.

## MISCONDUCT

6. Governing body members shall be guilty of misconduct if they:
- 6.1 transgress any stipulation or obligation of the Code of Conduct; and
  - 6.2 transgress any common or statutory law that has a direct bearing on their membership of the governing body, or that in any way disadvantages the school or the governing body, or brings the school or governing body into disrepute.

## PROCEDURE IN THE EVENT OF ALLEGED MISCONDUCT

7. The following procedure must be followed in the event of alleged misconduct:
- 7.1 All complaints about the conduct of a member of the governing body must be directed to the chairperson of the governing body.
  - 7.2 Complaints about the conduct of the chairperson of the governing body must be directed to the vice-chairperson.
  - 7.3 The chairperson or vice-chairperson, as the case may be, shall on receipt of written allegations of misconduct, examine the information presented to him/her, and determine whether or not the allegations are of a serious nature.
  - 7.4 The chairperson may choose only to reprimand the member if the complaint filed against him/her is of a less serious nature.
  - 7.5 If the allegations are of a serious nature, and seem to warrant referral to the full governing body, the chairperson shall call an extraordinary meeting of the governing body to discuss the matter.
  - 7.6 If the vice-chairperson determines that a *prima facie* case exists, he/she must request the governing body to call an extraordinary governing body meeting to discuss the matter.

## APPOINTMENT OF REVIEW COMMITTEE

**8. The following procedure must be followed in the appointment of a review committee:**

- 8.1 At its meeting contemplated in Clause 7.5 and 7.6, the governing body must appoint a committee comprising at least three persons to probe the allegations against the member.**
- 8.2 The governing body may also appoint non-governing body members as members of the committee referred to in Clause 8.1.**
- 8.3 The committee must:**
  - 8.3.1 within a reasonable time of its appointment, provide the accused member with a written description of the allegations of misconduct made against him/her;**
  - 8.3.2 allow the member an opportunity to make written representations within 7 days of the date on which he/she has received the written description of the allegations of misconduct;**
  - 8.3.3 consider such representations; and**
  - 8.3.4 make a recommendation to the governing body.**

## RECOMMENDATION BY THE REVIEW COMMITTEE

- 9.1 The committee may recommend that:**
  - 9.1.1 the member be absolved from guilt because of a lack of evidence that the allegations of misconduct levelled against him/her are indeed true;**
  - 9.1.2 the member be reprimanded; or**
  - 9.1.3 a recommendation be made to the head of the provincial education department to suspend the member from, or terminate his/her membership of, the governing body.**

- 9.2 If the committee recommends suspension from, or termination of membership of, the governing body, as envisaged above, and the governing body accepts such recommendation, the governing body shall immediately send all documents relating to the matter to the head of the provincial education department for a final decision.**

#### **DECISION BY THE HEAD OF THE PROVINCIAL EDUCATION DEPARTMENT**

- 10.1 On receipt of the governing body's recommendation, the head of the provincial education department must:**

**10.1.1 consider all documents referred to him/her;**

**10.1.2 ascertain that the procedure as stated in Clause 8 was indeed followed;**

**10.1.3 consider the merits of the matter; and**

**10.1.4 make a decision whether to confirm or reject the recommendation of the governing body.**

- 10.2 If the head of the provincial education department confirms the recommendation of the governing body, he/she must:**

**10.2.1 as soon as possible inform the member accordingly in writing;**

**10.2.2 supply written reasons for his/her decision; and**

**10.2.3 inform the member of his/her right of appeal against the decision to the Member of the Executive Council responsible for education.**

- 10.3 Whilst awaiting the finalisation of the appeal, the member may not partake in governing body activities.**



## APPEAL BY A GOVERNING BODY MEMBER TO THE MEMBER OF THE EXECUTIVE COUNCIL IN TERMS OF SECTION 18A(6) OF THE SOUTH AFRICAN SCHOOLS ACT

### **11.1 The appeal must:**

**11.1.1 be lodged within 7 days of the date on which a written decision of the head of the provincial education department has been received;**

**11.1.2 be lodged in writing; and**

**11.1.3 supply clear reasons for the appeal.**

### **11.2 The Member of the Executive Council must:**

**11.2.1 consider the appeal; and**

**11.2.2 confirm or set aside the decision of the head of the provincial education department.**

**11.3 Whilst awaiting the finalisation of the appeal, the member may not partake in governing body activities.**

## FAILURE BY THE GOVERNING BODY TO ACT AGAINST ITS MEMBERS

**12.1 The head of the provincial education department may instruct the governing body to act against the members as contemplated in Clause 9 above within 7 days, should it appear that:**

**12.1.1 a member or members of the governing body has/have violated the Code;**

**12.1.2 the alleged breach is *prima facie* of a sufficiently serious nature to warrant a suspension from, or termination of membership of, the governing body; and**

**12.1.3 the governing body has failed or has been unable to take action against the member or members.**

**12.2 If the governing body fails to act within 7 days, the head of the provincial education department may on reasonable grounds suspend, or terminate the term of office of, the member or members of the governing body.**

**12.3 The head of the provincial education department may not act in terms of Clause 12.2, unless he/she has:**

**12.3.1 given the member or members of the governing body who has/have committed the breach, written notice of his/her intention of suspending the member or members from the governing body, or terminating his/her/their term of office;**

**12.3.2 outlined the alleged breach, and supplied reasons for his/her intention;**

**12.3.3 allowed the member or members an opportunity to make representations to him/her relating to such breach and the head of the provincial department's intention, within 7 days of receipt of the abovementioned notice; and**

**12.3.4 given due consideration to any such representations received.**

**12.4 When the head of the provincial education department acts in terms of Clause 12.2, he/she must:**

**12.4.1 take account of the procedure contained in Clauses 12.3.1 and 12.3.2; and**

**12.4.2 inform the member or members of his/her/their right of appeal against the decision to the Member of the Executive Council responsible for education.**

**Signed at \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_**

**Chairperson:** \_\_\_\_\_

**Vice-chairperson:** \_\_\_\_\_

**School principal:** \_\_\_\_\_

**Educator:** \_\_\_\_\_

**Non-educator:**

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**Learner:**

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**Learner:**

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**Parent:**

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**Parent:**

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**Parent:**

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**Parent:**

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**Parent:**

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