



CONSTITUTION OF THE GOVERNING BODY OF WENDYWOOD HIGH SCHOOL

COMPILED IN TERMS OF THE SOUTH AFRICAN SCHOOL ACT



JUNE 22, 2015

WENDYWOOD HIGH SCHOOL

43 Lotus Road, Galor Manor, JOHANNESBURG, 2053, GAUTENG

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1. NAME OF SCHOOL

WENDYWOOD HIGH SCHOOL (hereinafter referred to as “the school”)

2. THE SCHOOL’S CONTACT DETAILS

The school’s contact details are as follows:

Street Address	43 Lotus Street, Wendywood, Johannesburg, 2090 Gauteng
Postal Address of School	P.O. Box 291, Gallo Manor, Johannesburg, 2052, Gauteng
Telephone numbers	+27 11 802 4160
Fax numbers	+27 11 804 3333
Email address	info@wendywoodhigh.co.za
Website	http://www.wendywoodhigh.co.za/Default.aspx

3. 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.

4. SCHOOL GOVERNANCE AND PROFESSIONAL MANAGEMENT

The dual responsibilities for the governance and professional management of Wendywood High School rests with the SGB collective and the Principal as the representative of the Gauteng Department of Education, respectively.

- a) Subject to the Act, the governance of the school is vested in the governing body: such governance being distinct from management.
- b) The governing body stands in a position of trust towards the school and always act as a collective in discharging its responsibilities.
- c) 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 5.6 below.
- d) The governing body may alter or invalidate any decision of a committee contemplated in paragraph 5.3 above.
- e) 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.

5. OBJECTIVES OF THE SCHOOL

The broad objectives of the school, for which the governing body has a governance, leadership and management oversight are summarised below.

- a) To provide learners at the school with a rounded, complete education, incorporating all aspects of personal development (including, without limiting the generality of the foregoing, to academic, physical, ethical, moral, spiritual, sporting, cultural and personal development).
- b) To provide such education equally to boys and girls in grades 8 to 12 and, given the legal status of the school as a co-educational high school.
- c) To provide such education through the medium of English, given the legal status of the school as a single medium school where the language of learning and teaching (LOLT) is English.
- d) To uphold, maintain and improve the school's established reputation for excellence, to provide the infrastructure therefor, and, in so doing:
 - I. 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.
 - II. 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.
- e) To hold, maintain, invest, supplement and utilise 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.
- f) 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 fulfilment, and to deliver education of the highest quality.
- g) 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.

- h) To accept financial and other assistance from any foundation, trust, person or entity prepared to assist the Governing Body to achieve its objectives.

6. THE 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:

- a) The utilisation of the school fund 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 utilisation of funds and assets for the purposes of enhancing the quality and nature of the educational offering of the school.
- b) 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.
- c) To levy school fees and enforce the payment thereof in accordance with the provisions of Section 39, 40 and 41 of the Act.
- d) 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.
- e) 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.
- f) 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.
- g) 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.

- h) 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.
- i) 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.
- j) 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.
- k) 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.
- l) 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.
- m) The governing body shall at all times and in all its activities adhere to the credo and mission of the school.

7. COMPOSITION AND STRUCTURES OF THE GOVERNING BODY

The composition and the structures of the SGB are articulate below together with their functions.

7.1 The Composition of the SGB

The composition of the governing body shall be as follows:

- a) 9 Parents elected by the parents/guardians of the learners of Wendywood High School.
- b) 2 Educators elected by the educator staff employed at the school.
- c) 1 Non-educator staff elected by the non-educator staff employed at the school.
- d) The School Principal as the Ex-Officio member of the SGB.

7.2 The Committees of the SGB

The table below outlines the committees of the SGB, their composition and responsibilities.

7.2.1. The Executive Committee

The Executive Committee will be constituted by the Chairperson, the Deputy Chairperson, the Treasury, the Secretary and the Principal. Its functions are as follows:

- a) To provide leadership and guidance to the SMT.
- b) To oversee the management of the school's finances and staff.
- c) To oversee the implementation of the school's policies.

- d) To hold the Principal and the SMT accountable for their deeds.
- e) To liaise with the Department of Education whenever necessary.
- f) To promote parents' involvement in school matters.
- g) To represent the school wherever the SGB is called up to do so.
- h) To report on all its decision to a full SGB meeting.

7.2.2. The Finance Committee

This committee will be constituted by elected Members of the SGB any additional parents recruited based on expertise. Its functions will be based on the following:

- a) Responsibility for providing technical advice to the SGB on all financial management matters.
- b) To propose policy in financial management and related matters.
- c) To ensure the school maintains a clean financial management status.
- d) To prevent and curb all financial irregularities including corruption practices, wasteful and fruitless expenditure.
- e) To draw-up the school's budget and oversee the school's expenditure.
- f) To provide regular financial management reports to the Executive Committee and the SGB.

7.2.3. The Grounds and Buildings Committee

This committee will be constituted by elected Members of the SGB any additional parents recruited based on expertise. Its functions will be based on the following:

- a) Responsibility for providing technical advice to the SGB on all grounds and building matters.
- b) To propose policy on grounds and building matters.
- c) To conduct oversight in the management and maintenance of the school's grounds and buildings.
- d) To propose the budget for the school's grounds and building maintenance.
- e) To provide oversight over the school's grounds and building expenditure and to ensure that the schools prevent and curb all incidents of financial irregularities including corruption practices, wasteful and fruitless expenditure.
- f) To provide regular reports to the Executive Committee and the SGB.

7.2.4. The Disciplinary Committee

This committee will be constituted by elected Members of the SGB any additional parents recruited based on expertise. Its functions will be based on the following:

- a) Responsible for the maintenance of the discipline of learners and staff based on the requirements of the disciplinary codes for learners and staff members respectively.
- b) Responsible for the appointments and or recommendation of appointments of SGB staff as per the provisions of the policy on appointments.
- c) Responsible for oversight of performance of staff based on the provisions of performance management policy.

- d) To propose policy on discipline, appointments and performance management.
- e) To oversee the implementation of the policies on discipline, appointments and performance management.
- f) To provide regular reports to the Executive Committee and the SGB.

7.2.5. The Extra-Mural Committee

This committee will be constituted by elected Members of the SGB any additional parents recruited based on expertise. Its functions will be based on the following:

- a) Responsibility for the providing the SGB with policy advice on the road to follow on all curriculum, language, religion, extra-mural and related issues.
- b) To propose policy on all curriculum, language, religion, extra-mural and related issues.
- c) To oversee the implementation of all policy related to the committee's scope.
- d) To provide regular reports to the executive committee and the SGB.

7.2.6. The Fundraising Committee

This committee will be constituted by elected Members of the SGB any additional parents recruited based on expertise. Its functions will be based on the following:

- a) The committee will play a critical role of raising funds for the school in general and for specific identified projects.
- b) To propose policy on fundraising.
- c) To oversee all fundraising projects on behalf of the school.
- d) To ensure proper accountability of all funds raised in the name of the school including to ensure that they are deposited in the correct school account.
- e) To coordinate all school's fundraising events by ensuring that all are a resounding success.
- f) To recruit parents to the fundraising committee in particular and to fundraising events in general.
- g) To undertake the broad functions of being the school's marketer and its brand ambassador in the city and the province in general.
- h) To provide regular reports to the Executive Committee and the SGB.

8. CODE OF CONDUCT FOR GOVERNING BODY MEMBERS

In performing their duties, members of the Governing Body will be guided by the following principles:

- a) To give their time and services freely to the school without expecting payment, favours and privileges for themselves, their children who are learners at the school, their families and friends.
- b) To always act as a collective and in the best interest of the school at all times. This means that member understand that unless they are mandated to act on behalf of the collective, they will not be acting in their individual capacity.
- c) To foster a strong working relationship between the Governing Body and the School Management Team under the leadership of the Principal.

- d) To exercise the utmost care to ensure the reasonableness protection of property of Wendywood High School.
- e) To protect the school against corruption, wasteful and fruitless expenditure by acting in a trustworthy, honest and with integrity in all matters pertaining to school leadership, management, professional and financial management.
- f) To take their task in committees with equal seriousness and vigour that is consummate with their commitment to the SGB.
- g) To be always punctual for meetings and to discharge their duties with commitment and dedication.
- h) To uphold the constitution and the code of conduct of the SGB.

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. A member of the Governing Body who is a minor may not sign a contract on behalf of the school and may not vote on an issue that imposes liability on third parties or the school.

10. THE CONDITIONS OF OFFICE OF MEMBERS OF THE GOVERNING BODY

The conditions of service of SGB members are outlines below.

10.1. 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.

10.2. The Term of Office of Members of the SGB

As set out in the Act, members of the SGB shall serve a single term of three years. This provision, however, doesn't apply to learner representatives to the SGB, since they are elected annually by other learners.

The term of office of an office bearer may not exceed a year. A member or office bearer of the governing body may be re-elected or co-opted to SGB, as the case may be, after the expiry of her/his term of office, as long as she/he is still eligible to serve on the governing body.

A parent member whose child leaves the school will immediately step down from the SGB and a by-election will be held to fill the vacancy.

10.3. Cessation of Membership

Under one or more of the following conditions a parent will cease to be a member of the SGB:

- a) When the learner, to whom she is a parent/guardian is no longer enrolled at the school.
- b) An educator or non-educator staff members is no longer in the employ of the school.

- c) A member of has been absent from 3 consecutive Governing Body meetings without a written apology being supplied. An apology sent by email, text message or fax will be considered a written apology. This include committee meetings.
- d) A member has resigned in writing.
- e) A member is deceased.
- f) A member has been convicted for a criminal offence in court of law.
- g) The SGB's term of office has expired.

10.4. Filling of SGB Vacancies

SGB vacancies created by one or more of the factors listed in the preceding section will be filled in one of the two ways:

- a) Through by-elections. In the event of a parent ceasing to be a member of the SGB within 90 days of the SGB elections have been conducted, a by-election must be held where the vacancy must be filled.
- b) By co-option. The SGB has a right to co-opt a parent to fill a vacancy left by another by means of co-option should the vacancy occur after 90 days of SGB elections.
- c) Staff Vacancies. In the event of a vacancy of a staff member, be it that of an educator or non-educator, the vacancy filling process will follow the normal election of a members as prescribed in the Act.

10.5. Granting of Leave of Absence

- a) The SGB will receive and consider any application for leave of absence in SGB matters for a period not exceeding three months based on one or more of these factors.
 - I. Illness.
 - II. Overseas travel for protracted period of time.
 - III. Study leave.
 - IV. Special family circumstances prohibiting a member from discharging his duties, including but not limited to pregnancy confinement, bereavement, etc.
- b) A member may after the expiry of the three months period submit any additional application to extend the leave of absence.
- c) Whilst on approved leave of absence, a member shall not be expected to submit written apologies for meetings.
- d) The governing body might in its wisdom decide to co-opt a parent, educator or non-educator for the period of the duration of absence of a member.

11. GOVERNING BODY MEETINGS

The following provisions shall apply in respect of all meeting of the Governing Body.

- a) The governing body shall meet at least once every school term.

- b) The executive committee and all committees of the governing body shall meet at least once every month.
- c) The governing body shall meet with learners, parents, educators, and other staff at the school, respectively, at least once a year.
- d) 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 present an annual financial report to the parents.
- e) Meetings of the governing body shall be held as determined by them, and in accordance with the provisions of the Act.
- f) 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.

11.1. Quorum in SGB Meetings

At least 50+1 of members of the governing body, based on the composition of the SGB as in 9.1, shall constitute a quorum at any meeting.

11.2. Voting in SGB Meetings

In the event of a discussion deadlock or where there is a need to vote, the following procedure shall apply:

- a) 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.
- b) 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. The responsibility is on the member to declare such interest.

11.3. Minutes of the Proceedings of Meetings

Minutes of the proceedings of SGB meetings are an important record and testimony of the decisions collective leadership that makes up the governing body.

- a) The secretary of the SGB shall be responsible for the proper accurate minutes that reflect the resolutions of the meetings.
- b) All minutes must bear the date of the meeting, members present, the agenda and the resolutions passed amongst other details.
- c) The Principal will be responsible for the safekeeping of all SGB meeting, once they have been ratified by the governing body and signed off by the Chairperson and Secretary.
- d) During the times of need, minutes must easily accessible to members and the representative of the Head of Department of the Gauteng Department of Education.

- e) Minutes might be made available to members of the public on request where sensitive issues might be withheld or redacted.

12. SCHOOL FINANCES

In discharging its financial management responsibilities, the SGB will be guided by the following;

12.1. Bank Account

- a) The governing body must open and maintain a current banking account, for which permission must be obtained from the parents at an AGM.
- b) Subject to paragraph a) 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.
- c) The Principal, the School Treasurer and the Chairpersons shall be the three officials who will be signatories to the school's bank account.
- d) At any given moment, two signatories will be needed to release funds or sign a cheque on behalf of the school.

12.2. Financial Management System

The SGB will ensure that all aspects of the school's financial management are based entirely on the school's financial management policy and that no deviation is allowed under any circumstances.

12.3. 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.

12.4. 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.

12.5. Investment Account

The governing body will apply annually in February for the second (investment) account and get permission from the parents at an AGM.

12.6. Auditing of Financial Statements

- a) The governing body will appoint a registered auditing firm to audit the school's finances every 3 years.
- b) The school's finances will be audited annually.

13. 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.

This Constitution formally adopted by the current governing body of Wendywood High School at its regular meeting held on 21 May 2012.

Position	SGB Chairperson	Name	Mr N Mapheelle	Date	22 June 2015
		Signature			
					

Position	School Treasurer	Name	Mr Brooke	Date	22 June 2015
		Signature			

Position	School Principal	Name	Ms ZP Mchunu	Date	22 June 2015
		Signature			

*******END*******