



MIDRANDPRIMARY AND HIGH SCHOOL CONSTITUTION

CONSTITUTION OF THE MIDRAND PRIMARY AND HIGH SCHOOL

(Hereinafter referred to as “MIDRAND Primary & High School”)

In terms of the South African Schools Act, 1996, this is declared to be the constitution of the MIDRAND Primary & High School, Johannesburg.

1.0 DEFINITIONS

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| 1.1 “The National Act” | The South African Schools Act (Act No. 84 of 1996). |
| 1.2 “The Provincial Act” | The Gauteng School Education Act No. 6 of 1995
(as promulgated or as to be promulgated). |
| 1.3 “The National Regulations” | The regulations promulgated or to be promulgated by the minister in terms of the South African Schools Act, 1996. |
| 1.4 “The Provincial Regulations” | The regulations promulgated by the member of the Executive Council of the Gauteng School Education Act No. 6 of 1995. |
| 1.5 “The School” | MIDRAND Primary & High School, Johannesburg. |
| 1.6 “The Governing Body” | The Governing Body of MIDRAND Primary & High School. Body vested with the governance of the school and the powers bestowed upon it, in terms of the South African Schools Act, 1996 |
| 1.7 “Finance management” | The public Finance Management Act No. 1 of 1999 |
| 1.8 “A Member” | A member of the Governing Body |
| 1.9 “The Head of Department” | The Head of the Gauteng Education Department |
| 1.10 “Learner” | A pupil enrolled at the school. |
| 1.11 “Member of Staff” | A person employed by the school. |
| 1.12 “Member of the Executive Council” | The member of the Executive Council of the Gauteng Province responsible for Education |
| 1.13 “Minister” | The Minister of Education. |



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- 1.14 “Parent”
- (a) The Parent or Guardian of a learner and or
 - (b) The person legally entitled for the custody of a learner;
or
 - (c) The person who undertakes to fulfill the obligations of a person referred to in the foregoing paragraphs (a) and (b) towards the learner’s education at the school
- 1.15 “Educator”
- An Educator as defined in the South African schools Act No. 84 of 1996
- 1.16 “Staff”
- Includes “Educator” and any member of “Staff”.
- 1.17 “The Rector”
- An Educator appointed or acting as the Head of the School.

2.0 THE NAME OF THE SCHOOL

The name of the School is MIDRAND Primary & High School, hereinafter referred to as MIDRAND primary & High School

3.0 THE STREET AND ADDRESS OF THE SCHOOL

Street Address	Postal Address
5 th Floor Orion House	PO BOX 31522
49 Jorissen Street	
Braamfontein	
Johannesburg	
2001	

4.0 THE SCHOOL’S OBJECTIVES

The objectives of the school shall be:

- 4.1 To provide all learners with the opportunity to develop their full potential in mind, body and spirit within a happy, secure and disciplined environment where dignity of the individual is upheld.



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- 4.2 To educate in a climate of accepted religious values with an awareness and respect of other cultures
- 4.3 To provide a dynamic curriculum with the emphasis on scholastic excellence, which would include the teaching of life skills in leadership problem solving and entrepreneurship, and the development of self-confidence and self-discipline to enable pupils to realize their full potential
- 4.4 To continue to provide the best possible academic, sporting and boarding facilities in order to enrich the lives of pupils, the MPHS(Midrand primary and High School) family and the wider community
- 4.5 To offer a nurturing environment to cater for the needs of pupils from and outside the immediate residential area
- 4.6 To attract and retain staff of the highest caliber by providing an attractive and stimulating working environment which nurtures the professional growth of the individual
- 4.7 To encourage open communication and close interaction with parents
- 4.8 To ensure a school community that accepts the responsibility of the financial needs of the school
- 4.9 To foster the old MPHS network to ensure continued interest, loyalty and financial support
- 4.10 To secure the financial well-being of the school to uphold the standards of excellence by fundraising
- 4.11 To be actively involved with and to accept the school's responsibility towards the community
- 4.12 To acquire assets, raise income and to utilize the same for the benefit of the school, its staff and pupils.

5.0 CONTROLLING LEGISLATION

The School shall be governed in accordance with the applicable National and Provincial Acts and the regulations promulgated there under.

6.0 AFFILIATIONS

The School may:



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6.1 Be affiliated with any educational organization which has objectives similar or in common to those of the school

6.2 Accept affiliation by other bodies in similar circumstances.

7.0 SYMBOLS

The traditional School song, school colours, motifs and badge shall be retained as they are in present form.

8.0 THE OBJECTIVES OF THE GOVERNING BODY

The objectives of the governing body shall be to:

8.1 Attend to the proper governance of the school

8.2 Promote the best interests of the school and strive to ensure its development through the provision of quality education for all learners of the school

9.0 COMPOSITION OF THE GOVERNING BODY

9.1 The governing body shall consist of:

9.1.1 The Rector of the School in his/her official capacity

9.1.2 Nine (9) parents of the learners at the school who shall be elected by the parents of the school provided that a parent who is employed at the school may not represent parents on the governing body in terms thereof:

9.1.3 Three (3) educators at the school, duly elected by the educators at the school

9.1.4 One (1) member of staff at the school who is not an educator, and who is duly elected by non-educator staff

9.1.5 Three learners in the Eighth grade or higher at the school, elected by the representative council of learners at the school.

9.2 The Governing Body may co-opt a member or members of the community to assist in its discharge of functions. Co-opted members shall not have voting rights on the Governing Body.

9.3 The Governing Body of the school may co-opt the owner of private property occupied by the school or the nominated representative of such owner.



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9.4 The number of parent members shall at all times comprise of one more than the combined total of other members of the Governing Body who have voting rights.

10.0 DISQUALIFICATION OF A PARENT TO BE ELECTED BY THE PARENT COMMUNITY AS A MEMBER OF THE GOVERNING BODY

A person shall not be eligible to be elected as a member of the Governing Body where:

10.1 The parent is employed by the school

10.2 The parent is an un-rehabilitated insolvent.

10.3 The parent is in arrears with payment of school fees for a period exceeding thirty (30) days after the date of notice of calling for such payment and has not been exempted there from.

10.4 The parent has been convicted of an offence involving dishonesty and a period of ten (10) years has not elapsed since the date of such conviction.

11.0 ELECTION OF MEMBERS OF THE GOVERNING BODY

The members of the Governing Body shall be elected in accordance with the procedure prescribed in the provisional regulations.

12.0 ELECTION OF OFFICE BEARERS FOR THE GOVERNING BODY

12.1 The Rector shall convene the first meeting of the Governing Body, for a new term of office, within fourteen (14) days of election.

12.2 At the first meeting of the Governing Body the members shall elect a Chairman, Vice-Chairman, Secretary and Treasurer from their ranks. The Rector shall not be elected to any of these offices. Only a parent member of the Governing body who is not employed at the school may serve as the Chairman of the Governing Body.

12.3 The Chairman, Vice-Chairman, Secretary and Treasurer shall, subject to the provisions of this constitution, remain in the office for a period of one (1) year from the date of their election but may after the expiry of the said term, be eligible for re-election or co-option for a further period.

12.4 If the office of Chairman, Secretary or Treasurer becomes vacant, the Governing Body shall, at the first meeting after the vacancy has occurred, elect one of its members to fill the vacancy for the unexpired period of office of the pre-predecessor.

12.5 The Rector shall preside at an election referred to in 12.2 above and also an election in terms of 12.4 if both the offices of Chairman and Vice-Chairman are vacant.



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13.0 TERM OF OFFICE OF MEMBERS OF GOVERNING BODY

13.1 The term of office of a member of the Governing Body other than the Chairman, Vice-Chairman, Secretary and Treasurer shall be three (3) years.

13.2 The term of office of a member of the Governing Body who is a learner shall be one (1) year.

13.3 The term of office bearer of the Governing body shall be one (1) year. A member of office bearer of the Governing Body shall be re-elected or co-opted, as the case may be, after the expiry of his or her term of office.

13.4 Notwithstanding the provisions herein, the members of the Governing Body shall, notwithstanding the expiration of their term of office, continue to hold office until a new Governing Body is constituted.

14.0 CASUAL VACANCY

14.1 A Casual Vacancy shall occur on the Governing Body when a member:

14.1.1 Submits a written resignation

14.1.2 Dies

14.1.3 Is absent from three (3) consecutive meetings without the permission of the Governing Body.

14.2 A Casual vacancy shall be filled by a replacement by election as stipulated in clause 9 or by co-optation by the Governing body in accordance with the composition of the Governing Body as stipulated in clause 9.

15.0 APOLOGIES FOR ABSENCE OF MEMBERS OF THE GOVERNING BODY

The Governing Body may accept leave of absence of a member or members for a period determined by the Governing Body where appropriate.

16.0 QUORUM

Attendance by the majority of the members of the Governing Body shall constitute a Quorum for a meeting of the Governing Body.

17.0 MEETINGS OF THE GOVERNING BODY

17.1 Number of meetings:



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The governing Body shall meet not less than four (4) times a year and at least once a term.

17.2 Extraordinary Meetings

An extraordinary meeting shall be convened by the Chairman when he deems it necessary or when at least four (4) members submit a motivated written request for an extraordinary meeting.

17.3 Notice of Meetings

Ordinary and extraordinary meetings shall take place after written notice has been issued at least seven (7) days prior to the meeting. The notice of the meeting must include the agenda of the matters to be discussed at the meeting, provided that in the case of matters of urgency the Chairman may give such shorter notice as deemed appropriate.

17.4 Agenda

17.4.1 The Governing Body shall deal with matters of which prior notice has been given as well as any other matter which the Chairman or any other members, with the approval of the meeting, has raised;

17.4.2 Any person, may upon invitation of the Governing Body, attend a meeting and participate in the discussions, but without the right to vote;

17.4.3 The Governing body may summon any member of staff to attend a meeting for the purpose decided upon by the Governing Body.

17.5 Voting

Each member of the Governing Body has one (1) vote. At the conclusion of voting exercise, the chairman may exercise a casting vote. Members co-opted in terms of clause 14.2 and who are parents of learners at the school, or who falls within the description contained in clause 9.1.2, 9.1.3 or 9.1.4 and who were co-opted into existing or new portfolios on the Governing Body, shall have voting rights on the Governing Body, subject to the further conditions stipulated herein. A Governing Body member who is a minor may not vote on resolutions of a Governing Body which impose liabilities on third parties or on the school. 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.

17.6 Minutes

17.6.1 The Secretary of the Governing Body shall minute all discussions taken by the meeting and provide each member with a copy thereof within seven (7) days after the meeting.



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17.6.2 A member may, with or without a concise statement of reason, have it noted that he/she voted against a specific decision or that he/she was not present when the decision was taken.

17.6.3 The Governing body shall make available such minutes for inspection by the head of department when required.

17.7 Approval Methods

The minutes of meeting shall be approved by the Governing Body at the next meeting and the approved minutes signed by the chairman.

17.8 Standing

The chairman shall decide on a matter of standing order and procedure should a member question such a decision, the question shall be submitted to the meeting without further discussion for decision.

17.9 Meeting with Parents, Learners, Educators and other staff

The Governing Body shall meet with parents, learners, educators and other staff from time to time

17.10 Re-imbusement of funds for members of the Governing Body

17.10.1 Necessary expense incurred by a member of a Governing body in the performance of his or her duties may be reimbursed by the Governing body.

17.10.2 No member of a Governing Body may be remunerated in any way for the performance of his or her duties.

18.0 COMMITTEES OF THE GOVERNING BODY

18.1 Executive Committee

The Executive committee of the Governing Body shall consist of the chairman, vice-Chairman, Secretary, Treasurer, the Rector and any other person co-opted by the Governing Body, from time to time.

18.2 Sub Committees

The Governing Body can appoint such sub-committees as it may deem appropriate from time to time which such powers as may be assigned to it and as applicable. The Chairman of the Governing Body and the Rector shall be ex-officio members of all sub-committees.



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19.0 THE POWERS OF THE GOVERNING BODY

The Governing Body shall have the power:

19.1 To perform activities which, besides any other stipulations, fall within the express or implied powers of the Governing Body and which are necessary for the welfare of the school.

19.2 To take all reasonable measures within its means to supplement the resources supplied by the state in order to improve the quality of education provided by the school to all learners at the school.

19.3 To appoint and administer personnel in accordance with the National and Provincial Acts and the regulations promulgated there-under, and the policy of the Governing Body.

19.4 To provide services and facilities in the interest of the learners, staff and of education in general in accordance with the National and Provincial Acts, the regulations promulgated there-under and in this constitution.

19.5 To make and withdraw investments in the name of the school or the school fund.

19.6 To utilize funds in accordance with the stipulations of the National and Provincial Acts, the regulations promulgated there-under and the conditions of any sponsoring body for the purposes of realizing the above objectives.

19.7 To admit, suspended and expel pupils in accordance with the prescriptions of the National and Provincial Acts and the regulations promulgated there-under.

20.0 THE ACTIVITIES OF THE GOVERNING BODY

20.1 The governing Body must:

20.1.1 Promote the interests of the school and strive to ensure its development through the provision of quality education for all learners at the school.

20.1.2 Adopt the constitution

20.1.3 Develop the mission statement of the school.

20.1.4 Adopt a code of conduct for learners at the school.

20.1.5 Support the Rector, educators and other staff at the school in the performance of their professional functions.

20.1.6 Determine times of school days consistent with any applicable conditions of employment of staff at the school.



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- 20.1.7 Administer and control the school's property, buildings and grounds occupied by the school, including the school hostels.
- 20.1.8 Encourage parents, learners, educators and other staff at the school to render voluntary services to the school.
- 20.1.9 Recommend to the Head of department the appointment of educators at the school, subject to the relevant legislations.
- 20.1.10 Recommend to the Head of Department the appointment of non-educator staff at the school, subject to the relevant legislation.
- 20.1.11 At the request of the Head of Department allow the reasonable use on fair conditions for the facilities of the school for educational programs not conducted by the school
- 20.1.12 Discharge all other functions imposed on the Governing Body by or under this constitution and the Act; and must discharge any other functions consistent with the Act as determined by the Minister by notice in the Government Gazette or by members of the Executive Council by notice in the Provincial Gazette.
- 20.2 The Governing Body may allow the reasonable use of facilities of the school for community, social and school fundraising purposes, subject to such reasonable and equitable conditions as the Governing Body may determine which may include the charging of a fee or tariff which accrues to the school.
- 20.3 The Governing Body may join a voluntary association represented Governing Bodies of public schools.
- 20.4 The Governing Body shall furthermore have additional power:
- 20.4.1 To maintain and improve the school's property and buildings and grounds occupied by the school, including the school hostels.
 - 20.4.2 To determine the extra-mural curriculum of the school and the choice of subject options in terms of Provincial curriculum policies.
 - 20.4.3 To purchase textbooks, educational materials or equipment for the school.
 - 20.4.4 To pay services to the school
 - 20.4.5 To hire movable and immovable property.



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20.4.6 To sell, lease, exchange or otherwise dispose of any of the movable assets of the school.

20.4.7 To acquire property or any interest in property, movable as well as immovable, by means of purchase, donation, legacy or otherwise.

20.4.8 To exercise any other function consistent with the National act, any applicable Provincial Law and this constitution.

20.4.9 To enter into contracts and agreements in the name of the school

20.4.10 where necessary to enforce, by process of law, the payment of school fees by parents.

20.4.11 To discipline staff, subject to the provisions of the Labour Relations Act.

21.0 INCIDENTAL POWERS

The Governing Body also has the power to do all things that may be reasonably incidental to any of its powers and its activities set out above.

22.0 SCHOOL FUNDS AND ASSETS OF THE SCHOOL

22.1 The Governing Body of the school shall establish a school fund and administer it in accordance with the following issued by the Head of Department.

22.2 Subject to 22.3 below, all money received by the school, including school fees and voluntary contributions shall be paid into the school fund.

22.3 The Governing Body of the school shall open and maintain a banking account. The school's cheques and other documents shall be signed on behalf of the school by the member(s) of the Governing Body appointed as signatory for that purpose by the Governing Body.

22.4 Money or other goods donated or bequeathed to or received in trust by the school must be applied in accordance with the conditions of such donation, bequest or trust.

22.5 The school fund, or proceeds thereof any other assets of the school, shall be used only for:

22.5.1 Educational purposes at or in connection with the school.

22.5.2 Educational purposes at or in connection with another public school prior to an agreement with each other and with the consent of the Head of Department.

22.5.3 The performance of the functions of the Governing Body; or



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22.5.4 Any other educational purpose agreed between the Governing Body and the Head of Department.

23.0 ANNUAL BUDGET OF THE SCHOOL

23.1 The Governing Body of the school shall prepare a budget each year, according to guidelines determined by the member of the Executive council, which shows the estimated income and expenditure of the School for the following financial year.

23.2 Before a budget referred to in 23.1 above is approved by the Governing Body, it must be presented to a general meeting of parents convened on at least thirty (30) days' notice, for consideration and approval by a majority of parents present and voting.

24.0 FINANCIAL RECORDS AND STATEMENTS

24.1 The governing Body shall:

24.1.1 Keep records of funds received and spent by the school and of its assets, liabilities and financial transactions, and

24.1.2 As soon as practicable, but not later than three (3) months after the end of each financial year, draw up financial statements in accordance with the guidelines in accordance with the guidelines determined by the member of the Executive Council.

24.2 The Governing Body shall submit to the Head of Department, within (6) months after the end of each financial year, a copy of the Annual Financial Statements as audited by the Auditor appointed by the Governing Body.

24.3 The Financial year of the school shall commence on the first day of January and terminate on the last day of December of each year.

25.0 SCHOOL FEES

25.1 Subject to the National and Provincial Acts and Regulations, school fees shall be determined and charged at the school in terms of a resolution which has been adopted by a majority of parents attending the meeting for the approval of the annual Budget.

25.2 The aforesaid resolutions must provide for:

25.2.1 The amount of fees to be charged.

25.2.2 The equitable criteria and procedures for total, partial or conditional exemption of payment of fees by parents and guardians who prove their inability to pay full



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disclosure of their financial positions, supported with certified copies of the financial statements required by the Governing Body.

25.3 The parents shall be liable to pay the school fees determined in terms of this Section unless or to the extent that he or she has been exempted from payments in terms hereof. A parent may appeal to the Head of Department against a decision of the Governing Body regarding the refusal to exempt such a parent from the payment of school fees. In deciding such an appeal, the Head of department must follow due process which safeguards the interests of the parent and Governing Body.

26.0 ADMISSION

Subject to the National Act and applicable Provincial Law, the admission policy of the school shall be determined by the Governing Body.

27.0 MEDIUM OF INSTRUCTION AND CHARACTER

The medium of instruction and general character of the school has been determined by the Governing Body in consultation with parent community of the school. The school is an educational institution for every one and the medium instruction is English.

28.0 RELIGIOUS POLICIES

The religious character of the school is all. Religious observances may be conducted at the school under rules issued by the Governing Body subject to the provisions of the National Act.

29.0 CODE OF CONDUCT

29.1 The Governing Body must adopt a code and school rules of the learners after consultation with the learners, parents and educators of the school and in terms of the Section 8 of the National Act.

29.2 The code of conduct must contain provisions of due process which safeguards the interests of the learner and any other party involved in the disciplinary proceedings.

30.0 SUSPENSION AND EXPULSION OF A LEARNER FROM THE SCHOOL

30.1 Subject to the National Act and any applicable Provincial Law, the Governing Body of the school may, after a fair hearing, suspend a learner from attending school;

30.1.1 As a correctional measure for a period not longer than one (1) week; or

30.1.2 Pending a decision as to whether the learner is to be expelled from School by the Head of Department.



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30.2 Subject to any applicable law, a learner at the school may only be expelled:

30.2.1 By the Head of Department

30.2.2 If found guilty of serious misconduct after a fair hearing

30.3 Learners may be expelled from school only on grounds of serious misconduct determined by the Governing Body and in accordance with relevant legislations;

30.4 The members of the Executive Council must determine the disciplinary proceedings to be followed in such cases as well as the provisions of due process, safeguarding the interests of the learner and any other party involved in the disciplinary proceedings.

30.5 A learner or the parent of the learner who has been expelled from the school may appeal against the decision of the head of department to the member of the Executive Council.

31.0 LEGAL PERSONAILITY

The school is a juristic person with legal capacity to perform its function in terms of the relevant applicable legislation and is governed by the Governing Body.

32.0 NOTICE OF MEETING OF PARENTS

32.1 A meeting of parents, other than a meeting such as is referred to in clause 23 above, must be convened at least once per year by the Governing Body.

32.1.1 Be delivered at least fourteen (14) days prior to the meeting to every parent of the school at the parent's last known address.

32.1.2 Specify the date, place and times as well as the agenda of the meeting.

32.2 Persons who may attend the general meeting of parents.

32.2.1 Every parent having one or more children enrolled as a learner at the school may attend the General meeting.

32.2.2 Each parent has a vote.

32.2.3 Any person other than the parent may at the invitation of the Governing Body attend a meeting and participate in its deliberations, but shall not have a vote and shall excuse himself/herself should the Governing Body so decide.

33.0 PROCEDURES AT PARENTS MEETING



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33.1 The Chairman of the Governing Body, or in his absence the Vice-Chairman, Acts as Chairman of the meeting. In the event that both Chairman and the Vice-Chairman of the Governing Body being absent, the Principal of the school will act as Chairman.

33.2 Subject to provisions of this Constitution, the Chairman of the meeting shall decide on the order and procedure of the meeting and should a parent raise an objection to such decision, the decision shall, without further discussion be voted upon and the decision of the meeting shall be final.

34.0 AMENDMENT OF CONSTITUTION

A Decision to amend the constitution requires a two-thirds (2/3) majority vote of the total membership of the Governing Body after all the members have been informed of the proposed amendment in writing, at least fourteen (14) days in advance; any amendment shall be subject to the approval of the Head of Department.

35.0 INAUGURATION OF THIS CONSTITUTION

This constitution will come into operation on the date it is signed by the Chairman of the Governing Body after it has been approved by two third (2/3) majority of the members of the Governing Body.

The original copy of the Constitution has been approved, signed and dated.

Signature : _____ **Date :** _____

Name: _____