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Enquiries: Head: Management and Governance (Districts)

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To: Deputy Directors-General; Chief Directors; Directors (Head Office and district offices); Circuit Managers; Managers: Strategic Information, Governance and People Management (SIGPM); District RCL Coordinators; Principals of public schools with Grade 8 and higher; Governing Body Chairpersons; Teacher Liaison Officers and RCL Chairpersons/Presidents

Short summary: This circular outlines the procedures for the establishment of RCL forums.

Subject: Introduction of the WCED Framework for the Establishment of Forums for Representative Councils of Learners (RCLs)

1. This circular informs all public schools enrolling learners from Grade 8 and higher of the intentions of the Western Cape Education Department (WCED) to establish forums or structures for the Representative Councils of Learners (RCLs) in all eight education districts and introduces the *WCED Framework for the Establishment of Forums for RCLs*.
2. The attached framework informs all public schools of the processes and procedures for the establishment and functioning of RCL forums.
3. **Legislative framework**
 - 3.1 The South African Schools Act (SASA), 1996 (Act 84 of 1996)
 - 3.2 The Education Laws Amendment Act, 2001 (Act 57 of 2001)
 - 3.3 The Western Cape Provincial School Education Act, 1997 (Act 12 of 1997)
 - 3.4 The Determination of the Functions and Procedures for the Establishment and Election of Representative Councils of Learners at Public Schools, as published in Provincial Gazette Extraordinary 7317 of 13 October 2014

4. Section 11 of the Western Cape Provincial Schools Education Act, 1997 (Act 12 of 1997), provides for the establishment of a Western Cape Education Council which aims to advise the Provincial Minister and the WCED on provincial education matters. The council is formed by appointed and nominated members of the public involved in the education sector. The constitution of the council does not allow for the participation of RCL members.
5. The SASA provides for greater participation by learners in the democratic functioning of schools. Every public school enrolling learners in Grade 8 and higher must establish a RCL. This also highlights the fundamental constitutional principles of cooperative and participative governance. The SASA prescribes the participation of learners to serve on the governing body and that they are provided with a legitimate opportunity to play a role in school governance.
6. Neither the SASA nor any other Act provides a framework for RCL forums, although the RCL is a statutory body catered for in the SASA.
7. The WCED therefore seeks to provide forums where RCL members can have the opportunity to deliberate on issues of a common interest at both district and provincial levels.
8. The attached framework aims to assist circuits/clusters and districts to put these forums in place.
9. The framework shows how school, circuit/cluster, district and provincial structures should be elected with the expectation of serving the interests of learners at each specific level.
10. The content of the framework must be adhered to and a democratic and fair process be promoted at all times.
11. The primary reason why learners are at school should always be taken into account whenever meetings are arranged and time off from school must be kept to a bare minimum.
12. Please direct queries to the relevant district RCL Coordinator:
 - Metro East District: Ms May-Joan Swartz, tel. no. 021 900 7253
 - Metro South District: Ms Reginald Dreyer, tel. no. 021 374 4107
 - Metro North District: Mr David Leonard, tel. no. 021 938 3170
 - Metro Central District: Ms Anusha Naidoo, tel. no. 021 514 6700/6716
 - Cape Winelands District: Mr Fred Josias, tel. no. 023 348 4600
 - West Coast District: Mr Tommy Loriston, tel. no. 021 860 1200
 - Overberg District: Mr Mike Kobus, tel. no. 028 214 7368
 - Eden and Central Karoo District: Ms Sinovuyo Stofile, tel. no. 044 803 8300/8315

13. Please bring the contents of this circular and the attached framework to the attention of all concerned.

SIGNED: BK SCHREUDER
HEAD: EDUCATION
DATE: 2017-04-26



**Western Cape
Government**

Education

Directorate: Institutional Management
and Governance Planning

WCED FRAMEWORK FOR THE ESTABLISHMENT OF FORUMS FOR REPRESENTATIVE COUNCILS OF LEARNERS (RCLs)

1. INTRODUCTION

The South African Schools Act (SASA), 1996 (Act 84 of 1996), provides for a greater participation by learners in the democratic functioning of the school. Every public school enrolling learners in Grade 8 and higher must establish a Representative Council of Learners (RCL). This underlines the fundamental constitutional principles of cooperative governance and participative management. The SASA also underlines the constitutional obligation of schools to include two learners on the governing body. This will provide learners with a legitimate role to influence decisions.

In terms of the Provincial Strategic Plan 2014–2019, the Western Cape Education Department (WCED) has to ensure that it provides better education in line with the Western Cape Government's (WCG) vision that aims to create an **“open opportunity society for all” where every person—young and old—has the chance and the means to improve their lives and realise their dreams, regardless of the circumstances of their birth.**

WCG Strategic Goal two aims at **“Improving education outcomes and opportunities for youth development”**. The WCG embarked on stakeholder consultation for proper buy-in on selected priorities branded as “Game Changers” that includes the youth in schools as well as a legitimate body that represents learners in public schools. The view of the WCG is that these selected priorities can significantly change the lives of people in the province.

Currently, there is no provincial body that exists to create a platform for RCLs and the WCED to engage on educational matters. There has been an outcry at RCL training for a provincial forum to be established to share issues of common interest, best practices and policy reform. The platform will also help the WCED to consult learner representatives on issues of common interest as opposed to adopting a reactive approach.

2. LEGAL FRAMEWORK

- The South African Schools Act (SASA), 1996 (Act 84 of 1996)
- The Education Laws Amendment Act, 2001 (Act 57 of 2001)
- The Western Cape Provincial School Education Act, 1997 (Act 12 of 1997)
- The Determination of the Functions and Procedures for the Establishment and Election of Representative Councils of Learners at Public Schools as published in Provincial Gazette Extraordinary 7317 of 13 October 2014

According to the amendments to paragraph 1, section 11(1), Chapter 2 of SASA an RCL must be established at every public school which enrolls learners in Grade 8 and higher and such a council is the **only** recognised and legitimate representative learner body at the school.

Section 11 of the Western Cape Provincial School Education Act, 1997 (Act 12 of 1997), provides for the establishment of a Western Cape Education Council which aims to advise the Provincial Minister and the WCED on provincial education matters. The council is formed by appointed and elected members of the public involved in the education sector. The council does not represent the interests of RCLs as a group but rather education at large. Therefore the WCED identified a need for a representative group of RCLs to engage on school and educational matters.

3. NAMES OF FORUMS AND MEMBERSHIP

The following forums should be established — circuit/cluster RCL forums, district RCL forums, metro/rural RCL forums and a provincial RCL forum.

The term “forum” is used so as not to confuse this body with any other registered or statutory bodies.

Each forum shall consist of:

- Two RCL Presidents and two Secretaries of public schools with Grade 8 and higher in the Western Cape Province
- One district official nominated by the IMG Head/Manager: Strategic Information, Governance and People Management (SIGPM) for RCL coordination
- Two Teacher Liaison Officers (TLOs) nominated by the IMG Head/Manager: SIGPM for the circuit/cluster
- One Head Office provincial RCL coordinator
- Three district RCL coordinators nominated by the Director: Institutional Management and Governance Planning (IMGP)

4. PROCESS OF ESTABLISHING FORUMS

The district offices shall assist in establishing the initial interim forums as follows:

- At the first meeting of a circuit/cluster forum, **two** RCL presidents and **two** RCL secretaries shall be elected to serve on the interim circuit/cluster forum.
- At the first district forum, **two** RCL presidents and **two** RCL secretaries shall be elected to serve on the interim district forum.
- At the first metro/rural forum, **two** RCL presidents and **two** RCL secretaries shall be elected to serve on the interim metro/rural forum.
- At the first provincial forum, **two** RCL presidents and **two** RCL secretaries shall be elected to serve on the provincial forum.

5. NOMINATION AND ELECTION PROCESS

The district office shall administer the establishment of levels and the election process.

The district RCL coordinator in each district shall determine nomination and election dates. Where elections occur, such voting processes shall be fair and procedurally correct and supervised by the district RCL coordinator or a delegated TLO.

5.1 Circuit/cluster forum

RCL presidents and secretaries of all public schools in a circuit/cluster shall constitute the circuit/cluster forum.

5.2 District forum

At the first meeting of the district forum, two representatives per circuit/cluster shall be elected by the circuit/cluster to serve on the district forum.

5.3 Metro/rural forum

At the first meeting of the metro/rural forum, two representatives per district shall be elected by the district to serve on the metro/rural forum.

5.4 Provincial forum

At the first provincial meeting, each metro/rural forum shall elect two of its representatives to serve on the provincial forum.

All districts must be represented at the provincial forum.

6. CONFIRMATION OF ELECTION

As soon as the elections have been finalised and the names and details of the elected persons have been received, the IMG Head/Manager: SIGPM shall confirm in writing the election of members to the district forum.

As soon as the elections have been finalised and the names and details of the elected persons have been received, the Head of Education shall confirm in writing the election of members to the provincial forum.

7. TERM OF OFFICE

An RCL president and secretary will remain members of all the structures above as long as they are still RCL members in their respective school.

The term of office at all levels is 12 months (1 year). Membership of the district, metro/rural and provincial forums shall terminate in January of each year. In February each year, new members shall be elected to the circuit/cluster, district, metro/rural and provincial forums.

Members may be re-elected for a second term of office but may not serve more than two terms on the RCL of their schools.

8. VACANCIES

- A member who can no longer participate as a member of the forum must inform the forum(s) in writing of his/her resignation.
- Where a vacancy is created, another representative from the relevant circuit or cluster/district/metro or rural must be elected within one month.
- The proceedings of the forum shall not be invalid by virtue of the fact that there is a vacancy on the forum.

9. PROVINCIAL RCL FORUM

The Provincial RCL Forum will be the mother body of RCL Forums within the province. This structure will represent RCLs at national level. It will develop a vision, a constitution and a code of conduct for RCLs in the province.

10. STRUCTURE

The forums shall elect six (6) office bearers:

- President
- Deputy President
- Secretary
- Deputy Secretary
- Treasurer
- Public Relations Officer
- 10 additional members

NB: Persons nominated to serve as office bearers should agree to the nomination before election.

The announcement of election results shall be done in the presence of all representatives including the nominees.

11. RULES FOR PROVINCIAL FORUM PROCEEDINGS

At the first meeting of a forum, the forum shall compile rules regarding the procedure at its meetings, including the arrangement of meetings, minutes, code of conduct and any other matter deemed necessary for the proper performance of the forum.

12. MEETINGS

Four official meetings for consultation purposes shall be scheduled annually of which the first one should be used for induction and to draw up a calendar of activities for the year.

The secretary of each forum shall give members 14 days' notice of meetings in writing.

Meetings of the provincial forum shall preferably be scheduled on Saturdays between 10:00-15:00, to allow members from rural districts to attend.

The first meeting of a newly elected forum at the different levels shall be chaired by a WCED official so that an executive committee may be elected.

13. QUORUM

The quorum for a meeting shall be 50+1 of the elected members of the forum.

14. FUNCTIONS OF THE FORUMS

The forums exist for consultation purposes. No political or organised affiliation representation or agendas shall be entertained.

The forums must:

- consult and advise on education matters relevant to learners;
- share information and views on education and governance;
- cooperate on any matter relating to proper education and learning in schools;
- provide feedback to districts and circuit/cluster forums;
- consult and share best practices on learner behaviour and codes of conduct; and
- consult on service delivery and resources to benefit the education of all learners.

15. VENUES FOR MEETINGS

Circuit/cluster, district, metro/rural and provincial forums shall choose suitable venues for their meetings, as central to all members as possible—taking travel costs into consideration and keeping departmental expenses as low as possible. Preference must be given to free facilities i.e. school or district facilities.

The WCED provincial RCL coordinator will secure the venue for the first meeting every year.

16. FUNDING

The WCED Head Office shall fund the four official metro/rural and provincial meetings for consultation purposes per year.

The district offices shall fund the four official circuit/cluster and district meetings for consultation purposes per year.

17. ADMINISTRATIVE SUPPORT

The WCED Head Office shall provide a delegated administrative official for the provincial forum. The official shall act as the secretary for the forum, as well as performing administrative duties and attending to payments where necessary i.e. paper/emails, faxing etc.

18. ACCOMMODATION

In cases where members of the provincial forum travel long distances and require overnight accommodation, arrangements must be made by the claims official. Sleeping over should be avoided as far as possible. However, when sleeping over is necessary, a maximum of 2 meals of R150,00 each per person may be claimed per meeting.

19. REFRESHMENTS

The WCED shall provide light refreshments at district and provincial forum meetings. If other forums or districts so wish, they may arrange for additional refreshments and pay for these themselves. In cases where members travel long distances to attend a district or provincial meeting, only 1 additional meal, not exceeding R79,98 per head, may be claimed per person, per meeting.

20. CLAIMS

The TLOs accompanying learners may claim their travelling costs. Information regarding claims will be obtainable from a delegated forum official/claims official in the districts or at Head Office. All claims for travel expenses must be submitted to the forum's claims official, who will ensure its correctness and process it for payment. The WCED retains the right to refuse the payment of any claim deemed unauthorised, excessive or for unnecessary expenditure.