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Enquiries: Heads: Management and Governance

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To: Deputy Directors-General, Chief Directors, Directors, Circuit Managers, Principals and Chairpersons of governing bodies

Short summary: *This circular provides governing bodies with guidelines on the determination of school times.*

Subject: Guidelines for governing bodies on the determination of school times

1. This circular should be read in conjunction with Circular 0212/2003 as well as the Regulations relating to the Minimum Teaching Hours per School Week and School Day in Public Schools in the Western Cape, published in Provincial Gazette Extraordinary No. 7065 of 28 November 2012, and any other relevant policies and legislation.
2. The Western Cape Education Department (WCED) has noted some shortcomings in respect of the implementation of the South African Schools Act (SASA), 1996 (Act 84 of 1996). Section 20(1)(f) of the SASA requires that the governing body of a public school must determine the times of the school day consistent with any applicable conditions of employment of staff at the school.
3. It has now been discovered that many schools in the province do not have comprehensive policies on school times. Many schools are guided by the traditional and historical view that schools should start at 08:00 and end at 14:30.
4. The attached guidelines are aimed at assisting governing bodies to formulate their own policies that will accommodate the total educational programme of the school. The WCED wishes to stress that these guidelines are not meant to introduce a longer school day nor are they intended to be compulsory. The guidelines are introduced to underline the WCED's commitment to enabling all our schools to strengthen their educational provision for the benefit of all learners.

5. Principals are required by law to provide information as well as advice to governing bodies on policy matters.
6. Once governing bodies have officially adopted a policy on school times, they must ensure that all parents, educators and learners are informed timeously before its implementation.
7. Kindly bring the contents of this circular to the attention of all governing body members, educators and learners.

SIGNED: BK SCHREUDER

HEAD: EDUCATION

DATE: 2017-10-27



**Western Cape
Government**

Education

Directorate: Institutional
Management and
Governance and Planning

GUIDELINES FOR GOVERNING BODIES ON THE DETERMINATION OF SCHOOL TIMES

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1. INTRODUCTION

- 1.1 Section 16(1) of the South African Schools Act, 1996 (Act 84 of 1996), states that the governance of every public school is vested in its governing body and in terms of section 16(3) of the same Act the professional management of a public school must be undertaken by the principal, subject to the South African Schools Act and any applicable provincial law, both are enjoined by the principle of best interest of the learner and the school.
- 1.2 Section 20(1)(a) of the South African Schools Act, 1996 (Act 84 of 1996) states that "the governing body of a public school must promote the best interests of the school and strive to ensure its development through the provision of quality education for all learners at the school".
- 1.3 Ensuring that the resource of time is properly visualised and utilised, will assist the governing body to determine the approximate time required to deliver a total structured educational programme to the school in a cohesive manner.
- 1.4 Many a governing body has never taken a decision regarding this very important provision in section 20(1) (f) of the South African Schools Act, 1996 (Act 84 of 1996), but have been guided by the traditional and unwritten norm that a school starts at 08:00 and stops at 14:30.
- 1.5 Consequently, many public schools are still focused on the minimum prescribed time required to deliver only the formal academic school curriculum.
- 1.6 The fundamental matter needing attention, therefore, is not that of time: it is that the organisational form, or 'shape', of our system (expressed in time) does not yet accommodate core roles and responsibilities critical to achieving our educational (and organisational) goals and strategies.

2. PURPOSE

These guidelines have been written in order to:

- Assist governing bodies to develop appropriate know-how to determine school times;
- Assist governing body members themselves in their understanding of school times, not only to the extent of curriculum coverage;
- Assist governing bodies to determine school times according to applicable legislation and policies;
- Assist governing bodies to provide space for educators to offer remedial and curriculum enrichment programmes to learners of all abilities; and
- Assist governing bodies to provide more social opportunities for all learners so that they may develop wholly.

3. SCOPE

These guidelines are applicable to all public schools in the Western Cape.

4. LEGISLATIVE FRAMEWORK

- South African Schools Act, 1996 (Act 84 of 1996)
- Western Cape Provincial School Education Act, 1997 (Act 12 of 1997)
- Basic Conditions of Employment Act, 1997 (Act 75 of 1997)
- Regulations regarding the Terms and Conditions of Employment of Educators, published in the Government Gazette No. 16814, dated 13 November 1995

- Regulations relating to the Minimum Teaching Hours per School Week and School Day in Public Schools in the Western Cape, published in the Provincial Extraordinary Gazette No. 7065, dated 28 November 2012
- The Personnel Administrative Measures, published in the Government Gazette No. 19767 dated 18 February 1999
- National policy for designing School Calendars for Public Schools in South Africa as published in the Government Gazette No. 38330 dated 30 January 2015

5. LEGISLATIVE PRESCRIPTIONS

When determining school times, the governing body must consider the following:

5.1 South African Schools Act, 1996 (Act 84 of 1996)

- (a) Section 20(1)(f) of South African Schools Act, 1996 (Act 84 of 1996), makes it mandatory for a governing body of a public school to determine the times of the school day with due regard for the applicable conditions of employment.
- (b) Section 20(1) (a) stipulates that a governing body is to “promote the best interests of the school and strive to ensure its development through the provision of quality education for all learners at the school.”
- (c) Furthermore, section 21(1) (b) states that the governing body may apply to the Head of Department in writing, to be allocated the function to determine the extra-mural curriculum of the school and the choice of subject options in terms of provincial curriculum policy.
- (d) Approval of such an application is discretionary.

5.2 Regulations regarding the Terms and Conditions of Employment of Educators published in the Government Gazette No. 16814, dated 13 November 1995

- (a) Regulation 23(1)(a)(1) of these Regulations states that an educator, at school, shall be on duty—
 - (i) during the service periods laid down in the school timetable which reflects the curriculum or time approved by the employer;
and
 - (ii) during the times in which such activities, which do not constitute part of the school timetable, but are related to school affairs that take place.

- (b) Regulation 23(2) states that “An educator shall, during his or her official duty, give his or her full attention to the duties entrusted to him or her and shall not without the consent of the principal be absent from his or her school during his or her hours of official duty.

- (c) In light of the above, an educator is considered to be on duty during:
 - (i) the academic curriculum time period determined by the governing body;
 - (ii) the extra-mural curriculum time approved by the Head of Department; and
 - (iii) other activities which are related to school affairs.

5.3 Regulations relating to the Minimum Teaching Hours per School Week and School Day in Public Schools in the Western Cape, Provincial Extraordinary Gazette No. 7065, dated 28 November 2012

- (a) The Minister responsible for education in the Western Cape made the above Regulations which were published in the Provincial Gazette Extraordinary, No. 7065, dated 28 November 2012 in line with section 63 (1)(cC) of the Western Cape Provincial School Education Act, 1997 (Act 12 of 1997), read together with the National Curriculum Statement.
- (b) The Regulations stipulate that the minimum teaching hours per week shall be—
 - (i) 23 hours in Grades R and 1;
 - (ii) 25 hours in Grade 2 to 3; and
 - (iii) 27.5 hours from Grade 4 – 12.
- (c) These teaching hours listed in sub-paragraph (b) above do not include times for breaks, planning, sport, school enrichment and extra-mural curriculum activities.
- (d) It is therefore required of the governing body and the principal to consult properly in order to find the most suitable period of time for the delivery of a school's educational programme on any specific school day.
- (e) The Regulations further stipulate the teaching hours per subject per week as stated in the National Curriculum Statement. (Principals must provide governors with these regulations).

5.4 National policy for designing School Calendars for Public Schools in South Africa

5.4.1. Religious holidays

With regard to religious commemorations not provided for in schedule 1 of the Public Holidays Act, the principal of a school may, after approval by the governing body of the school has been granted, recommend to the Head of Department that the school should close for religious commemorations of a particular faith, but only where the majority of learners are members of that particular faith.

Closure of schools for religious observance in terms of point 5.4.1 above is subject to the following conditions:

- (a) A school may not close for religious observance on more than two days a year.
- (b) Governing bodies must decide very carefully how to use the two days a year allocated for religious observance.
- (c) The principal's recommendation referred to in point 5.6.1 must give details with respect to the size (in percentage and numbers) of the religious majority in the school and the name(s) and date(s) of the religious commemoration(s) in question (for instance, Purim, or Diwali, or Eid).
- (d) Individual schools that close on religious grounds in terms of point 5.6.1 must ensure that the learners do not fall behind in their work as a result of the closure.

5.4.2. Sporting and cultural days

5.4.2.1. A maximum of two school days a year may be allocated to schools for the purpose of sporting and cultural activities.

5.4.2.2. The governing body must decide very carefully how to use the two days a year.

5.4.2.3. The principal of a school, after approval by the governing body of the school has been granted, must make a recommendation to the Head of Department to utilise such days for school-related sporting and cultural events. With regard to each school, district offices must keep records, to be sent to the relevant provincial education department once a year, which include –

- (a) the number of applications submitted for such days;
- (b) the reasons given for the applications; and
- (c) the number of applications granted.

5.5 Personnel Administrative Measures, published in the Government Gazette No.19767 dated 18 February 1999

(a) The prescribed workload for all educators can be found in the Personnel Administrative Measures.

(b) Paragraph 3.1(e) of Chapter A of the Personnel Administrative Measures states that each educator must account for 1800 actual working hours per annum, which are made up of duties during the formal school day as well as duties outside the formal school day.

(c) Duties during the formal school day, with or without contact with the learners, seven (7) hours:

(i) Scheduled teaching time;

(ii) Relief teaching;

- (iii) Extra and co-curricular duties;
 - (iv) Pastoral duties, such as ground, detention and scholar patrol;
 - (v) Administration;
 - (vi) Supervisory and management functions; and
 - (vii) Professional duties, such as meetings, workshops, seminar and conferences.
- (d) Duties outside the formal school day (after the seven (7) hours):
- (i) Planning, preparation and evaluation;
 - (ii) Extra and co-curricular duties such as sport and cultural activities;
 - (iii) Professional duties such as meetings (e.g. staff, parent and governing body), workshops, seminars and conferences; and
 - (iv) Professional development.
- (e) Paragraph 3.2(a) of Chapter A of the Personnel Administrative Measures states that an educator is required to be at school during the formal school day, which should not be less than seven (7) hours.
- (f) The minimum of seven (7) hours per day amounts to 35 hours per week and roughly to 1400 hours per school year, which equates to 200 school days.

- (g) Furthermore, paragraph 3.2(d) states that an educator may be required to attend programmes for on-going professional development, up to a maximum of 80 hours per annum.
- (h) These programmes for on-going professional development are to be conducted outside the formal school day or during school holidays.
- (i) The employer shall give at least one term's notice of such programmes to be conducted during the school holidays.
- (j) The approximately 320 hours per annum that are not prescribed for by the Personnel Administrative Measures, which educators need to account for, can be utilised for planning, preparation, evaluation, remediation, reporting, enrichment and other after-class programmes, in terms of these Guidelines.
- (k) In conclusion, any extra-curricular activities, as mentioned in subparagraph (d)(ii) above, may not exceed the 320 hours per annum, mentioned in subparagraph (j) above and may not encroach on the 80 hours per annum, mentioned in subparagraph (g) above, envisaged for professional development.
- (l) Governors are, however, advised to be cognisant of the many other expectations of, and demands made on educators when drawing up their after-school programmes.

5.6 Basic Conditions of Employment Act, 1997

- (a) It is important to note that the approximate 320 hours remaining, referred to in regulation 5.5(j) must be utilised in such a way that it complies with the following sections of the Basic Conditions of Employment Act:

(i) Section 9(1) (b) which states that the educator may not work more than nine (9) hours in one day, if required to work five (5) days per week;

(ii) Section 9(1)(c) which states that the educator may not work more than eight (8) hours in one day, if required to work six (6) days per week; and

(iii) Section 10(1) (b) which states that the educator may not be required to work more than ten (10) hours overtime per week.

5.7 Policy for the Management of the Work time of school-based Educators, Circular 0212 of 2003 of the Western Cape Education Department

(a) Paragraph 7(7) of this Policy deals with the management of work time and workload of school-based educators in terms of the Personnel Administrative Measures and the negotiated resolutions of the Education Labour Relations Council.

(b) The contents of the circular must be adhered to by a governing body as this matter falls within the mandate of the Head of Department.

(c) The governing body may, however, determine time additional to the formal work time of educators.

6. INCLUSION OF THE EXTRA-MURAL CURRICULUM

6.1 As stated in paragraph 5.1(c) the governing body may, upon receiving approval from the Head of Department, determine the extra-mural curriculum of the school as referred to in subparagraph 5.5(d) (ii).

6.2 The principal, governing body and the school management team must plan the extra-mural curriculum programme by considering the following:

- (a) Days on which a given activity should take place, e.g. Mondays and Wednesdays;
- (b) Frequency of activities, e.g. fortnightly, twice a week or once a month, depending on the level at which the competitions or activities take place, which will determine the amount of time that will be required;
- (c) Thereafter allocate specific dates per week and month of the year;
- (d) Allocate specific times on the applicable afternoon; e.g. 14:45 –16:00; and
- (e) Produce a composite quarterly or annual schedule of extra-mural curriculum activities and distribute such to learners, staff and parents.

7. PRACTICAL ASPECTS TO CONSIDER WHEN DETERMINING SCHOOL TIMES

7.1 The duration of the school day will vary, dependent on the circumstances of the school, such as:

- (a) Availability of own facilities or the use of borrowed or hired facilities;
- (b) The level at which the school participates and competes in sporting activities, as a school which –
 - (i) Is playing in a higher league, or participates in cultural activities such as school plays or Eisteddfods, may need up to (three) 3 or (four) 4 hours per week for its top teams in each age group or top performers.
 - (ii) Uses extramural activities as a socialization tool and a way of keeping learners off the street, could do with less time.

7.2 Other aspects to consider when determining the starting and finishing times of the school day:

- (a) How close learners live to their school;
- (b) How learners get to school (mode of transport);
- (c) Starting earlier in the case of schools serving the immediate community, starting later where many of the learners are dependent on travelling, in order to accommodate travelling time;
- (d) The safety of learners, as there is danger to both the person of the learners and the behavioural patterns of the learners if they arrive long before school starts and/or stay on long after school closes; and
- (e) Reasonable working hours for staff and the prescriptions of conditions of service under which they are employed.

7.3. Governing body roles and responsibilities to monitor compliance

The governing body must:

- (a) approve the length of the school day;
- (b) enquire when a school is dismissed early without their knowledge and permission;
- (c) approve all extra-curricular activities of the school;
- (d) ensure that learners are caused to be at school every day;
- (e) receive reports from the principal about any deviation that may arise as a result of any emergency;
- (f) review school time in consultation with the principal (and the school management team) every end of the academic year.

- 7.4. The principal must:
- (a) inform the governing of all plans regarding co- and extra-curricular programmes of the school;
 - (b) ensure that parents are informed at least one term in advance about the extra-curricular programme of the school;
 - (c) inform the governing body immediately about any deviations resulting from any emergency situation;
 - (d) advise the governing body about any policy of the WCED affecting the duration of the school day;
 - (e) ensure that school time is adhered to at all times.