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To: Deputy Directors-General, Chief Directors, Directors (Head Office and district offices), Heads: Management and Governance (district offices), Deputy Directors: Corporate Services (district offices), Circuit Managers, Principals of public schools and Chairpersons of governing bodies

Short summary: *To ensure that all stakeholders of the governing body are consulted on all policies and the implementation of effective, efficient and transparent financial management and internal control systems.*

**Subject: Consultation process of governing bodies**

1. This circular repeals and replaces the section that deals with consultation of the governing body with stakeholders as stated in Circular 39/2019, dated 16 October 2019.
2. The governing body must ensure that all components that constitute the said body are consulted on all policies and that there is proof that these consultations took place.
3. The parent component of the governing body represents the parents of the learners at the school and it is not compulsory to consult the parents officially on policy changes.
  - 3.1 However, if the governing body so wishes, they may send the documents or part thereof to the parents or a subset of them, to request them to consider the proposed policy changes or the whole policy document and to respond to the secretary of the governing body and/or the principal in a certain format by a certain date and time.
  - 3.2 The responses could be submitted via hard copies and/or electronic media (WhatsApp, Signal, Messenger, email, etc.).

- 3.3 It is thus not always compulsory for the governing body to conduct consultation meetings in whatever format with the parents of the school.
- 3.4 However, it is always important for the governing body to keep proof of evidence (POE) if consultations have indeed taken place. POE in this case would be proof that communication in whatever format was sent to the parents (or a subset) of the learners at the school requesting them to respond by a certain time and date and the format in which they may respond.
- 3.5 It is important that the communication states categorically that the consultation does not mean that what the person recommends will definitely find its way into the new policy, but that each recommendation will be carefully considered by the governing body.
- 3.6 If a meeting in whatever format was conducted, the POE will include the notice convening the meeting, agenda, duly signed register and duly signed minutes.
4. In the case of the learners, the Representative Council of Learners (RCL) will be consulted on proposed policy changes to existing, relevant policies, not necessarily all policies and not all parts of the policies. The POE will include the notice convening the meeting, agenda, duly signed register and duly signed minutes.
  - 4.1 This meeting will be chaired by the principal or a delegate of the principal.
  - 4.2 The principal may invite any other person (besides another learner at the school) or governing body member to attend the meeting as an observer or an adviser.
  - 4.3 It is important that the scope of the meeting be made clear at the onset of these meetings, that is, that they are consultation meetings.
5. It is important for the principal, on behalf of the governing body, to consult the staff members.
  - 5.1 The consultation does not need to take place in a meeting only, but the principal and the staff representatives must have a meeting prior to the official governing body meeting to attempt to sort out differences that could delay resolution in the governing body meetings and/or lengthen the said meeting. It is advised that at least the deputy principals (second-in-charges) and/or School Management Team be invited to these meetings to ensure the broadest possible form of buy-in.
  - 5.2 The consultation process could take place by sending the policy or part thereof to the staff to comment on by a certain date and time, through a specific process. The principal must feel free to engage individuals and/or groups of staff members to ascertain clarity on submissions submitted.

- 5.3 The POE will include proof that the staff members were requested to submit comments by a certain time and date as well as what was requested to respond to and the format in which the responses had to be submitted. Additionally, it should include reminders that went out to staff members to submit comments. The other part of the POE is for the principal to show, through a signed document, that all staff members were apprised of the consultation process.
- 5.4 If a meeting was conducted, the POE will include the notice convening the meeting, stating the agenda and target group, duly signed minutes as well as a duly signed register.
- 5.5 All these consultations must be done in good faith, however, there is no burden on these meetings to arrive at agreements, as these are consultation meetings and the objective is to reach sufficient consensus.
- 5.6 These meetings are not based on majority vote and, as a result, the principal, as representative of the Head of Department, is under no obligation to tender something at the governing body meeting which he/she does not agree with or which is not coherent with provincial and/or national legislation and/or policy.
6. After the consultative process, the governing body must discuss the recommendations at an ordinary meeting, or they can call a special meeting for this purpose. This step is called the revision of policy.
  - 6.1 Accurate minutes of the deliberations and resolutions must be kept. Attached, find **Annexure A** on which the current policy number is indicated in the first column, the current wording is indicated in column two and the reason(s) for the proposed change is/are indicated in column three.
  - 6.2 Once this step is completed, the revision process is completed.
  - 6.3 The POE for this process includes the notice convening the meeting, the agenda which states that the policy will be reviewed, accurate and duly signed minutes as well as a duly signed register.
7. After the revision process, the updating step takes place. This is the step where the old point(s) is/are deleted and/or amended and replaced by the new policy.
  - 7.1 The governing body has one of two options to follow. Option one is to adjourn the meeting for a short while to give the secretary time to ensure the updates are effected, to prepare the document for official approval, which is the fourth and final step in the process, and then the meeting continues once the capturing is completed. This is the preferred option.

- 7.2 The second option is that the meeting concludes with the policy at the level of revision and time is given for the updates to be done. At the next governing body meeting or a special meeting called for this purpose, the governing body looks at the updates and the approvals are done. This is not a meeting to restart the discussions, but to consider what took place in the previous meeting regarding the review of the specific policy.
- 7.3 The POE for this process includes the notice convening the meeting, the agenda which states that the policy will be updated, accurate and duly signed minutes as well as a duly signed register.
8. After the updating process, the formal approval process must take place.
  - 8.1 This is the process where the updated policy is officially approved by a quorate governing body meeting.
  - 8.2 It is important for the principal to note that he/she may not allow any policy to be approved that is not consistent with the national and/or provincial legislation and/or policy.
  - 8.3 If the principal realises that there is something in the policy that is not consistent with national and/or provincial legislation and/or policy, he/she must point out these discrepancies to the governing body immediately and request that it be minuted.
  - 8.4 After the policy is approved each member present at the meeting must sign the policy and initial every page.
  - 8.5 The POE for this process includes the notice convening the meeting, the agenda which states that the policy will be approved, accurate and duly signed minutes as well as a duly signed register.
9. Once that has been done, it is incumbent upon the governing body and principal to ensure that every staff member, governing body member and RCL member are aware where they may find a copy of the duly approved document.
10. A letter must be sent to parents indicating that the policy has been revised, updated and duly approved and that it will be available on the school's website and/or they may request a hard copy from the principal, in writing, at any time, with due notice given as per the school's policy.
11. Every new learner in Grades 8–12 must get a copy of the school's learner Code of Conduct and sign for the receipt thereof. The parents of all learners must be informed by the principal where a copy may be viewed and/or obtained.

12. Attached, please find **Annexure B** containing the list of critical policies that the governing body must review and/or update and approve within eight months after it has taken office or when a policy needs to be amended due to change in national and/or provincial legislation and/or policy.
13. Kindly bring the contents of this circular to the attention of all concerned, especially all governing body members.

**SIGNED:** B WALTERS

**HEAD: EDUCATION**

**DATE:** 2021-06-30